


ANNUAL REPORT
2006 - 2007



 *Equal Opportunity Commission*

About this report

This is a report of our activities and performance during 2006/07. The first chapter is the Commissioner's Overview and includes information about the operational structure and performance management framework of the Commission.

The Report on Operations in Chapter Two provides details of the Commission's performance in achieving its outcomes with regard to the provision of information and advice, and provision of redress for unlawful discrimination.

Chapter Three outlines the Significant Issues and Trends identified in the Budget Estimates for 2007/08.

In Chapter Four the financial statements are set out, as well as the reports on key performance indicators and legal and policy disclosures.

This Report is available from the Publication section of the Commission's website at: www.eoc.wa.gov.au. Print 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 this 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, 2007, for your information and presentation to Parliament.

This report has been prepared in accordance with the *Financial Management Act 2006*, Section 95 of the Equal Opportunity Act 1984, and Section 31 of the *Public Sector Management Act 1994*.

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

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

Yvonne Henderson
Commissioner for Equal Opportunity

August 31, 2007

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1 OVERVIEW

Commissioner's Summary

The year in brief

The last 12 months have been momentous for the Equal Opportunity Commission, with an extensive review of the Equal Opportunity Act completed, an amendment to the Act in respect of racially offensive behaviour expected to complete its passage through Parliament soon and significant progress on the implementation of the findings of the Commission's *Finding a Place* report into discrimination against Indigenous people in public housing.

Review of the Act

After 21 years the *Equal Opportunity Act 1984* was reviewed and wide ranging amendments have been recommended to the Government to bring the Act up to date with changing community standards as well as experience in other jurisdictions. Nearly 700 community organisations and individuals made submissions to the review, demonstrating interest and commitment to the protection of human rights.

The resultant publicity generated a debate which the Commission believes is valuable, and the Commission looks forward to legislation being drafted to amend the Act. A full report on the review can be found in Chapter 2 of this Annual Report.

The implementation of the report will see Western Australia again at the forefront of equal opportunity legislation in Australia.

Finding a Place

This year has also seen pleasing progress on the implementation of recommendations contained in the *Report on the Investigation of discrimination against Aboriginal people in public housing: Finding a Place*. The Commission has worked in close partnership with the department of Housing and Works to implement the recommendations of this Inquiry.

The Commission is now part-way through a program to report back to those in regional Western Australia who made submissions to *Finding a Place*, travelling to the Great Southern, South-West and Kalgoorlie regions. Regional visits to the Kimberley and Pilbara later in the year will complete the program. The contributions made by local community members, including DHW officers, is vital in ensuring that the report is implemented effectively.

Racially offensive behaviour

Amendments to provide protection against racially offensive behaviour in public passed the Legislative Assembly and are expected to go through the Legislative Council by late 2007. The Commission has conducted public forums on racial vilification with African communities, Muslim women, Aboriginal, Chinese and Afghan people, as well as a briefing for practitioners and advocates. More forums are planned for Indigenous and African people.

Human Rights Act

The Commission welcomed the release by the Attorney General of a draft Human Rights Bill and the establishment of a consultative committee. This follows the successful adoption of such legislation in the Australian Capital Territory in 2004 and in Victoria last year.

Community education and information

The Commission's community education and training program continued to grow, with increases in both the number of courses and the number of participants.

A plain English guide to recruitment *Getting it right: a Guide for Employers and the Recruitment Industry* was published to help employers and recruitment agencies comply with equal opportunity law.

Complaint handling

A streamlined conciliation process showed early and positive results as the length of time taken to close complaints reduced with a consequent decrease in the number of lapsed complaints.

There was a sharp increase in the number of complaints received as a result of a changed practice in accepting complaints, following a review of practice in other states as well as a decision of the State Administrative Tribunal.

Substantive equality

The Substantive Equality Unit completed its second year of operation. During this time the Unit has provided on-going support to public sector agencies, helping them address systemic discrimination in their policies and practices.

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 the on-going detention of David Hicks without charge.

Financial overview

The total cost of the Commission's services increased 11.9% during the financial year, an increase from \$2,940,607 in 2005/06 to \$3,291,511 in 2006/07. This variation was primarily due to salary-related and operational expenses associated with the implementation of the *Housing Rights Project* and associated costs resulting in temporary additional funding for a three year period.

Achievements

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 3112 enquiries from the public during the 2006/07 year, 71% of which fell within the jurisdiction of the Act.

Complaint handling

In 2006/07, 853 complaints were handled by the Commission. This figure consists of 656 new complaints and 197 complaints carried over from the previous financial year.

There has been a significant decrease in the time taken to close complaints. Processes have been put in place to facilitate the earlier listing of conferences to enable parties to come together and attempt to resolve a complaint more quickly. Of the complaints closed in 2006/07, 90.2% were closed within 12 months, a considerable improvement on previous years.

Education and training

During the 2006/07 financial year the Commission held 332 educational sessions representing a 28.7% increase compared with the previous year.

The Commission continued to include multilingual materials on its website with the addition of WorkSafe's *Guide to Employees on Workplace Bullying* in Chinese and Malay. Information on the proposed new provisions on racially offensive behaviour was also produced in Swahili.

Enquiries and requests for *Workplace Culture – Harassment and Bullying* sessions increased.

The Commission's website sections on the Substantive Equality Unit and the Housing inquiry *Finding a Place* were continually updated. The website recorded a 10.62% increase in unique hits this financial year.

The Commissioner accepted 27 public speaking engagements during the 2006/07 year, as well as participating in forums on amendments to the Act and the report backs to Indigenous communities and substantive equality project participants.

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, and over half are mediated with the legal assistance of Commission officers.

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. Special mention is 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 as needed.

Substantive equality

The Substantive Equality Unit supported 23 departments as well as the Equal Opportunity Commission during 2006/07, to implement the *Policy Framework for Substantive Equality*.

Significant substantive equality issues identified include a failure to adopt appropriate ethnic descriptors in the collection of data, and the use of descriptors irrelevant to the Australian context to manage and plan services.

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

All Equal Opportunity 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 projects

Review of the Act

The review of the Act recommended to government the updating of existing grounds, introduction of new grounds, extension of existing areas to all grounds under the Act, updating of procedures and the introduction of a statutory 'gender duty' to improve equal opportunity between the sexes in the public sector.

Housing 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. The Housing Implementation Committee continues to meet bi-monthly to monitor progress on this process.

The year ahead

The Commission will continue to focus its marketing and promotional activities towards areas which reflect complaints received, enhance the range of courses to include train the trainer in the delivery of equal opportunity law sessions.

The Commission will continue to 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.

In the coming financial year the Commission will:

- Continue to undertake community education on the amendments on racial vilification to the Act, particularly for Indigenous and other racial minority communities.
- Move to become a Registered Training Organisation and seek accreditation of a cultural diversity course in the first instance

- Continue efforts to reduce time taken to close complaints and reduce the number of lapsed complaints
- Release a plain-English guide to the transition from pregnancy, through maternity leave and back to work.
- Collaborate with disability advocates in a publication focussing on discrimination and disability.
- Visit the State's North West to report on progress in implementing the report *Finding a Place*.
- Draft changes to the Act resulting from the review.

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 inability of the Commission to respond to complaints of harassment by bullying, particularly in the workplace; and
- The need for flexible work arrangements to enable female and male workers to balance their family responsibilities and their work.

Operational Structure

Name of Agency

Equal Opportunity Commission

Authority by which the agency is established

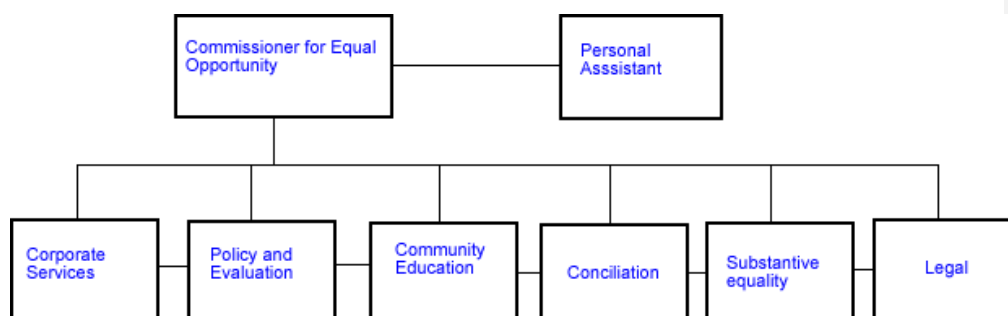
The Office of the Commissioner for Equal Opportunity is established under Part VII, Division I of the *Equal Opportunity Act 1984* as amended, and under the provisions of the *Public Sector Management Act 1984*.

The Commissioner for Equal Opportunity is appointed by the Governor and is the Accountable Officer under the *Financial Management Act 2006*.

Minister Responsible

Attorney General Jim McGinty

Organisational chart



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

Legislation affecting the Commission's activities

State

- *Disability Services Act 1993*
- *Electoral Act 1907*
- *Financial Management Act 2006*
- *Freedom of Information Act 1992*
- *Gender Reassignment Act 2000*
- *Government Employees Superannuation Act 1987*
- *Industrial Relations Act 1979*
- *Minimum Conditions of Employment Act 1993*
- *Occupational, Safety and Health Act 1984*
- *Public Interest Disclosure Act 2003*
- *Public Sector Management Act 1994*
- *Salaries and Allowances Act 1975*
- *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.*

Performance management framework

About the Commission

Our vision

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

Strategic directions

The Equal Opportunity Commission's Strategic Directions for 2007-2008 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.

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.

Outcomes

The Commission's two outcomes are the provision of:

- Information and advice; and
- Provide an avenue of redress where discrimination has occurred.

The Commission achieved the first outcome through the following:

- Rights-based education
- Fee-for-service training
- Answering enquiries
- Strategic policy advice
- Review of legislation, evaluation and investigation
- Publications
- Holding public forums and other information sessions
- Addressing community groups, conferences, seminars etc; and
- 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.

Better Planning: Better Futures

This section reflects how the Commission actively supports the Western Australian Government's objective to improve the quality of life for all Western Australians contained in the five strategic goals of the State Government's *Better Planning: Better Futures – A Framework for the Strategic Management of the Western Australian Public Sector*:

1. Better services
2. Jobs and economic development
3. Lifestyle and the environment
4. Regional development; and

5. Governance and public sector improvement

The Commission's key contributions towards achieving these five goals during 2006/07 are outlined below.

GOAL 1 – BETTER SERVICES

Enhancing the quality of life and wellbeing of all people throughout Western Australia by providing high quality, accessible services.

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 not receive 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 Commission promotes a safe, strong and vibrant community and provides a reliable and sustainable supply of essential services.

- 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.

Community Education and training

- Through its education and training programs the Commission promotes the importance of a safe and secure workplace that is free from discrimination and harassment. 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. Rights-based and outreach programs provide information to community groups on their rights under the *Equal Opportunity Act 1984*.
- 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).

Complaint handling

- Conciliation and Legal Officers assist complainants and respondents to resolve allegations of unlawful discrimination within the jurisdiction of the *Equal Opportunity Act 1984*. Many complainants have a disability or are sole parents, are 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.
- 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.
- 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.
- During 2006/07 Serbian and Cantonese interpreters were used, as well as sign language (AUSLAN) interpreters on a number of occasions.

Substantive Equality

- The Substantive Equality Unit is implementing the State Government's anti-racism strategy across the public sector.

Housing project

- 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 throughout Western Australia.

GOAL 2 - JOBS AND ECONOMIC DEVELOPMENT

Creating conditions that foster a strong economy delivering more jobs, opportunities and greater wealth for all Western Australians.

Employment practices

- The Commission's conciliation officers help to conciliate complaints that relate to discrimination in the area of employment. As in previous years two thirds of complaints received 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, by producing submissions and legal arguments regarding a range of issues affecting disadvantaged groups in the workplace.
- The Commission produced the book *Are you getting it right? - A guide for employers and recruitment agents* to support the goal of fair workplace practices.

Race discrimination

- In 2006/07, 26.4% of all new complaints were racially based, involving either race discrimination or racial harassment, with 15.3% of all complaints in the area of employment racially based. By providing an avenue of redress for 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.
- The Commission's training program, particularly courses attended by employers, emphasised the need for non-discriminatory recruitment and workplace practices that promote free and fair trade and industry.

GOAL 3 – LIFESTYLE AND THE ENVIRONMENT

Protecting and enhancing the unique Western Australian lifestyle and ensuring sustainable management of the environment.

The Commission works to ensure it minimises its impact upon the environment.

- The Commission continued its participation in the 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 2007 reprint of the Commission's popular Reference Guide) where appropriate. During 2006/07 1100 kilograms of waste paper was recycled.

GOAL 4 – REGIONAL DEVELOPMENT

Ensuring that regional Western Australia is strong and vibrant.

Working to ensure regional communities are educated, diversified and protected, and that the Commission's decision-making takes account of regional issues.

- The Commission conducted training courses, information sessions, and community forums in regional and remote centres throughout the State to provide information about the Act. A new strategy was implemented this year, involving scheduling of free rights-based training to concur with customised fee-for-service training being conducted in regional centres.
- 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, holding conciliation and mediation conferences outside the metropolitan area, using teleconference facilities in regional centres.

- 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. A toll free telephone service is available for people living in regional and remote areas of the State. If not covered by the Act, where appropriate, they are referred to the appropriate agency, government or non-government authority.

GOAL 5 – GOVERNANCE AND PUBLIC SECTOR IMPROVEMENT

Developing and maintaining a skilled, diverse and ethical public sector serving the Government with consideration of the public interest.

A skilled and capable public sector workforce.

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

A whole-of-government approach to planning and decision-making.

- During 2006/07 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*.

A public sector that is responsive to the evolving needs of the community.

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

2 AGENCY PERFORMANCE: REPORT ON OPERATIONS

The Commission delivers its services through its two outcome areas:

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

- Community Education
 - Promoting recognition, awareness and acceptance
 - Communicating equality of opportunity to potential complainants and the non-government sector
- Publications
- Special events and activities

Outcome 2: Provision of avenues of redress for unlawful discrimination and unreasonable treatment by:

- Enquiry services
- Conciliation services
- Substantive equality project
- Special projects
 - Review of the *Equal Opportunity Act 1984*
 - *Finding a Place* – The Housing Rights Project

These output areas are aligned to achieve strategic government objectives, as outlined in the Performance Management section of this report.

This chapter details our performance in each of these output areas during 2006/07.

Community Education

Promoting 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.

**Table 1: Education sessions
2004/05 to 2006/07**

Description	2004/05	2005/06	2006/07
Calendar series of courses	27	21	23
Customised courses	123	135	166
Presentations	57	55	52
Guest Speaker	17	27	28
Community Worker Forums	9	1	2
Outreach	8	19	61
Total	241	258	332

During 2006/07 the Commission conducted 332 education and training sessions, guest speaker engagements and outreach programs. This represents a 28.7% increase from the previous year and a 37.8% increase from the 2004/05 financial year.

This figure also includes training, educational and outreach programs held on Christmas and Cocos (Keeling) Islands in June 2007, a service which maintains a long-standing delivery arrangement between the State and Commonwealth Governments.

Of the 61 outreach programs provided during 2006/07, 13 were conducted on Christmas Island, 11 on Cocos (Keeling) Island, 17 in Kalgoorlie and six (6) each in Geraldton and Wiluna. This represents a significant improvement over the previous year when 19 outreach programs were offered to regional communities throughout the State and on Christmas and Cocos (Keeling) islands.

This increase is the result of a proactive, planned strategy on the part of the Commission to provide local communities with free outreach programs whenever Commission staff visit a non-metropolitan location to provide fee-for-service training courses.

Information gathered from training session participants is used to evaluate the effectiveness of the training sessions.

Of the 2269 participants who completed post-training questionnaires in 2006/07, 98.2% said they would be able to use what they had learned during the training session in their work and daily lives and 97% stated they would recommend the Commission's training courses to their colleagues.

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
- facilitating 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.

The Commission's trainers routinely prepare summary reports of training evaluations to measure the effectiveness of training, its content, learning methodology and facilitation style. Courses are constantly revised and updated to meet the changing needs of clients.

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 to the requirements of equal opportunity law. The number of customised, fee-for-service training sessions held by the Commission continues its upward trend.

Over the past three years customised fee-for-service training sessions have increased from 48 in 2003/04, to 166 in 2006/07.

During the same time period the number of participants in customised course more than trebled from 868 participants in 2005/04 to 2618 in 2006/07.

As in past years *Equal Opportunity Law – an Introduction* was the most popular of the customised or externally offered courses, with 1521 participants attending 96 sessions.

In an interesting development the second most popular customised course was *Workplace Culture: Bullying and Harassment* which attracted 476 participants in 31 sessions.

The second most popular course in 2005/06, *Equal Opportunity Law and the Role of the Manager/Supervisor*, was relegated to third place in 2006/07 with 207 participants attending 15 sessions.

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

- Articles Training Program
- City of Armadale
- City of Mandurah
- Dental Health Services (WA)
- Department of Corrective Services
- East Perth Redevelopment Authority
- Forest Products Commission
- Fremantle Ports
- Healthway
- Hoyts Cinemas

- Iluka Resources
- Landgate
- Murdoch University
- Midwest Corporation Pty Ltd
- Newmont Australia
- Origin Energy Resources
- Pathway Medical Laboratories
- Port Hedland Regional Hospital
- Prime Health Group
- Public Transport Authority
- Public Trust Office
- Royal Perth Hospital
- Shire of Augusta-Margaret River
- St John of God Hospital
- WA Country Health Service; and
- West Coast College of TAFE.

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:

- Good case examples used (trainer) is very friendly and open to discussion with the group
- Trainer was very knowledgeable, good use of visuals and good use of examples and case studies
- Trainer was excellent and it was good to hear about other States and federal legislation – succinct, good handouts
- Very good! – showed real life examples from current newspaper articles
- Trainer was very clear on all topics and it was useful for everyone to understand what is and is not acceptable from the Equal Opportunity Commission's viewpoint
- Fantastic, very knowledgeable facilitator, and all the subjects covered would be useful to everyone in a workplace
- Extremely informative, easy to apply, people would have walked away from this course with a greater awareness of equal opportunity rights and obligations
- Trainer used clear, simply language and attempted to engage audience, she was very respectful
- It was a relaxed and informative training session, and (trainer) encouraged group participation
- This training session will help me understand and apply equal opportunity law
- Effective and informative
- Always handy to know what you can and can't do with fellow work colleagues
- Trainer was very knowledgeable on all subjects, was able to answer all our questions
- Course provided good, clear guidelines
- Practical and interactive – excellent
- A comprehensive course and well worth the time.

Calendar training courses

The Commission continued its calendar courses in 2006/07 with 23 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*
- *Equal Opportunity Law and the Role of the Manager/Supervisor*
- *Managing Staff Recruitment and Selection*
- *Educating Staff; and*
- *Workplace Culture: Bullying and Harassment.*

The calendar series of fee-for-service courses are offered to mixed profile participants at the Commission premises.

Of the 239 participants who attended training sessions held at the Commission 56.1% classified themselves as para-professionals and 17.2% as human resource practitioners. Participants worked in all industry sectors, with 40.2% from government administration.

As in previous years the most popular of the Commission-based courses was *Equal Opportunity Law – an Introduction*, with 91 participants attending eight (8) half-day sessions.

The second most popular of the calendar courses, again as in previous years, was *The Contact Officer Role* with 48 participants attending four (4) one-day sessions.

Organisations attending included wide 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; and
- transport and storage.

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

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.

This financial year staff visited Bunbury, Cue, Geraldton, Kalgoorlie/Boulder, Meekatharra, South Hedland and Wiluna to meet with community representatives, take enquiries and host workshops for Indigenous people.

To promote human rights and equal opportunity, the Commission produced a 2007 Aboriginal and Torres Strait Islander Calendar. The calendar's border and background graphics were inspired by the Kimberley and the central artwork, a handprint, is the Nyungar sign for 'Listen'. The theme of the calendar was the same as last year, that being 'You don't have to put up with Discrimination'.

The 4000 copies of the calendar were distributed throughout the State to Aboriginal organisations, regional offices of government agencies and at events such as Survival Day and International Women's Day. Others were sent to individuals and organisations on request, with a copy available for download from the Commission's website.

Christmas Island and Cocos (Keeling) 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 (Keeling) Islands.

Commission staff visited Christmas Island and Cocos (Keeling) Island in June 2007 and during this visit:

- Provided customised training sessions to Christmas Island Phosphates and the Indian Ocean Territories Shire of Christmas Island (staff and management) and Shire of Cocos (Keeling).
- Attended a meeting with the Imam and the Christmas Island Islamic Council, and met with the Islamic Council on Cocos (Keeling) Island.
- 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.
- Conducted forums on proposed racially offensive behaviour legislation to the Chinese and Malay communities of Christmas Island.
- Conducted an *Equal Opportunity Law – an Introduction* training session for Indian Ocean Health Service staff on Cocos (Keeling) Island.
- Conducted a similar forum on racially offensive behaviour to the Cocos (Keeling) Malay community and local business, community and government representatives.
- Conducted three information sessions for Christmas Island High School students and staff.
- Conducted two information sessions for Cocos (Keeling) District High School students and staff.
- Handled enquiries on both Christmas and Cocos (Keeling) Islands; and
- Co-ordinated follow-up training sessions to be held on Christmas Island and Cocos (Keeling) Island during the second half of 2007.

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 2006/07, 1917 participants attended 52 free presentations, representing a 31.9% increase in the participation rate compared with the previous year.

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 hosted a Community Workers' Forum at the City of Swan attended by 25 participants, titled *Human Rights and Non-Discriminatory Community Service Delivery*.

The Commission also co-hosted a Community Workers Forum with the Tenants Advice Service (Inc), entitled *Equal Opportunity Law Awareness*.

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

- Ethnic Disability Advocacy Centre
- People with Disabilities (WA) Inc
- Tenants Advice Service Inc
- Department of Immigration and Multicultural Affairs
- Aboriginal Legal Service.

Publications

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

During 2006/07 the Commission produced a variety of publications, including:

- *Discrimination Matters*: A quarterly newsletter of which 3000 copies are printed and distributed each edition plus several hundred copies distributed by email. It is also posted on the website.
- The popular *Reference Guide* was reprinted in early 2007. This is an up-to-date guide to the *Equal Opportunity Act 1984*, written in plain English, which broadly outlines how the Act is administered; the meanings of direct and indirect discrimination and the grounds and areas of public life covered. It also contains an explanation of each ground of unlawful discrimination, and where protection is provided and details other behaviours or actions that are unlawful under the Act. It describes a complaint and explains exceptions for each ground of unlawful discrimination, and how to obtain an exemption or interim order from the State Administrative Tribunal.

Each person attending a Commission training course is provided with a copy of the *Reference Guide*, and the feedback has been overwhelmingly positive. It has also been distributed free of charge to any individual and/or organisations seeking more comprehensive information than that provided in the Commission's brochures on individual grounds of the Act.

- During 2006/07 the Commission published *Are you getting it right? – a guide for employers and the recruitment industry*. The guide targets 'people who hire people', that is those working for recruitment agencies, labour hire firms, small and large businesses and those employed in the broader human resources field. In summary, the guide targets anyone involved in any aspect of the recruitment process, who are committed to a fair and open recruitment process, who want to ensure they comply with Western Australia's Equal Opportunity laws and those who want to exercise best practice and do better than the minimum required of them.
- The report into the first review of the *Equal Opportunity Act 1984* was presented to the Attorney General the Honourable Jim McGinty in May 2007. The review attracted nearly 600 individual and 90 organisational submissions and recommended sweeping changes to the Act. These include the introduction of a number of new grounds of unlawful discrimination, amendment to existing grounds and areas, and the introduction of a gender duty in the public sector.
- The annual Aboriginal and Torres Strait Islander Calendar was based on the 'You don't have to put up with Discrimination' theme adopted for the previous year's calendar.
- Training calendars outlining general training programs provided by the Commission were published six monthly; and
- Brochures on various grounds of the Act were updated as required.

All of the Commission's publications can be accessed on the Commission's website.

During 2006/07 Commission literature, including complaint forms, were sent to 882 or 28.8% of enquirers.

After a major revision of the Commission's publications in the 2004/05 financial year there has been a consistent increase in the proportion of the Commission's clients, namely training and presentation participants, complainants and respondents, who state in survey forms that they find the Commission's publications useful.

In 2003/04, 81.9% of clients who returned the survey said they found the Commission's publications useful, and this increased to 96.5% in 2004/05, 97.2% in 2005/06 and 98% in 2006/07.

Communications online

- The Commission's website continues to increase its role 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. Materials are also translated into community languages.
- All publication requests are referred to the Commission's website, where appropriate. In 2006/07 Commission staff referred 596 (19.5%) enquirers to the Commission's website.
- The website received 40,259 unique visitors in 2006/07. This represents a 10.62% increase from 2005/06 and a 25.3% increase from 2004/05.
- The Commission's new look website www.eoc.wa.gov.au, launched in mid-2005, was developed to comply with WA Government website guidelines. It provides improved access for people with disabilities and is undergoing a continuing process of improvement as the need and resources allow.

Special events and activities

The Commission undertakes a program of events and activities to promote the objects of the Act. These include guest speakers, participation with other community organisations, staff development sessions and partnerships in a range of projects, as well as making submissions to current enquiries relevant to the Act. They are outlined below.

Workplace bullying

The Commission for Occupational Safety and Health Western Australia released two publications on bullying in the workplace in September 2006:

- a *Guidance Note on how to deal with bullying at work*, and
 - a *Code of Practice on the prevention and management of workplace bullying*.
- The Equal Opportunity Commission translated the *Guidance Note: dealing with bullying at work* into Traditional Chinese and Malay for clients on Christmas and Cocos (Keeling) Islands and are available from the Community languages section of the Commission's website.

WorkSafe and the Equal Opportunity Commission, in an effort to ensure a culture of zero tolerance for violence and bullying behaviours in public sector workplaces co-hosted three, free information sessions at Central TAFE in September 2006 to launch the two publications.

Same-sex discrimination enquiry

The Federal Human Rights and Equal Opportunity Commission (HREOC) held a community consultation into its Same Sex Financial Benefits Inquiry at the Western Australian Equal Opportunity Commission in mid-August 2006. The Commission also made a submission to this enquiry.

Employment law

Commission officers were briefed on the impact of the new federal industrial relations legislation from:

- The Employment Law Centre (ELC) at the Commission in August 2006,
- The Workplace Advisory Service WA; and
- The WA Department of Consumer and Employment Protection and Wageline.

Gay Pride

Commission staff hosted an information stall at the Gay Pride Fair Day, held in Northbridge's Russell Square, in early October 2006, where information was distributed and enquiries answered.

Murdoch University Parliamentary Internship program

The Commission hosted a luncheon and information visit by participants of Murdoch University's Parliamentary Internship Program in early October.

Amendment to the Act – Racially Offensive Behaviour

- Staff were briefed on the implications, for the Commission, on proposed legislative amendments on Racially Offensive Behaviour in early December 2006.
- The *Equal Opportunity Amendment Bill 2006*, which amends the *Equal Opportunity Act 1984* to include the new ground of Racially Offensive Behaviour, was passed by the Legislative Assembly in March 2007.
- developed a partnership with the Office of Multicultural Interests and State Security for the delivery of forums to inform the community of proposed amendments to the Act involving Racially Offensive Behaviour
- hosted a series of nine community forums in the Perth metropolitan area for the Muslim, African, Afghanistan and Chinese communities as well as sessions for Gowrie Community Services, Northern Suburbs Community Legal Services, Tenants Advice Service and Department of Immigration and Multicultural Affairs. The forums were attended by nearly 500 participants, and appropriate interpreters were available as needed.
- In partnership with the Tenants Advice Service (TAS), presented a seminar in East Perth titled *Racial Hatred Laws and Tenancy* to mark the International Day of the Elimination of Racial Discrimination in March 2007.

Community awareness

- Undertook the 2006 Community Awareness Survey. Carried out every three years, this survey is a key tool used by the Commission in designing its information and education strategies.
- Commenced a series of public forums on racially offensive behaviour were held to inform recently arrived communities - African and Muslim - about the proposed amendments to the *Equal Opportunity Act 1984*.

Recruitment Guide

The Commission's publication *Are you getting it right? – a guide for employers and the recruitment industry* was launched at the Commission in late February 2007.

International Women's Day

The Commission hosted its annual International Women's Day breakfast at the Sheraton Hotel in Perth in March 2007 with the event attended by 250 guests.

This year's guest speaker was Professor Hilary Charlesworth, Director of the Centre for International Governance and Justice and Professor of International Law and Human Rights at the Australian National University (ANU) Canberra, who spoke on the topic *Human Rights Laws – do they work?*

Housing enquiry

A series of nine (9) regional community-based forums were hosted by the Commissioner to report back on progress following the release of the 2004 report *Finding a Place* into discriminatory practices in the provision of public housing and related services to Aboriginal and Torres Strait Islander people in Western Australia.

These forums were held in Albany, Bunbury, Esperance, Geraldton, Narrogin, Northam and Katanning. Of these, two (2) were followed by workshops on proposed amendments to the Act in relation to Racially Offensive Behaviour. More forums and workshops are planned for 2007/08.

Conciliation Services

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 officers 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.

Answering enquiries

The Commission received 3112 enquiries during 2006/07. Of these:

- 75.7% were made by telephone
- 17.3% were made in writing
- 5% were made in person; and
- 2% were made by e-mail.

When compared with the previous financial year the number of telephone enquiries decreased by 10%, continuing a downward trend over recent years.

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.

Of the 3112 enquiries received in 2006/07:

- 55.5% were made by women
- 39% were made by men; and
- 5.3% were made by a group or organisation.

These figures are similar to those received in 2005/06, when 53.4% of enquiries were made by women and 37% by men.

Of the 3112 enquiries received in 2006/07, 71.2% were about matters that fell within the jurisdiction of the *Equal Opportunity Act 1984*. The remaining 28.8% 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:

- 38.7% concerned allegations or reports of discrimination
- 24% were requests for information on rights from potential complainants
- 5% were requests for information and advice on responsibilities and obligations under the legislation; and
- 15% of enquirers requested an explanation of equal opportunity legislation.

**Table 2: Enquiries by ground
2004/05 to 2006/07**

Ground	2004/05	%	2005/06	%	2006/07	%
Age	209	5.7%	189	5.5%	161	5.2%
Family Responsibility/Status	162	4.4%	165	4.8%	146	4.7%
Gender History	8	0.2%	13	0.4%	9	0.3%
Gender Identity	4	0.1%	4	0.1%	5	0.2%
Impairment	514	14.0%	456	13.2%	488	15.7%
Marital Status	28	0.8%	25	0.7%	24	0.8%
Political Conviction	4	0.1%	11	0.3%	9	0.3%
Pregnancy	137	3.7%	167	4.8%	97	3.1%
Race	432	11.8%	638	18.4%	511	16.4%
Racial Harassment	35	1.0%	21	0.6%	26	0.8%
Racial Offensive Behaviour	45	1.2%	12	0.3%	56	1.8%
Religious Conviction	43	1.2%	59	1.7%	43	1.4%
Sex	206	5.6%	214	6.2%	144	4.6%
Sexual Harassment	254	6.9%	183	5.3%	195	6.3%
Sexual Orientation	41	1.1%	32	0.9%	48	1.5%
Spent Conviction	11	0.3%	32	0.9%	21	0.7%
All grounds	264	7.2%	299	8.6%	310	10.0%
Other	1268	34.6%	938	27.1%	819	26.3%
Total	3665	100.0%	3458	100.0%	3112	100.0%

The five most common grounds of unlawful discrimination raised by those making enquiries were consistent with trends in previous years, although the order varies from year to year. The five most common grounds for 2006/07 were:

- race (16.4%)
- impairment (15.7%)
- sexual harassment (6.3%)
- age (5.2%); and
- family responsibility/family status (4.7%).

**Table 3: Enquiries by area
2004/05 to 2006/07**

Area	2004/05	%	2005/06	%	2006/07	%
Employment	1948	53.2%	1791	51.8%	1601	51.4%
Access to Places and Vehicles	44	1.2%	44	1.3%	51	1.6%
Accommodation	171	4.7%	143	4.1%	146	4.7%
Education	125	3.4%	105	3.0%	97	3.1%
Clubs	44	1.2%	57	1.6%	47	1.5%
Goods, Services and Facilities	374	10.2%	573	16.6%	525	16.9%
Sports	9	0.2%	18	0.5%	10	0.3%
Land	6	0.2%	1	0.0%	2	0.1%
Public Place	0	0.0%	0	0.0%	26	0.8%
All Areas	301	8.2%	298	8.6%	289	9.3%
Other	643	17.5%	428	12.4%	318	10.2%
Total	3665	100.0%	3458	100.0%	3112	100.0%

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

- employment (51.4%)
- goods services and facilities (16.9%); and
- accommodation (4.7%).

While enquiries about goods, services and facilities have been the second most common area of enquiry for the past four financial years, the number of these enquiries increased significantly between 2004/05 and 2006/07, from 374 to 525 - a 40.4% increase.

**Table 4: Enquiries by ground and area
2006/07**

Ground	Employment	Access to Places and Vehicles	Accommodation	Education	Clubs	Goods, Services and Facilities	Sports	Land	Public Place	All Areas	Other	Total
Age	87	5	24	3	4	31	1	0	0	4	2	161
Family Responsibility/Status	105	2	8	3	2	19	1	0	0	2	4	146
Gender History	3	0	2	1	0	0	0	0	0	3	0	9
Gender Identity	1	0	0	0	0	1	0	0	0	1	2	5
Impairment	290	16	18	27	4	107	2	0	0	12	12	488
Marital Status	10	1	6	2	1	3	0	0	0	1	0	24
Political conviction	5	1	0	0	0	3	0	0	0	0	0	9
Pregnancy	93	1	0	1	1	1	0	0	0	0	0	97
Race	182	11	46	18	3	200	3	0	2	29	17	511
Racial Harassment	17	0	4	1	0	2	0	0	0	0	2	26
Racially Offensive Behaviour	2	3	2	0	0	6	0	0	21	12	10	56
Religious Conviction	22	1	1	3	2	9	0	0	0	2	3	43
Sex	94	2	2	2	17	22	0	0	0	0	5	144
Sexual Harassment	176	0	1	5	1	5	0	0	1	4	2	195
Sexual Orientation	26	0	3	3	2	8	0	0	0	4	2	48
Spent Conviction	19	0	0	0	0	1	0	0	0	0	1	21
All grounds	92	2	8	7	3	10	1	1	0	183	3	310
Other	377	6	21	21	7	97	2	1	2	32	253	819
Total	1601	51	146	97	47	525	10	2	26	289	318	3112

Of the 1601 employment-related enquiries over half involved the five grounds of impairment, race, sexual harassment, family responsibility/family status and sex.

- Of the 525 goods, services and facilities enquiries 38% involved race discrimination and 20.4% impairment discrimination
- Of the 97 pregnancy related enquiries 95.9% involved the area of employment
- Of the 146 family responsibility/family status related enquiries 71.9% involved the area of employment

While workplace bullying is not a ground of unlawful discrimination under the *Equal Opportunity Act 1984* the Commission collected data on bullying-related enquiries.

In 2006/07 4% of enquiries related to bullying and of these enquiries 90% related to the area of employment. This is an increase from the previous year when 2.8% of enquiries related to bullying and 84.5% of these related to the area of employment.

Written enquiries and complaints

All written correspondence received at the Commission is reviewed and acknowledged by the Commissioner. Where the written enquiry alleges 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 a more informed 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
2004/05 to 2006/07**

	2004/05	%	2005/06	%	2006/07	%
Converted to a Complaint	46	8.0%	43	7.1%	24	4.8%
Total	46	8.0%	43	7.1%	24	4.8%

The Commission received 539 written enquiries in 2006/07 of which 77.4% were answered by a Commission officer, 12.8% were referred to an appropriate government department or non-government organisation and 4.5% were converted into complaints. This compares with 7.1% of written enquiries being converted into complaints the previous year.

There was a decrease in the number of enquiries referred to government departments, authorities or agencies, from 11.9% in 2005/06 to 6.5% in 2006/07.

Handling complaints

**Table 6: Number of complaints handled
2004/05 to 2006/07**

Complaints Handled	2004/05	%	2005/06	%	2006/07	%
Complaints carried over from previous financial years	362	44.3%	377	53.8%	197	23.1%
Complaints Received	456	55.7%	324	46.2%	656	76.9%
Total Handled	818	100.0%	701	100.0%	853	100.0%
Complaints Closed	441	53.9%	504	71.9%	479	56.2%
Complaints still under investigation	377	46.1%	197	28.1%	374	43.8%

In January 2007, the Commission made a significant change to the way complaints and enquiries are accepted and classified.

Before then the Commission would receive allegations of discrimination from an aggrieved person and assess at the outset whether those allegations, on their face, disclosed an arguable breach of the Act. If so the allegations would be classified as a 'complaint' for the purposes of s83 of the Act.

Sometimes, more information was requested from the person in order to better assess whether or not the allegations constituted a complaint.

If an arguable breach of the Act could not be identified then the allegations were classified as an enquiry and no investigation would proceed under s84.

This was the case, even if the aggrieved person had made assertions that he or she had been subjected to discrimination or harassment. Such matters were then grouped with other enquiries the Commission routinely receives, for example, requests for information and training. Some of these enquiries were later upgraded to complaints.

From January 2007 the Commission decided to include in the category of complaint all those matters previously excluded on the ground that no arguable breach of the Act had been identified or disclosed at the outset.

This means if a person alleges that he or she has been discriminated against on one or more grounds, or in one of the areas, under the Act then those allegations will now be accepted by the Commission as a complaint, irrespective of how much supporting information is provided.

The significant change to the process of investigation is that should the Commissioner, after conducting an investigation, determine that the complaint should be dismissed under s89 of the Act as lacking in substance, or because it is misconceived, then the complainant has the right to have the matter referred to the State Administrative Tribunal (SAT) for an inquiry.

Previously, these people had no such right because the Commissioner treated their allegations as an enquiry rather than a complaint.

This decision to change the way complaints and enquiries are treated follows an examination of the approaches taken by discrimination agencies elsewhere in Australia, when accepting enquiries and complaints.

It brings the Commission more into line with the majority of other jurisdictions and also reflects observations made by the SAT in a decision handed down in 2006.

In 2006/07 853 complaints were handled by the Commission. This figure consists of 656 new complaints and 197 complaints carried over from the previous financial year.

Of the 853 complaints handled in 2006/07 479 (56.2%) were closed and 374 (43.9%) are still under investigation.

The number of new complaints received by the Commission has more than doubled, from 324 in 2005/06 to 656 in 2006/07 as a result of the change in practice described above.

**Table 7: Complaints by ground
2004/05 to 2006/07**

Ground	2004/05	%	2005/06	%	2006/07	%
Age	35	7.7%	17	5.2%	53	8.1%
Family Responsibility	17	3.7%	19	5.9%	34	5.2%
Family Status	10	2.2%	5	1.5%	10	1.5%
Gender History	1	0.2%	0	0.0%	2	0.3%
Impairment	86	18.9%	68	21.0%	109	16.6%
Marital Status	8	1.8%	6	1.9%	8	1.2%
Political Conviction	2	0.4%	0	0.0%	1	0.2%
Pregnancy	25	5.5%	14	4.3%	25	3.8%
Race	91	20.0%	81	25.0%	135	20.6%
Racial Harassment	10	2.2%	13	4.0%	38	5.8%
Religious Conviction	7	1.5%	6	1.9%	11	1.7%
Sex	61	13.4%	29	9.0%	64	9.8%
Sexual Harassment	68	14.9%	40	12.3%	82	12.5%
Sexual Orientation	7	1.5%	6	1.9%	8	1.2%
Spent Conviction	0	0.0%	1	0.3%	4	0.6%
Victimisation	26	5.7%	19	5.9%	64	9.8%
Victimisation - PID	2	0.4%	0	0.0%	1	0.2%
Not specified	0	0.0%	0	0.0%	7	1.1%
Total	456	100.0%	324	100.0%	656	100.0%

During 2006/07 the most common grounds of alleged unlawful discrimination cited in complaints were:

- race (20.6%)
- impairment (16.6%)
- sexual harassment (12.5%); and
- sex discrimination (9.8%).

In 2006/07, 26.4% of all complaints involved either race discrimination or racial harassment, down slightly from the 29% recorded in 2005/06.

**Table 8: Complaints by area
2004/05 to 2006/07**

Area	2004/05	%	2005/06	%	2006/07	%
Employment	301	66.0%	203	62.7%	432	65.9%
Access to Places and Vehicles	27	5.9%	12	3.7%	18	2.7%
Accommodation	26	5.7%	32	9.9%	48	7.3%
Education	12	2.6%	9	2.8%	9	1.4%
Clubs	1	0.2%	4	1.2%	1	0.2%
Goods, Services and Facilities	86	18.9%	64	19.8%	138	21.0%
Sport	1	0.2%	0	0.0%	1	0.2%
Victimisation	2	0.4%	0	0.0%	0	0.0%
Not specified	0	0.0%	0	0.0%	9	1.4%
Total	456	100.0%	324	100.0%	656	100.0%

Of the 656 complaints lodged in 2006/07, 432 (65.9%) involved the area of employment. In the area of employment the most common ground of discrimination was sex and sexual harassment at 127 (29.4%), followed by impairment at 69 (15.9%) then race and racial harassment at 66 (15.3%).

**Table 9: Complaints by ground and area
2006/07**

Ground	Employment	Access to Places and Vehicles	Accommodation	Education	Clubs	Goods, Services and Facilities	Sports	Not specified	Total
Age	30	1	14	1	0	7	0	0	53
Family Responsibility	31	0	0	1	0	2	0	0	34
Family Status	9	0	0	0	0	1	0	0	10
Gender History	1	0	0	0	0	1	0	0	2
Impairment	69	3	9	2	0	24	1	1	109
Marital Status	4	0	0	0	0	4	0	0	8
Political Conviction	1	0	0	0	0	0	0	0	1
Pregnancy	22	1	0	0	0	2	0	0	25
Race	31	13	19	3	0	68	0	1	135
Racial Harassment	35	0	1	0	0	2	0	0	38
Religious Conviction	8	0	1	0	0	2	0	0	11
Sex	45	0	0	0	1	18	0	0	64
Sexual Harassment	82	0	0	0	0	0	0	0	82
Sexual Orientation	5	0	0	0	0	3	0	0	8
Spent Conviction	2	0	0	1	0	0	0	1	4
Victimisation	56	0	3	1	0	4	0	0	64
Victimisation – Public Interest Disclosure Act	1	0	0	0	0	0	0	0	1
Not specified	0	0	1	0	0	0	0	6	7
Total	432	18	48	9	1	138	1	9	656

Of the 138 complaints (21% of total 656 complaints) that related to the provision of goods, services and facilities, the most common ground of discrimination was race and racial harassment at 70 (50.7%), then impairment at 24 (17.4%) and sex discrimination at 18 (13%).

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 s67 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 more than tripled this financial year, from 19 in 2005/06 to 64 in 2006/07. Of this number 56 involved the area of employment.

There was one complaint of victimisation lodged under the *Public Interest Disclosure Act 2003* this financial year, with none recorded last year.

Complainants

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

Of the 656 complainants who were surveyed in 2006/07, 600 returned completed questionnaires representing a response rate of 91.5%. This is a significant increase on the 82.4% of complainants who returned completed questionnaires in 2005/06.

Gender of complainants

**Table 10: Complaints by gender of complainants
2004/05 to 2006/07**

Gender	2004/05	%	2005/06	%	2006/07	%
Female	295	64.7%	186	57.4%	453	69.1%
Male	149	32.7%	136	42.0%	199	30.3%
Mixed Group	12	2.6%	2	0.6%	2	0.3%
Other (Transgender)	0	0.0%	0	0.0%	2	0.3%
Total	456	100.0%	324	100.0%	656	100.0%

Consistent with previous years the largest proportion of complainants was lodged by women (69.1%) compared with men (30.3%), with the balance being a mixed group. A mixed group is where a number of people joined to lodge the one complaint. This year’s figures showed a wider disparity between the gender of complainants, with 57.4% being women and 42% men in 2005/06.

While the number of complaints lodged by men increased, from 136 in 2005/06 to 199 in 2006/07, this represented a decline in the percentage figure, from 42% in 2005/06 to 30.3% in 2006/07.

**Table 11: Complaints by ground and gender of complainants
2006/07**

Ground	Female	Male	Mixed Group	Other (Transgender)	Total	%
Age	37	16	0	0	53	8.1%
Family Responsibility	28	6	0	0	34	5.2%
Family Status	7	3	0	0	10	1.5%
Gender History	1	1	0	0	2	0.3%
Impairment	47	60	0	2	109	16.6%
Marital Status	6	2	0	0	8	1.2%
Political Conviction	0	1	0	0	1	0.2%
Pregnancy	25	0	0	0	25	3.8%
Race	91	42	2	0	135	20.6%
Racial Harassment	19	19	0	0	38	5.8%
Religious Conviction	7	4	0	0	11	1.7%
Sex	55	9	0	0	64	9.8%
Sexual Harassment	75	7	0	0	82	12.5%
Sexual Orientation	3	5	0	0	8	1.2%
Spent Conviction	2	2	0	0	4	0.6%
Victimisation	46	18	0	0	64	9.8%
Victimisation – Public Interest Disclosure Act	1	0	0	0	1	0.2%
Not specified	3	4	0	0	7	1.1%
Total	453	199	2	2	656	100.0%

In 2006/07, of the 453 complaints lodged by women, the most frequent grounds were:

- race discrimination (20.1%)
- sexual harassment (16.6%)
- sex discrimination (12.1%); and
- impairment discrimination (10.4%).

This differs slightly from last year when the most common grounds on which women lodged complaints were race 26% (48), sexual harassment 17% (32), impairment 14.5% (27) and sex 12% (22).

In 2006/07, of the 199 complaints lodged by men, the most frequent grounds were:

- impairment discrimination (30.1%)
- race discrimination (21.1%)
- racial harassment (9.5%) and
- victimisation (9%).

This differs slightly from last year when the most common grounds on which men lodged complaints were impairment 29.4% (40), race 24.3% (33), age 9.5% and racial harassment 8.8% (12).

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

- sexual harassment
- age
- sex
- race
- family responsibility
- family status; and
- marital status.

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

- impairment; and
- sexual orientation.

Age of complainants

**Table 12: Complainants by age
2004/05 to 2006/07**

Age	2004/05		2005/06		2006/07	
	Number	%	Number	%	Number	%
0 - 14	1	0.2%	6	1.9%	5	0.8%
15 - 19	37	8.1%	14	4.3%	17	2.6%
20 - 39	194	42.5%	109	33.6%	319	48.6%
40 - 64	120	26.3%	103	31.8%	197	30.0%
65+	7	1.5%	13	4.0%	20	3.0%
Not applicable	0	0.0%	0	0.0%	0	0.0%
No survey returned or did not respond to question	97	21.3%	79	24.4%	98	14.9%
Total	456	100.0%	324	100.0%	656	100.0%

Of the 600 complainants who did complete this section of the questionnaire 22 (3.7%) were less than 20 years of age, compared with 20 (3.3%) the previous year.

There was a significant increase in the number of people in the 20 to 39 year old age bracket who returned questionnaires, from 109 (40.8%) in 2005/06 to 319 (53.2%) in 2006/07.

While the percentage of complainants in the 40 to 64 year old age bracket declined from 38.6% in 2005/06 to 32.8% in 2006/07, the numerical number of complainants in this age bracket significantly increased from 103 to 197.

There was a similar result in the 65+ age bracket, with a percentage decline from 4.9% in 2005/06 to 3.3% in 2006/07 but a numerical increase from 13 to 20 complainants.

Aboriginal complainants by area

**Table 13: Aboriginal complaints by area
2005/06 to 2006/07**

Area of Complaint	2005/06				2006/07			
	Aboriginal	Other	Total	%	Aboriginal	Other	Total	%
Employment	13	190	203	62.7%	27	405	432	65.9%
Access to Places and Vehicles	6	6	12	3.7%	10	8	18	2.7%
Goods, Services and Facilities	24	40	64	19.8%	68	70	138	21.0%
Accommodation	28	4	32	9.9%	23	25	48	7.3%
Education	0	9	9	2.8%	0	9	9	1.4%
Clubs	0	4	4	1.2%	0	1	1	0.2%
Land	0	0	0	0.0%	0	0	0	0.0%
Sport	0	0	0	0.0%	0	1	1	0.2%
Victimisation	0	0	0	0.0%	0	0	0	0.0%
Not specified	0	0	0	0.0%	0	9	9	1.4%
Total	71	253	324	100.0%	128	528	656	100.0%

Of the 656 complaints lodged in 2006/07, 128 (19.5%) were lodged by Aboriginal complainants and the balance by 'other'.

However when looking at complaints by area, 55.6% of complainants in the area of access to places and vehicles were Aboriginal; 49.3% in the area of goods, services and facilities; 48% in the area of accommodation and only 6.3% in the area of employment.

While the proportion of Aboriginal complaints in 2005/06 remains fairly similar at 21.9%, 87.5% of complainants in the area of accommodation were Aboriginal; 50% in the area of access to places and vehicles; 37.5% in the area of goods, services and vehicles and 6.4% in the area of employment.

Aboriginal complaints by outcome

**Table 14: Aboriginal complaints by outcome
2005/06 to 2006/07**

	2005/06				2006/07			
Complaints bought forward	82	295	377		48	149	197	
Outcome of Complaint	Aboriginal	Other	Total	%	Aboriginal	Other	Total	%
Dismissed	12	34	46	6.6%	3	51	54	6.3%
Lapsed	20	51	71	10.1%	31	36	67	7.9%
Withdrawn	5	69	74	10.6%	3	76	79	9.3%
Conciliation	36	130	166	23.7%	19	141	160	18.8%
Referred to State Administrative Tribunal	32	115	147	21.0%	16	103	119	14.0%
Complaints Closed	105	399	504	71.9%	72	407	479	56.2%
Complaints Received	71	253	324		128	528	656	
Still under investigation	48	149	197	28.1%	104	270	374	43.8%
Total Handled	153	548	701	100.0%	176	677	853	100.0%

Of the 479 complaints closed in 2006/07, 72 (15%) were lodged by Aboriginal complainants and the balance by 'other'.

However when looking at complaints by outcome, 46.3% of lapsed complaints were lodged by Aboriginal complainants in 2006/07, compared with 28.2% in 2005/06; 11.9% of conciliated complaints were lodged by Aboriginal complainants compared with 21.7% the previous year; 3.8% of withdrawn complaints were lodged by Aboriginal complainants compared with 7.2% the previous year and 5.6% of dismissed complaints were lodged by Aboriginal complainants compared with 26.1% the previous year.

Birthplace and ethnicity of complainants

**Table 15: Complainants by birthplace
2004/05 to 2006/07**

Birthplace	2004/05		2005/06		2006/07	
	Number	%	Number	%	Number	%
Australia - Non Aboriginal	212	46.5%	112	34.6%	268	40.9%
Australia - Aboriginal	76	16.7%	71	21.9%	128	19.5%
Eastern Europe	5	1.1%	2	0.6%	9	1.4%
Middle East	1	0.2%	3	0.9%	7	1.1%
Northeast Asia	5	1.1%	2	0.6%	7	1.1%
Northern America	5	1.1%	1	0.3%	18	2.7%
Oceania and Antarctica	3	0.7%	9	2.8%	15	2.3%
Southeast Asia	8	1.8%	7	2.2%	20	3.0%
Southern and East Africa	11	2.4%	5	1.5%	17	2.6%
Southern Asia	5	1.1%	2	0.6%	18	2.7%
Southern Europe	2	0.4%	6	1.9%	20	3.0%
United Kingdom	49	10.7%	37	11.4%	44	6.7%
Other	2	0.4%	9	2.8%	14	2.1%
Not applicable	0	0.0%	0	0.0%	0	0.0%
No survey returned or did not respond to question	72	15.8%	58	17.9%	71	10.8%
Total	456	100.0%	324	100.0%	656	100.0%

In 2006/07, of the 600 complainants who were surveyed and provided information about their birthplace:

- 96 (66%) indicated they were born in Australia, compared with 183 (68.5%) the previous year
- Of the 396 complainants who indicated they were born in Australia, 268 (67.7%) indicated they were non-Aboriginal and 128 (32.3%) indicated they were Aboriginal. This compares 112 (42%) and 71 (26.6%) respectively in 2005/06.
- 44 (73.9%) of those who responded to this section of the questionnaire indicated they were born in the United Kingdom or Ireland. This compares to the 37 (or 13.9%) of complainants who indicated they were born in the United Kingdom or Ireland the previous year and the 49 (12.7%) in 2004/05.
- Overall of the 600 complainants who returned the questionnaire 125 (20.8%) indicated they were from an ethnic background in 2006/07, compared with 46 (17.2%) the previous year.

- In 2006/07, 484 (73.8%) of all complainants lived in the metropolitan area, 160 (24.4%) lived in a non-metropolitan area and 12 (1.8%) gave their residence as 'other'.
- Over the past three financial years there has been a steady percentile increase in the number of complainants living in a non-metropolitan area, from 18.4% in 2004/05 to 21.6% in 2005/06 and 24.4% this financial year.

Complainants by occupation

**Table 16: Complainants by occupation
2004/05 to 2006/07**

Occupation	2004/05		2005/06		2006/07	
	Number	%	Number	%	Number	%
Looking for work	102	22.4%	71	21.9%	164	25.0%
Student	33	7.2%	16	4.9%	38	5.8%
Retired	3	0.7%	2	0.6%	5	0.8%
Pensioner	15	3.3%	27	8.3%	29	4.4%
Homemaker	19	4.2%	13	4.0%	32	4.9%
In paid employment	174	38.2%	102	31.5%	268	40.9%
Not applicable	0	0.0%	0	0.0%	0	0.0%
No survey returned or did not respond to question	110	24.1%	93	28.7%	120	18.3%
Total	456	100.0%	324	100.0%	656	100.0%

Of the 600 complainants who did complete this section of the questionnaire 268 (44.7%) indicated they were in paid employment; 164 (27.3%) were looking for work; 38 (6.3%) were students and 29 (4.8%) were pensioners.

Complainants with a disability

**Table 17: Complainants by disability
2004/05 to 2006/07**

Disability	2004/05		2005/06		2006/07	
	Number	%	Number	%	Number	%
Yes	67	14.7%	48	14.8%	90	13.7%
No	298	65.4%	188	58.0%	496	75.6%
Not applicable	0	0.0%	0	0.0%	0	0.0%
No survey returned or did not respond to question	91	20.0%	88	27.2%	70	10.7%
Total	456	100.0%	324	100.0%	656	100.0%

Of the 586 (89.3%) of complainants who completed this section of the questionnaire in 2006/07, 90 (15%) indicated they had a disability compared with 48 (18%) the previous year.

Respondents

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 18: Complainants by industry
2004/05 to 2006/07**

Industry Type	2004/05		2005/06		2006/07	
	Number	%	Number	%	Number	%
Accommodation/Cafes/Restaurants	57	12.5%	36	11.1%	76	11.6%
Agriculture/Forestry/Fishing	3	0.7%	4	1.2%	1	0.2%
Communication Services	8	1.8%	10	3.1%	11	1.7%
Construction	22	4.8%	9	2.8%	21	3.2%
Cultural and Recreational Services	25	5.5%	15	4.6%	15	2.3%
Education - Pre, School and Post	36	7.9%	29	9.0%	51	7.8%
Finance and Insurance	13	2.9%	9	2.8%	9	1.4%
Health and Community Services	41	9.0%	21	6.5%	55	8.4%
Manufacturing	20	4.4%	16	4.9%	18	2.7%
Mining	12	2.6%	12	3.7%	48	7.3%
Personal and Other Services including corrective and police services	55	12.1%	38	11.7%	114	17.4%
Property and Business Services	35	7.7%	41	12.7%	66	10.1%
Retail Trade	74	16.2%	34	10.5%	77	11.7%
Transport and Storage	32	7.0%	28	8.6%	39	5.9%
Wholesale Trade	9	2.0%	7	2.2%	2	0.3%
Other Industry	14	3.1%	15	4.6%	53	8.1%
Total	456	100.0%	324	100.0%	656	100.0%

In 2006/07, respondents with the highest number of complaints were from the following industries:

- 153 (23.3%) were from the retail trade, accommodation, cafes and restaurants compared with 70 (21.6%) in 2005/06
- 114 (17.4%) were from the personal and other services, including corrective centres, police and unions compared with 38 (11.7%) the previous year

- 66 (10.1%) were from property and business services compared with 41 (12.7%) the previous year; and
- 66 (10.1%) were from the mining and manufacturing industries compared with 28 (8.6%) the previous year.

**Table 19: Complaints by size of respondent's organisation
2004/05 to 2006/07**

Size of Organisation	2004/05		2005/06		2006/07	
	Number	%	Number	%	Number	%
Less than 5	28	6.1%	9	2.8%	12	1.8%
5 - 19	105	23.0%	25	7.7%	38	5.8%
20 - 99	99	21.7%	56	17.3%	105	16.0%
100 - 499	65	14.3%	47	14.5%	81	12.3%
500+	120	26.3%	108	33.3%	242	36.9%
Not known	39	8.6%	79	24.4%	178	27.1%
Total	456	100.0%	324	100.0%	656	100.0%

Analysis of respondent industries by organisational size shows:

- The number of respondent industries with between 5 and 19 staff has dropped markedly between 2004/05 and 2006/07. There were 105 (23%) respondent industries in this category in 2004/05, 25 (7.7%) in 2005/06 and 38 (5.8%) in 2006/07.
- The number of respondent industries with 500+ staff increased between 2004/05 and 2006/07. There were 120 (26.3%) in 2004/05, 108 (33.3%) and 242 (36.9%) in 2006/07.
- The number of respondent industries with an unknown number of staff has steadily increased between 2004/05 and 2006/07. There were 39 (8.5%) in 2004/05, 79 (24.4%) in 2005/06 and 178 (27.1%) in 2006/07.

How complaints were finalised

**Table 20: Outcome of complaints closed
2004/05 to 2006/07**

Outcome of Complaints Closed	2004/05		2005/06		2006/07	
	Number	%	Number	%	Number	%
Dismissed	46	10.4%	46	9.1%	54	11.3%
Lapsed	101	22.9%	71	14.1%	67	14.0%
Withdrawn	73	16.6%	74	14.7%	79	16.5%
Conciliation	140	31.7%	166	32.9%	160	33.4%
Referred to State Administrative Tribunal	81	18.4%	147	29.2%	119	24.8%
Total Complaints Closed	441	100.0%	504	100.0%	479	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.

Of complaints resolved in 2006/07, impairment (23.1%) and sexual harassment (22%) were the most likely to be conciliated; impairment (27.8%) and race (21.8%) dismissed; race (38.8%) and sexual harassment (19.4%) lapsed; victimisation (19.3%) and race (13.5%) referred to SAT and impairment (21.5%) and sexual harassment (19%) withdrawn.

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 79 (9.3%) complaints withdrawn in 2006/07, similar to 2005/06 when 74 (10.6%) 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.

In 2006/07, 6.3% (54) of complaints were dismissed, similar to the 2005/06 figure of 6.6% (46). Of this number 12 (22.2%) of the complainants requested the Commissioner to refer their complaint to the State Administrative Tribunal for hearing under s90 of the Act.

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 were 67 (7.9%) complaints lapsed in 2006/07, compared 71 (10.1%) complaints lapsed 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.

In 2006/07 160 (33.4%) of complaints were resolved through conciliation, compared with 166 (32.9%) the previous year and 140 (31.7%) in 2004/05.

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 under s93 of the Act; or
- the complainant may refer the complaint themselves under s90 of the Act.

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 2006/07, 119 (14%) of total complaints were referred to the Tribunal by the Commissioner compared with 147 (21%) the previous financial year, a decline of 7%.

Where a complaint has been dismissed by the Commissioner the complainant, under s90 of the Act and within 21 days of the notice of dismissal, may require the Commissioner to refer the complaint to the Tribunal.

In 2006/07, 12 complaints were referred to the Tribunal at the request of the complainant, compared with 22 the previous year.

Types of outcomes in conciliated complaints

Outcomes negotiated during the conciliation of complaints include:

- introducing or improving equal opportunity policies or 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 2006/07 the most common types of outcomes negotiated during the conciliation of complaints included:

- Apology (24.9%)
- monetary settlement (23.3%)
- equal opportunity training (10.4%)
- private settlement (8.4%)
- respondent's explanation satisfactory to complainant (8.8%)
- policy change (4.4%)
- provision of a reference (3.6%); and
- provision of accommodation (3.2%).

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

Time taken to close complaints

**Table 21: Time taken to close complaints
2004/05 to 2006/07**

Outcome of Complaints Closed	2004/05		2005/06		2006/07	
	Number	%	Number	%	Number	%
0 - 6 months	212	48.1%	177	35.1%	317	66.2%
7 - 12 months	145	32.9%	188	37.3%	115	24.0%
13 - 18 months	37	8.4%	77	15.3%	34	7.1%
19 - 24 months	12	2.7%	35	6.9%	5	1.0%
2 years or more	35	7.9%	27	5.4%	8	1.7%
Total	441	100.0%	504	100.0%	479	100.0%

Of the 479 complaints closed in 2006/07, 317 (66.2%) were closed within six months comparing favourably with the 177 (35.1%) closed in 2005/06.

Of the complaints closed this year, 115 (24%) were closed between seven (7) and 12 months, and when looking at both these figures it means that 432 (90.2%) of complaints were closed within the 2006/07 year.

This represents a 24.6% improvement in the number of complaints finalised this year, when comparing the results of the 2005/06 and 2006/07 financial years.

There has also been a significant drop in number of complaints that remain outstanding after 12 months, from 139 (27.6%) in 2005/06 to 47 (9.8%) in 2006/07.

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

Provision of legal assistance

Legal assistance was provided to complainants whose complaints were referred to the State Administrative Tribunal for determination, by the Commissioner, pursuant to s93 of the *Equal Opportunity Act 1984*.

The Commissioner can only provide assistance to those complainants whose complaints have not been dismissed under s89 of the Act.

**Table 22: Number of matters referred by Commissioner
2004/05 to 2006/07**

Legal Assistance	2004/05		2005/06		2006/07	
	Number	%	Number	%	Number	%
Number of matters referred by the Commissioner and carried over from previous financial years	54	60.0%	28	29.8%	32	38.1%
Number of appeals to the Supreme Court or Exemption Orders carried over from previous financial years	1	1.1%	2	2.1%	1	1.2%
Number of matters referred by the Commissioner each financial year	32	35.6%	62	66.0%	49	58.3%
Number of appeals to the Supreme Court or Exemption Orders received each financial years	3	3.3%	2	2.1%	2	2.4%
Total number of matters handled each financial year	90	100.0%	94	100.0%	84	100.0%

The number of matters referred by the Commissioner during 2006/07 declined compared with the previous year, from 62 (66%) in 2005/06 to 49 (58.3%).

**Table 23: Outcome of matters referred by Commissioner
2004/05 to 2006/07**

Outcome of Matters	2004/05		2005/06		2006/07	
	Number	%	Number	%	Number	%
Withdrawn	6	6.7%	9	9.6%	6	7.1%
Settled before hearing by Legal Officers	15	16.7%	22	23.4%	18	21.4%
Settled at Tribunal mediation by Legal Officers	29	32.2%	19	20.2%	24	28.6%
Upheld by the Tribunal	0	0.0%	1	1.1%	0	0.0%
Dismissed by the Tribunal	6	6.7%	1	1.1%	0	0.0%
Discontinued Assistance	2	2.2%	6	6.4%	5	6.0%
Number of matters heard and decided by the Supreme Court	1	1.1%	0	0.0%	0	0.0%
Number of Writ of Summons, Interim Appeals finalised and Exemption Orders	1	1.1%	3	3.2%	0	0.0%
Total number of matters finalised	60	66.7%	61	64.9%	53	63.1%
Number of matters referred by the Commissioner and outstanding at the Tribunal and Supreme Court	30	33.3%	33	35.1%	31	36.9%
Total number of matters handled each financial year	90	100.0%	94	100.0%	84	100.0%

The number of matters resolved with the assistance of Legal Officers at mediation conferences and in other negotiations, as a proportion of all matters finalised, increased slightly from 41 (67.2%) in 2005/06 to 42 (79.2%) in 2006/07.

The figures in Table 23 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 Commission has continued its relationship with the private legal sector, which has provided 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.

Substantive Equality Project

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

The 'Policy Framework for Substantive Equality' (Policy Framework) is a strategy and an action plan that summarises the approach required of departments represented on the Strategic Management Council to implement substantive equality.

The Equal Opportunity Commission is also implementing substantive equality.

Substantive equality is one vital strand of an overall approach to equality of opportunity and places its emphasis on systemic forms of race discrimination in public sector service delivery.

Through the Commission's Substantive Equality Unit each participating department works towards five levels contained within the framework, to ensure that their policies, practices and procedures do not present any unintended, adverse impacts on Indigenous and ethnic groups.

Since the establishment of the SEU in early 2005, most government departments have started the implementation process and embedded substantive equality into their strategic processes. They have undergone a needs and impact assessment of nominated policies, practices and procedures.

In 2006/07 the Substantive Equality Unit conducted a total of 422 training sessions, presentations and meetings, a 73.7% increase on the previous year. This overall figure includes two (2) training sessions, compared with 16 in 2005/06; 15 presentations, compared with 14 the previous year and 405 meetings compared with 213 in 2005/06.

This significant increase in meetings can be attributed to 2006/07 being the year Commission staff actually started undertaking the needs and assessments with participating departments, as well as being the Unit's first complete financial year of operation.

The two (2) training sessions conducted in 2006/07 attracted 50 participants; with 342 participants attending the 15 presentations and 1361 participants attending the 405 meetings.

Needs and Impact Assessment

The purpose of a *Needs and Impact Assessment* is to improve the work of service provision by revealing gaps in specific services delivered by Government.

A *Needs and Impact Assessment* assesses policies, practices and procedures which are within the service area/s negotiated annually with the Commissioner for Equal Opportunity and has two aims:

1. Identifies clients and their needs. This is a critical component of the assessment, because if a service is unable to identify clients it is not possible to strategically plan for the appropriate delivery of services to diverse groups.
2. Assessing services for their equality impact and considering what barriers may prevent certain groups from accessing and receiving services.

The *Needs and Impact Assessment* also attempts to capture all major new initiatives, including changes to or new policies, practices and procedures, before they are implemented.

The first step of the *Needs and Impact Assessment* process is an initial screening to assess the impact of the policy or practice. If this initial screening reveals a major adverse impact on particular groups, a full assessment is conducted.

For this financial year departmental policies, practices and procedures have undergone the initial screening only.

Main achievements

Implementation of substantive equality continues a new strategic direction in public policy to review the effects of practices and/or policies in order to determine their differential impact on Indigenous and ethnic groups.

In this respect the SEU worked extensively with Departments to determine where implementation would commence, by prioritising each Department's functions and activities according to their relevance to Indigenous and ethnic minorities, and or the presence of significant systemic forms of racism. Undertaking such an exercise involved scoping out existing research, both internal and external to the Departments, which revealed areas in which government services were failing to provide beneficial and equal outcomes to Indigenous and ethnic minorities.

Significant substantive equality issues identified include:

- A failure to adopt appropriate descriptors in the collection of data, and the use of descriptors irrelevant to the Australian context to manage and plan services. This means that where clients are identified by reference to their Indigenous and ethnic minority status, many Departments don't use this information in service delivery planning and to provide strategic direction. This then raises the question of why departments collect this data in the first place. In some cases it appears that data on particular indicators are only collected for compliance reporting or funding requirements. What this deficiency in the public sector data collection systems highlights is a tendency to treat differences the same. This neglect to consider or appreciate the differing needs of Indigenous and ethnic minorities from the majority of the community is fundamentally evidenced by the failure of data systems to identify the needs of clients.
- Limited availability and use of interpreters in Indigenous languages for the delivery of services to Aboriginal people for whom English can be the second, third or even fourth language. While an Indigenous language is the first language for many, for others Aboriginal English, Pidgin, Kriol and learner's English is their first language. Although there are common lexical features between these languages and standard Australian English, they differ markedly from each other in sounds or accent, grammar, vocabulary, meaning, use and style.
The development of interpreting services in Indigenous languages, and the use of interpreters for Indigenous people, has lagged behind the development of these services and their use for the delivery of services to ethnic minority groups requiring language services.
A proposed model for an Indigenous interpreting service is currently the subject of an options paper by the Commission. In the meantime, while acknowledging that a sufficient number of trained and accredited interpreters are currently not available, government departments are advised to obtain the services of the Kimberley Interpreting Service in Broome, Kununurra or Halls Creek, the Wangka Mia Pilbara Aboriginal Language Centre in South Hedland or the Wanganyingurriapurpa Aboriginal Corporation in Kalgoorlie for Indigenous interpreters.
- A gap in training programs that identifies meanings of systemic discrimination and how this is translated into practice at the service level.
The Commission is currently addressing this need by identifying the requirements needed in order to develop standards for the accreditation of substantive equality in training. This initiative will increase the overall clarity of equal opportunity, its meaning and application to public policy.
- The informed engagement and participation between service providers and service users as a means of identifying the issues affecting Indigenous and ethnic groups and ensuring that methods are effective in communicating these needs back to departments. This includes demonstrating how consultation has influenced outcomes.
It is still the case that Indigenous and some ethnic minority groups face significant disadvantages in accessing responsive and appropriate services that could contribute to systemic discrimination.

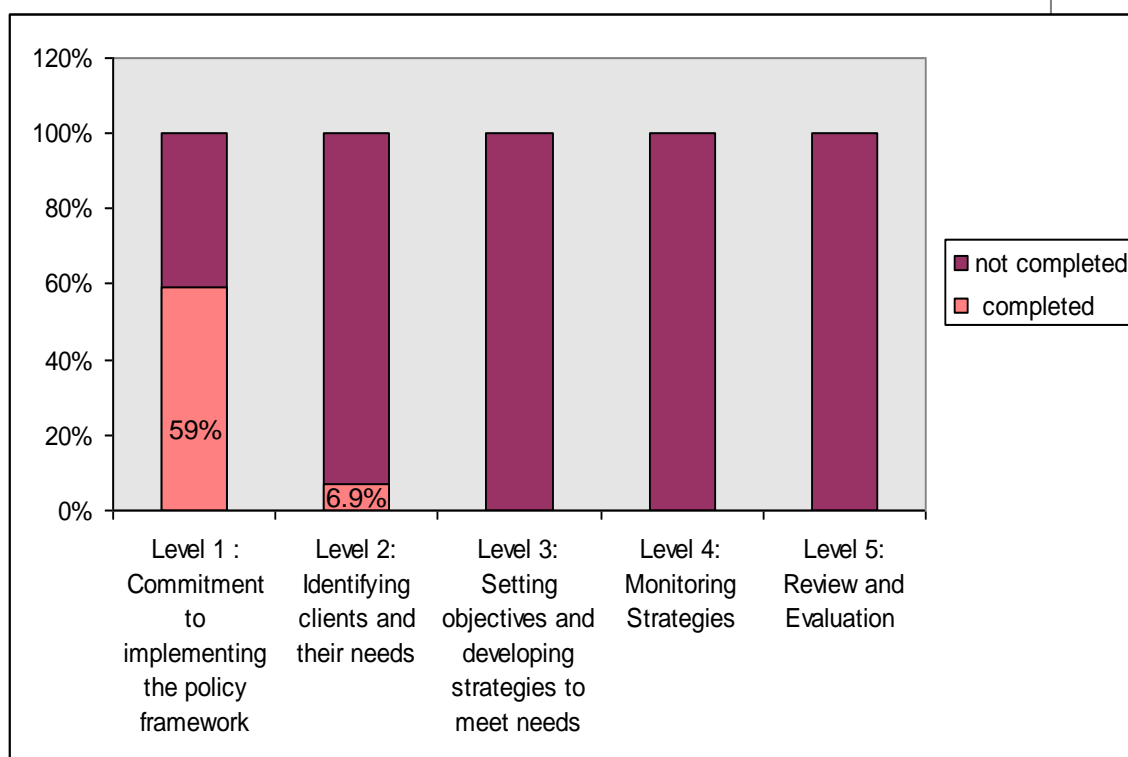
The Commission acknowledges the hard work and positive contribution of departments implementing substantive equality and achieving this level of success. Working together the Commission and State government departments have raised the equality standard in Western Australia by challenging the effects of 'one size fits all' policies, practices and procedures.

The levels contained within the framework are a benchmarking tool to gauge how far departments have come in implementing substantive equality into the everyday functioning of the organisation.

There are five levels to work through and to achieve these departments must show they have a commitment to implementing substantive equality; identify their clients and needs; set objectives and develop strategies to meet those needs; monitor strategies and establish a review and evaluation process.

Progress of participating departments

Table 24: Substantive equality: Collective progress



This chart represents the collective progress of all participating departments within each Level of the Policy Framework. The percentages shown represent the average proportion of the prescribed outcomes achieved by all departments within Levels 1 to 5. The outcomes for Level 1 and Level 2 only are shown below as this represents the current status of all Departments in implementing the Policy Framework.

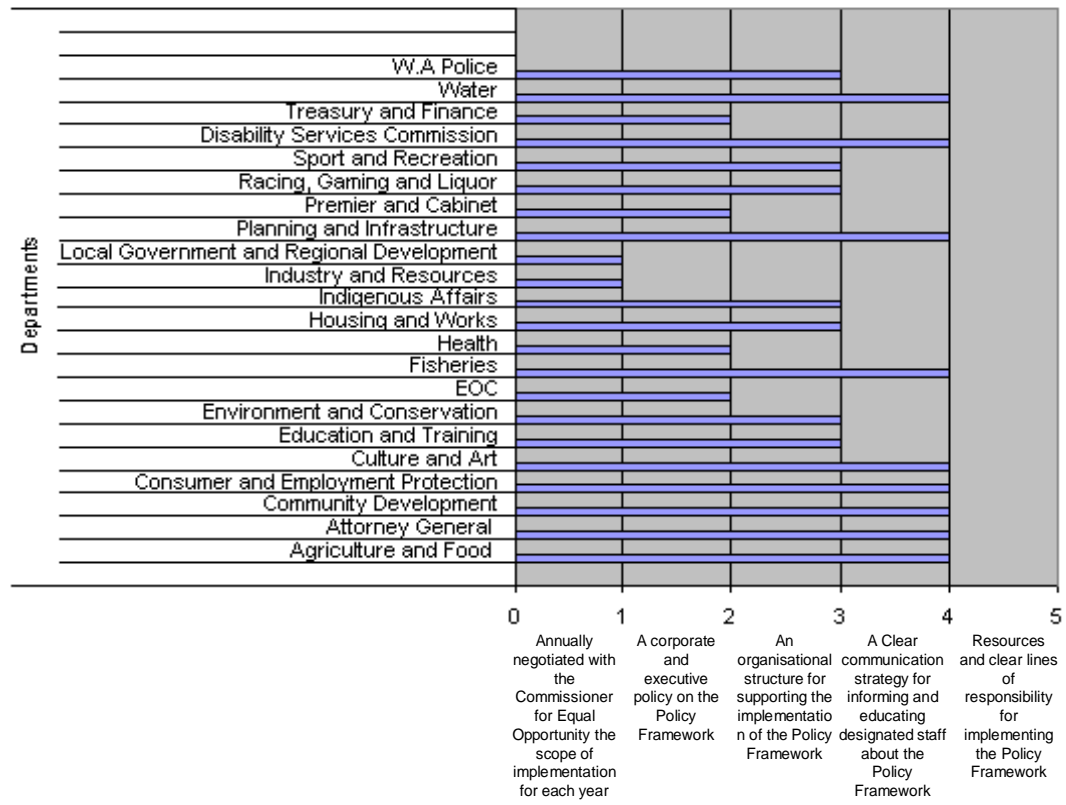
In relation to Level 1, these outcomes refer to achievement of:

1. The scope of implementation for each year negotiated annually with the Commissioner for Equal Opportunity
2. A corporate and executive policy on the Policy Framework
3. An organisational structure for supporting the implementation of the Policy Framework
4. A clear communication strategy for informing and educating designated staff about the Policy Framework
5. Resources and clear lines of responsibility for implementation of the Policy Framework

In relation to Level 2, the outcomes refer to:

1. Effective consultation practices for Indigenous and ethnic groups as standard procedure
2. A clear understanding of the range of differences within and between Indigenous and ethnic groups
3. A clear understanding of service needs and barriers to service provision for Indigenous and ethnic groups
4. Assessed policies that impact on service delivery to identify unmet need and any adverse impact on different Indigenous and ethnic groups
5. Increased awareness and understanding of the needs of different Indigenous and ethnic groups amongst designated staff.

Table 25: Substantive equality: Progress towards Level 1



The table above demonstrates how far each participating department has progressed through Level 1. Each of the outcomes for Level 1 that have been achieved by each of the departments and reported to the SEU are identified.

As shown, 18 of the 24 participating departments have achieved the first three outcomes for Level 1: negotiated the scope for implementation; developed an agency wide policy for substantive equality; and established the organisational structures to facilitate implementation of the *Policy Framework*. Some departments such as the Equal Opportunity Commission have established co-ordinators for the role of implementing the Policy Framework but have yet to fully establish the necessary organisational structure.

On the other hand, in general departments are yet to set up a clear and comprehensive communication strategy and dedicate the necessary resources required to sustain the continued implementation of the Policy Framework.

Table 26: Substantive equality: Needs and Impact Assessments

Assessed policies that impact on services to identify unmet need and any adverse impact on different indigenous and ethnic groups



Table 26 illustrates the progress each of the departments has made against the fourth outcome for Level 2: to evaluate all policies, practices and procedures within the negotiated service area for their capacity to identify and address the needs of Indigenous and ethnic minorities.

Advancement against achieving outcome four of Level 2 was represented in terms of each Department’s progress in conducting the initial screening of the Needs and Impact Assessments. Specifically, this included whether Departments had commenced the initial screening, were currently undertaking the initial screening, or had completed the initial screening.

Progress against achieving the fourth outcome for Level 2 has been specifically reported against, as conducting the initial screening constituted the principal and prerequisite element of level 2. This is because the initial screening forms the basis for identifying areas in which the systems of the nominated service area or function need to be improved or developed.

Departments have made substantial progress in undertaking the initial screenings. This is particularly noteworthy given the depth of information gathering and analysis required in order to identify potential gaps in the service area nominated for implementation.

Special Projects

Review of the *Equal Opportunity Act 1984*

The Western Australian *Equal Opportunity Act 1984* celebrated the 20th anniversary of its enactment in late 2005. In early 2006 the first comprehensive review of this Act was started.

The Act was intended to meet Western Australia's obligations under various International Covenants and Conventions to which Australia is a signatory including:

- The UN Convention on the Elimination of all forms of discrimination against Women
- The ILO Convention concerning discrimination in employment and occupation
- The ILO Convention on workers with family responsibilities
- The International Covenant on civil and political rights
- The UN Convention on the elimination on all forms of racial discrimination

When the Act became law in 1985 it outlawed discrimination on the basis of:

- Sex and sexual harassment
- Pregnancy
- Race
- Religious and political conviction
- Marital status

In 1988 the Act was widened to include physical and mental impairment. Racial harassment was also outlawed in this year. It was also made unlawful to discriminate on the basis of spent convictions and the Equal Opportunity Commission was given the task of dealing with complaints relating to this.

In 1992 the grounds of family responsibility, family status and age were added as grounds of complaint.

In 2002 wide ranging changes were made to the Act outlawing discrimination on the basis of sexual orientation and gender history.

In 2005 amendments to the *Criminal Code* strengthened provisions relating to racist harassment and incitement to racial hatred. These matters constitute criminal offences and complaints are made to the police for investigation. The government has indicated that it intends to add racial vilification as a ground for complaint under the *Equal Opportunity Act 1984*.

Some other States have grounds not currently covered by the WA Equal Opportunity Act 1984, including:

- Breastfeeding
- Vilification on the ground of homosexuality/sexual orientation
- Religious vilification
- Public acts that vilify or express hatred of or contempt for those infected or believed to be infected with HIV/AIDS.
- Potential pregnancy i.e. that a woman may become pregnant
- Participation in industrial activity
- Membership or non-membership of an association or organisation of employers and employees
- Irrelevant criminal record
- Irrelevant medical record
- Profession trade or calling
- Physical features
- Gender identity

In almost all States various forms of discrimination are outlawed in most areas of public life such as employment, education, the provision of goods and services, accommodation, access to places and vehicles, in clubs, in the provision of insurance and superannuation and in the disposal of land.

However for some grounds in the WA Act, discrimination is outlawed in a narrower range of areas than others. For example it is unlawful to discriminate on the grounds of sex or race in the provision of goods and

services but not on the ground of family responsibilities. Likewise, in many States and Territories, and in the Commonwealth, it is unlawful to sexually harass a person in a wide range of areas, including the provision of goods and services and clubs. Under the WA Act, these areas are limited to employment, education, and accommodation.

Similarly there are exemption provisions which make behaviour that would be unlawful, lawful in certain circumstances.

For example insurance companies may discriminate in the terms and conditions of the policies they offer provided this is based on actuarial data or statistics.

Similarly educational institutions established for religious purposes are permitted to discriminate (in for example the hiring and firing of staff) if the discrimination is done in good faith to avoid injury to the religious susceptibilities of adherents of that religion or creed.

Remedies

The primary remedy provided by the *Equal Opportunity Act 1984* is to seek a conciliated confidential settlement to which both parties agree.

Examples of matters frequently contained in these agreements are:

- an apology
- an undertaking to change a policy or practice
- training
- compensation for lost wages and/hurt and humiliation; or
- re-instatement in a position.

Should a matter not settle in the Commission it may be referred to the State Administrative Tribunal (SAT). The Act currently has a limit for damages of \$40,000. If a matter involves loss of wages that potentially exceed this limit it is common for these complaints to be referred to the national body – the Human Rights and Equal Opportunity Commission (HREOC) – for conciliation.

Potential areas of change

In addition to the grounds listed above complaints frequently sent to the EOC and which cannot currently be dealt with include:

- bullying, particularly at work
- discrimination on the ground of irrelevant medical record.

Should all grounds be outlawed in all areas?

- Is there a need to review the exemptions available under the Act? For example single sex clubs are currently exempt from the Act, as are voluntary bodies.
- Are the remedies available under the Act sufficient to redress acts of unlawful discrimination?

Written submissions were requested, with the closing date for submissions being May 31, 2006.

Report into the Review of the *Equal Opportunity Act 1984*

The report was submitted to the Attorney General in late May 2007 and recommended major changes to the *Equal Opportunity Act 1984*.

The review attracted nearly 600 individual and 90 organisational submissions.

The review recommends introducing a number of new grounds of unlawful discrimination, including breastfeeding, bullying, irrelevant criminal or medical record, as well as making vilification based on a person's disability or sexual orientation unlawful.

The review also recommends that discrimination on all grounds covered in the Act, both now and in the future, should extend to all areas covered by the Act and that the definition of 'employment' be extended to include unpaid and voluntary workers, or vocational placement by an educational or training authority.

In an Australian-first, the review also recommends the introduction of a 'gender duty' on public employers to promote equality between the sexes in public employment – similar to legislation that came into effect in the United Kingdom this year.

A copy of the Review of the *Equal Opportunity Act 1984* Report can be downloaded from the Commission's website at: <http://www.equalopportunity.wa.gov.au/pdf/revieweoact.pdf>.

Where to from here?

The report into the review of the *Equal Opportunity Act 1984* is now with the Attorney General and Cabinet will consider the report's recommendations with amendments to the Act expected to be announced later in the year.

Finding a Place – The Housing Rights Project

The Commission released its *Finding a Place* 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 report *Finding a Place*, plus an accompanying video and DVD contained 165 recommendations.

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.

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

Housing inquiry implementation and monitoring group

During 2006/07 the Housing Inquiry Implementation and Monitoring Committee (HIC) met bi-monthly at the Department of Indigenous Affairs. These meetings utilised video conferencing technology to link up with committee members in remote locations throughout the State such as Kununurra, Port Hedland, Roebourne, Katanning and Albany.

Organisations represented on the committee are:

- Aboriginal Legal Service
- Community & Public Sector Union Civil Service Association of WA
- 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 Inquiry Implementation Program
- Indigenous Women's Congress
- Jackaranda Community Centre
- Kalgoorlie Indigenous Advocates
- Katanning Aboriginal Corporation
- Kimberley Community Legal Service
- Noongar Mia Mia
- Tenants Advice Service (WA) Inc
- Perth – community representative
- Perth – Housing Inquiry Reference Group
- Port Hedland – community representative

- Roebourne – Women for Stronger Communities
- Shelter WA
- Telethon Institute for Child Health Research; and
- WACOSS

Finding a place action plan

In July 2006 the Department of Housing and Works (DHW) published, and placed on its website, the Finding a Place Action Plan, a plan that grouped the inquiry's 165 recommendations into three themes (below) and 24 items or clusters of recommendations:

- 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.

To view the *Finding a Place* Action Plan visit the Commission website at www.eoc.wa.gov.au then link to Housing.

Action plan – outcomes

- DHW's regional office staff have been provided with a comprehensive training plan that incorporates an understanding of systemic discrimination.
- Regional DHW offices are provided with regular updated policies, with regular training to be provided to all staff on policies and policy changes.
- Aboriginal people can now take advantage of special provisions in terms of the department's criteria for proof of identity.
- A number of DHW's policies have been changed to address the circumstances of tenants who may face life-threatening situations. These include the department's domestic and family violence, eligibility relating to applicants with a debt and the discretionary decision making policies.
- The department endeavours to ensure the principles of natural justice are adhered to in all its dealings with clients and if a tenant disagrees with a charge they have the option of appealing.
- DHW conducts annual inspections and endeavours to visit each tenant twice a year. Inspections will only occur more frequently where there are specific issues such as property standards or maintenance that needs to be resolved at the request of the tenant themselves.
- The department has installed a new complaints management system.
- The department takes the in-going condition of the property into account at the time of occupation, and subsequent fair wear and tear; and
- Aboriginal Tenant Support officers have been placed in some regional offices.

The Housing Rights Project

In late 2006 funds were secured for a *Housing Rights Project* 'the Project' from the multilateral Indigenous funding pool administered by the Department of Indigenous Affairs (DIA) under guidance from the Department of Treasury and Finance.

The Project, a partnership between the Equal Opportunity Commission and the Department of Housing and Works will continue for several years, with Equal Opportunity Commissioner Yvonne Henderson and DHW Director General Bob Mitchell meeting six weekly.

The Project is primarily focused on improving public housing services to Indigenous people throughout Western Australia.

The Equal Opportunity Commission/Department of Housing and Works partnership gained momentum in 2007 through the substantive equality approach, which broadened the scope of policy and action to include all peoples from culturally and linguistically diverse backgrounds, including Indigenous Australians.

A Consultant was out-posted to the Commission from the Department of Indigenous Affairs in 2005. This position evolved into the position of *Housing Rights Project* manager in 2007.

Outcomes

- Establishment of six weekly meetings between heads of Commission and DHW
- The Housing Rights Project, the Commission's Substantive Equality Unit and DHW's Social Inclusion Unit progress towards integration by the end of 2007
- DHW letters to clients start to produced in 'plain English' for low literacy tenancy and applicants
- Work started on resolving issues associated with statute-barred debt, which will be finalised in 2007. This will mean no debt older than six years will be pursued by DHW.
- The Commission helped DHW with its change management process so staff could better handle diverse clients, to ensure they were dealt with in a fair and balanced manner
- DHW started a redesign and rewrite of its operational policy manual, keeping in mind the principles of the Finding a Place Action Plan and Report
- DHW has started the process of streamlining its communication process to better target Aboriginal clients and those from culturally and linguistically diverse backgrounds
- DHW as started to apply substantive equality principles to appeals raised against the department by clients
- DHW have agreed to change the way the process appeals to increase fairness and equity to its clients
- DHW has begun to change the 'caretaker' housing rental information system to better identify clients with special needs such as low literacy and other relevant customer service information
- The Commission was instrumental in shaping the position taken by DHW and Curtin University's Review of Housing Services. This will result in priority assistance being offered to more people in most need, such as Aboriginal families.

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 DHW. These include:

- maintenance services
- capital works programs
- employment of five regional Aboriginal tenancy advocates
- development of an In Home Practical Support Program
- standardisation of property conditions reports
- improved career structure for Accommodation Managers
- Aboriginal Customer Support Officers to be located in Canning, Fremantle and Mirrabooka offices
- participation in regional Strong Family meetings
- a continuation of the 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.

A second, updated, Joint Statement will be released in 2007/08.

Consultations

Community consultations

Nine (9) regional community-based forums were hosted by the Commissioner to report back on progress following the release of the 2004 report *Finding a Place* into discriminatory practices in the provision of public housing and related services to Aboriginal and Torres Strait Islander people in Western Australia.

These forums were held in Albany, Bunbury, Esperance, Geraldton, Narrogin, Northam and Katanning. Of these, two (2) were followed by workshops for local community members on proposed legislation that will make racially offensive behaviour unlawful.

More forums and workshops are planned for 2007/08.

The 2007 follow-up visits provided valuable information to both the Commission and Department of Housing and Works to help change management processes and provide an avenue for Aboriginal customer feedback on the quality of service being provided by the department.

Information dissemination

The *Housing Rights Project* Consultant held 24 information sessions for Department of Housing and Works staff, involving 470 participants; 21 meetings with senior management from DHW, Curtin University of Technology and City of Mandurah involving 171 participants, and four (4) induction sessions for DHW administrative officers involving 62 staff.

Where to from here?

The Housing Inquiry Implementation and Monitoring Committee will continue to meet bi-monthly and will work to secure progress reports on a regular basis. These reports will be based on DHW developing an internal and external monitoring mechanism that will link with performance indicators to show the level of service improvement. This new process aims to ensure the department's current and future policies, procedures and practices will reduce or eliminate real or potentially indirect or systemic discrimination.

3 SIGNIFICANT ISSUES AND TRENDS

Key issues and trends in 2006/07

- Training courses provided by the Equal Opportunity Commission (EOC) increased overall by nearly 30%. The increase in organisational training courses was mainly due to repeat training sessions requested by organisations.
- Regional outreach training has increased from six sessions in 2006 to 25 in 2007, due to officers including outreach sessions when they visit regional areas to provide fee-for-service training.
- Enquiries and requests for Workplace Culture – Harassment and Bullying sessions have increased.
- Public forums for new and emerging communities about the proposed racially offensive behaviour amendments are being conducted.
- Implementation of the 'Policy Framework for Substantive Equality', endorsed as Government policy, has commenced by conducting a 'Needs and Impact Assessment' to identify systemic barriers to public sector service delivery across 23 government departments. This continues a new strategic direction in public policy to review the effects of practices and/or policies in order to determine their differential impact on clients.
- Significant substantive equality issues identified include the failure to adopt appropriate ethnic descriptors in the collection of data, and the use of descriptors irrelevant to the Australian context to manage and plan services.
- Humanitarian arrivals from African nations represent a rapidly increasing proportion of all humanitarian arrivals. African countries have now replaced the Balkans, which were the focus a decade ago. In 2004-05, 73 per cent of the total number of humanitarian entrants was of African origin, compared with 25 per cent in 2001-02. The Department of Immigration and Citizenship advised in 2005-06 and the foreseeable future, priority for the Australian Humanitarian Program, and therefore the integrated Humanitarian Settlement Scheme, will continue to be Africa.
- There is absence of accredited Interpreting and Translating Services for some new and emerging languages. This unmet demand for appropriate interpreting and translating services is even more evident for Indigenous people. Currently there is no Indigenous interpreter service other than the Kimberly Interpreting Service.

The year ahead

- The Department of Housing and Works (DHW) has entered into a partnership with the Equal Opportunity Commission (EOC) to improve public housing and related services. This work is focused on Aboriginal tenants.
- A major review of housing service delivery being conducted by DHW is dove-tailing with this work, producing changes to the way policy is applied and DHW staff are trained.
- The Housing Inquiry Committee (HIC) chaired by the Commissioner for Equal Opportunity Ms Yvonne Henderson, will continue to meet on a bi-monthly basis to oversee the implementation and monitoring of inquiry recommendations through the EOC and DHW 'Finding a Place' Action Plan.
- On-going review and upgrading of all Commission publications and the Commission's website.
- Publication of a guide for employers on discrimination in pregnancy and work.
- Investigation of the possibility of achieving Registered Training Organisation status with the ability to provide nationally accredited training in a range of training programs.
- Revision of all training programs to include racially offensive behaviour when proposed amendments to the *Equal Opportunity Act 1994* are enacted.
- In consultation with REIWA and REBA, development of training modules in equal opportunity for real estate agents, and principals.

- In consultation with the Taxi Board and the Department of Planning and Infrastructure, development of a training module in equal opportunity for taxi drivers.
- Strategic targeting of minority groups to increase rights-based training in the metropolitan area.
- Selection by Departments of a new service area for implementation of substantive equality.
- Continuation of support services to participating Departments in order to help define and set out how substantive equality and the Needs and Impact Assessment operate. The aim is to transfer findings across Departments and into whole-of-government processes where relevant.
- Assist Departments to review the effects of practices and or policies in order to determine their equality impact including major new initiatives.
- Delivery of specialist sessions on themes relevant to systemic discrimination and substantive equality.
- Development of standards for the accreditation of substantive equality in training to increase the clarity of equal opportunity, its meaning and application to public policy.
- Improvement of data collection in order to better plan for services and reveal inequalities in services to Indigenous and ethnic clients.

4 DISCLOSURES AND LEGAL COMPLIANCE

Financial Statements

COMMISSIONER FOR EQUAL OPPORTUNITY

STATEMENT OF CERTIFICATION

The accompanying financial statements of the Equal Opportunity Commission have been prepared in compliance with the provisions of the Financial Management Act 2006 from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2007 and the financial position as at 30 June 2007.

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

A. Andersson

A Andersson
Chief Finance Officer

11 September 2007

A Macdonald

A Macdonald
A/Commissioner
Accountable Officer

11 September 2007





AUDITOR GENERAL

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

COMMISSIONER FOR EQUAL OPPORTUNITY FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2007

I have audited the accounts, financial statements, controls and key performance indicators of the Commissioner for Equal Opportunity.

The financial statements comprise the Balance Sheet as at 30 June 2007, and the Income Statement, Statement of Changes in Equity, Cash Flow Statement, Schedule of Income and Expenses by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, a summary of significant accounting policies and other explanatory Notes.

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

Commissioner's Responsibility for the Financial Statements and Key Performance Indicators

The Commissioner is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions, and the key performance indicators. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements and key performance indicators that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; making accounting estimates that are reasonable in the circumstances; and complying with the Financial Management Act 2006 and other relevant written law.

Summary of my Role

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements, controls and key performance indicators based on my audit. This was done by testing selected samples of the audit evidence. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion. 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 key 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 key performance indicators.

**Commissioner for Equal Opportunity
Financial Statements and Key Performance Indicators for the year ended 30 June 2007**

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 2007 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions;
- (ii) the controls exercised by the Commissioner provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key 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 2007.



COLIN MURPHY
AUDITOR GENERAL
14 September 2007

COMMISSIONER FOR EQUAL OPPORTUNITY
Income Statement
For the year ended 30 June 2007

	Note	2007 \$	2006 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	6	2,349,057	2,026,755
Supplies and services	7	370,738	345,921
Depreciation expense	8	33,375	36,978
Accommodation expenses	9	272,992	264,633
Loss on disposal of non-current assets	14	3,846	4,271
Other expenses	10	261,503	262,049
Total cost of services		<u>3,291,511</u>	<u>2,940,607</u>
Income			
<i>Revenue</i>			
User charges and fees	11	383,828	240,663
Commonwealth grants and contributions	12	36,281	26,369
Other revenue	13	16,309	1,773
Total income other than income from State Government		<u>436,418</u>	<u>268,805</u>
NET COST OF SERVICES		<u>2,855,093</u>	<u>2,671,802</u>
INCOME FROM STATE GOVERNMENT			
Service appropriation	15	2,798,000	2,727,000
Resources received free of charge		116,361	110,518
Total income from State Government		<u>2,914,361</u>	<u>2,837,518</u>
SURPLUS FOR THE PERIOD		<u>59,268</u>	<u>165,716</u>

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



COMMISSIONER FOR EQUAL OPPORTUNITY
Balance Sheet
As at 30 June 2007

	Note	2007 \$	2006 \$
ASSETS			
Current Assets			
Cash and cash equivalents	25	727,441	504,816
Receivables	17	88,821	83,232
Amounts receivable for services	18	37,000	37,000
Other current assets	19	26,161	11,801
Total Current Assets		<u>879,423</u>	<u>636,849</u>
Non-Current Assets			
Restricted cash and cash equivalents	16	15,000	6,430
Plant and equipment	20	150,845	146,095
Total Non-Current Assets		<u>165,845</u>	<u>152,525</u>
TOTAL ASSETS		<u>1,045,268</u>	<u>789,374</u>
LIABILITIES			
Current Liabilities			
Payables	21	84,020	23,267
Provisions	22	401,182	303,388
Other current liabilities	23	10,276	30,582
Total Current Liabilities		<u>495,478</u>	<u>357,237</u>
Non-Current Liabilities			
Provisions	22	151,129	115,744
Total Non-Current Liabilities		<u>151,129</u>	<u>115,744</u>
Total Liabilities		<u>646,607</u>	<u>472,981</u>
NET ASSETS		<u>398,661</u>	<u>316,393</u>
EQUITY			
Contributed equity	24	313,000	290,000
Accumulated surplus		85,661	26,393
TOTAL EQUITY		<u>398,661</u>	<u>316,393</u>
TOTAL LIABILITIES AND EQUITY		<u>1,045,268</u>	<u>789,374</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 2007

	Note	2007 \$	2006 \$
Balance of equity at start of period		<u>316,393</u>	<u>89,677</u>
CONTRIBUTED EQUITY	24		
Balance at start of period		290,000	229,000
Capital contribution		<u>23,000</u>	<u>61,000</u>
Balance at end of period		<u>313,000</u>	<u>290,000</u>
ACCUMULATED SURPLUS/(DEFICIT)	24		
Balance at start of period		26,393	(139,323)
Surplus/(deficit) for the period		<u>59,268</u>	<u>165,716</u>
Balance at end of period		<u>85,661</u>	<u>26,393</u>
Balance of equity at end of period		<u><u>398,661</u></u>	<u><u>316,393</u></u>
Total income and expense for the period	(a)	<u>59,268</u>	<u>165,716</u>

(a) The aggregate net amount attributable to each category of equity is: surplus \$59,268
(2006: surplus \$165,716)

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 2007

	Note	2007 \$	2006 \$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation		2,760,000	2,689,000
Capital contributions		23,000	61,000
Holding account drawdowns		38,000	34,000
Net cash provided by State Government		<u>2,821,000</u>	<u>2,784,000</u>
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(2,042,779)	(1,784,404)
Supplies and services		(935,975)	(992,261)
GST payments on purchases		(84,788)	(79,623)
Receipts			
Receipts from services		418,703	237,964
GST receipts on sales		38,734	24,044
GST receipts from taxation authority		58,271	59,231
Net cash provided by/(used in) operating activities	25	<u>(2,547,834)</u>	<u>(2,535,049)</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from sale of non-current physical assets		182	3,987
Purchase of non-current physical assets		(42,153)	(67,950)
Net cash provided by/(used in) investing activities		<u>(41,971)</u>	<u>(63,963)</u>
Net increase/(decrease) in cash and cash equivalents		231,195	184,988
Cash and cash equivalents at start of period		<u>511,246</u>	<u>326,258</u>
CASH AND CASH EQUIVALENTS AT END OF PERIOD	25	<u><u>742,441</u></u>	<u><u>511,246</u></u>

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



COMMISSIONER FOR EQUAL OPPORTUNITY
 Schedule of Income and Expenses by Service
 For the year ended 30 June 2007



	Provision of Information		Avenue for Redress		TOTAL	
	2007	2006	2007	2006	2007	2006
	\$	\$	\$	\$	\$	\$
COST OF SERVICES						
Expenses						
Employee benefits expense	1,362,563	1,175,613	986,494	851,142	2,349,057	2,026,755
Supplies and services	206,758	192,917	163,980	153,004	370,738	345,921
Depreciation expense	18,613	20,622	14,762	16,356	33,375	36,978
Accommodation expenses	152,246	147,584	120,746	117,049	272,992	264,633
Loss on disposal of non-current assets	2,145	2,382	1,701	1,889	3,846	4,271
Other expenses	145,838	146,143	115,665	115,906	261,503	262,049
Total cost of services	1,888,163	1,685,261	1,403,348	1,255,346	3,291,511	2,940,607
Income						
User charges and fees	383,828	240,663	-	-	383,828	240,663
Commonwealth grants and contributions	24,852	18,062	11,429	8,306	36,281	26,369
Other revenue	-	-	16,309	1,773	16,309	1,773
Total income other than income from State Government	408,680	258,725	27,738	10,079	436,418	268,805
NET COST OF SERVICES	1,479,483	1,426,536	1,375,610	1,245,267	2,855,093	2,671,802
INCOME FROM STATE GOVERNMENT						
Service appropriation	1,482,940	1,445,310	1,315,060	1,281,690	2,798,000	2,727,000
Resources received free of charge	67,494	64,105	48,867	46,413	116,361	110,518
Total income from State Government	1,550,434	1,509,415	1,363,927	1,328,103	2,914,361	2,837,518
Surplus/(deficit) for the period	70,951	82,879	(11,683)	82,836	59,268	165,716

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



COMMISSIONER FOR EQUAL OPPORTUNITY
 Summary of Consolidated Account Appropriations and Income Estimates
 For the year ended 30 June 2007

	2007 Estimate \$	2007 Actual \$	Variance \$	2007 Actual \$	2006 Actual \$	Variance \$
DELIVERY OF SERVICES						
Item 60 Net amount appropriated to deliver services	2,614,000	2,614,000	-	2,614,000	2,549,000	65,000
Amount Authorised by Other Statutes - Salaries and Allowances Act 1975	184,000	184,000	-	184,000	178,000	6,000
Total appropriations provided to deliver services	2,798,000	2,798,000	-	2,798,000	2,727,000	71,000
CAPITAL						
Item 135 Capital Contribution	23,000	23,000	-	23,000	61,000	(38,000)
GRAND TOTAL OF APPROPRIATIONS	2,821,000	2,821,000	-	2,821,000	2,788,000	33,000
Details of Expenses by Service						
Provision of Information	1,732,000	1,888,163	156,163	1,888,163	1,685,261	202,902
Avenue of Redress	1,247,000	1,403,348	156,348	1,403,348	1,255,346	148,002
Total Cost of Services	2,979,000	3,291,511	312,511	3,291,511	2,940,607	350,904
Less total income other than income from State Government	(185,000)	(436,418)	(251,418)	(436,418)	(268,805)	(167,613)
Net Cost of Services	2,794,000	2,855,093	61,093	2,855,093	2,671,802	183,291
Adjustments ^(a)	4,000	(57,093)	61,093	(57,093)	55,198	112,291
Total appropriations provided to deliver services	2,798,000	2,798,000	-	2,798,000	2,727,000	71,000
Capital expenditure						
Purchase of non-current physical assets	61,000	42,153	(18,847)	42,153	67,950	(25,797)
Repayment of borrowings	-	-	-	-	-	-
Adjustment for other funding sources	(38,000)	(19,153)	18,847	(19,153)	(6,950)	(12,203)
Capital Contribution (appropriation)	23,000	23,000	-	23,000	61,000	(38,000)

^(a) 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

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 Australian Equivalents to International Financial Reporting Standards

General

The Commission's financial statements for the year ended 30 June 2007 have been prepared in accordance with Australian equivalents to International Financial Reporting Standards (AIFRS), which comprise a Framework for the Preparation and Presentation of Financial Statements (the Framework) and Australian Accounting Standards (including the Australian Accounting Interpretations).

In preparing these financial statements the Commission has adopted, where relevant to its operations, new and revised standards and interpretations from their operative dates as issued by the Australian Accounting Standards Board (AASB) and formerly the Urgent Issues Group (UIG).

Early Adoption of Standards

The Commission cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. No standards and interpretations that have been issued or amended but are not yet effective have been early adopted by the Commission for the financial year ended 30 June 2007.

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 the Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB as applied by the Treasurer's Instructions (TI's). Several of these are modified by the Treasurer's instructions to vary the application, disclosure, format and wording.

The Financial Management 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 AASB.

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

(b) Basis of Preparation

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

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

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

(c) Reporting Entity

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

(d) Contributed Equity

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



(e) Income

Revenue Recognition

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

Sale of Goods

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

Rendering of Services

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

Service Appropriations

Service appropriations are recognised as revenues at nominal value in the period in which the Commission gains control of the appropriated funds. The Commission gains control of appropriated funds at the time those funds are deposited into the Commission's bank account or credited to the holding account held at the Department of Treasury and Finance. See note 15 'Income from State Government' for further detail.

Net Appropriation Determination

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the Commission. In accordance with the determination specified in the 2006-2007 Budget Statements, the Commission retained \$436,418 in 2007 (2006: \$268,805) from the following:

- proceeds from the provision of Community Education Services
- proceeds from the provision of services to the Indian Ocean Territories

Grants, Donations, Gifts and other Non-reciprocal Contributions

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

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

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 balance sheet 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) Plant and Equipment

Capitalisation/Expensing of Assets

Items of plant and equipment costing \$1,000 or more are recognised as assets and the cost of utilising assets is expensed (depreciated) over their useful lives. Items of plant and equipment costing less than \$1,000 are recognised as an expense in 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 plant and equipment are initially recognised at cost. For items of plant and equipment acquired at no cost or for nominal cost, the cost is their fair value at the date of acquisition.

Subsequent Measurement

After recognition as an asset, the cost model is used for the measurement of plant and equipment. Items of plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses. See note 20 'Plant and Equipment'.

Depreciation

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

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

Office equipment	10 years
Computers	5 years
Leasehold improvements	10 years



(g) Impairment of Assets

Plant and equipment are tested for any indication of impairment at each balance sheet 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 cost to sell and depreciated replacement cost.

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

See note 3(m) 'Receivables' for impairment of receivables.

(h) Leases

The Commission holds operating leases 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 represents the pattern of benefits derived from the leases.

(i) Financial Instruments

The Commission has two categories of financial instrument:

- loans and receivables (cash and cash equivalents, receivables)
- non-trading financial liabilities (payables)

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

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

(j) Cash and Cash Equivalents

For the purpose of the Cash Flow Statement, cash and cash equivalents include restricted cash and cash equivalents.

(k) Accrued Salaries

The accrued salaries suspense account (see note 16 'Restricted Cash and Cash Equivalents') consists of amounts paid annually into a suspense account over a period of ten financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur instead of the normal 26. No interest is received on this account.

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

(l) Amounts Receivable for Services (Holding Account)

The Commission receives funding on an accrual basis that recognises the full annual cash and non-cash cost of services. The appropriations are paid partly in cash and partly as an asset (Holding Account receivable) that is accessible on the emergence of the cash funding requirement to cover items such as leave entitlements and asset replacement. See also note 15 'Income from State Government' and note 18 'Amounts Receivable for Services'.

(m) Receivables

Receivables are recognised and carried at original invoice amount less an allowance for any uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off. 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. See also note 3(i) 'Financial Instruments' and note 17 'Receivables'.

(n) 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. See also note 3(i) 'Financial Instruments' and note 21 'Payables'.



(o) 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 resources embodying economic benefits is probable and a reliable estimate can be made of the amount of the obligation. Provisions are reviewed at each balance sheet date. See note 22 'Provisions'.

Provisions - Employee Benefits

Annual Leave and Long Service Leave

The liability for annual and long service leave expected to be settled within 12 months after the end of the balance sheet date is recognised and measured at the undiscounted amounts expected to be paid when the liabilities are settled. Annual and long service leave expected to be settled more than 12 months after the end of the balance sheet date is measured at the present value of amounts expected to be paid when the liabilities are settled. Leave liabilities are in respect of services provided by employees up to the balance sheet date.

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.

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 balance sheet date.

This method of measurement of the liability is consistent with the requirements of AASB 119 'Employee Benefits'.

Superannuation

Employees may contribute to the Pension Scheme, a defined benefit pension scheme now closed to new members or the Gold State Superannuation (GSS) Scheme, a defined benefit lump sum scheme also closed to new members. Both schemes are administered by the Government Employees Superannuation Board (GESB).

The Commission has no liabilities for superannuation charges under the Pension or the GSS Schemes as the liability has been assumed by the Treasurer.

Employees commencing employment prior to 16 April 2007 who are not members of either the Pension or the GSS Schemes became non-contributory members of the West State Superannuation (WSS) Scheme. Employees commencing employment on or after 16 April 2007 became members of the GESB Super (GESBS) Scheme. Both of these schemes are accumulation schemes. The Commission makes concurrent contributions to the GESB on behalf of employees in compliance with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. These contributions extinguish the liability for superannuation charges in respect of the WSS and the GESBS 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.

See also note 3(p) 'Superannuation expense'.

Provisions - Other

Employment On-Costs

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as expenses and liabilities when the employment, to which they relate to, has occurred. Employment on-costs are included as part of 'Other Expenses' and are not included as part of the Commission's 'Employee Benefits Expense'. The related liability is included in 'Employment on-costs provision'. See note 10 'Other Expenses' and note 22 'Provisions'.

(p) Superannuation Expense

The following elements are included in calculating the superannuation expense in the Income Statement:

(a) Defined benefit plans - Change in the unfunded employer's liability (i.e. current service cost and, actuarial gains and losses) assumed by the Treasurer 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 (GSS); and

(b) Defined contribution plans - Employer contributions paid to the West State Superannuation Scheme (WSS), GESB Super Scheme (GESBS), and the equivalent of employer contributions to the GSS



(q) **Resources Received Free of Charge or for Nominal Cost**

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

(r) **Comparative Figures**

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

4 Services of the Commissioner for Equal Opportunity

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

The services of 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 respect of human resources and financial services (see 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 Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. Consequently, the Commission has not applied the following Australian Accounting Standards and Australian Accounting Interpretations that have been issued but are not yet effective. These will be applied from their application date:

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 considered to result in increased disclosures, both quantitative and qualitative, of the Commission's exposure to risks, enhanced disclosure regarding components of the Commission's financial position and performance, and possible changes to the way of presenting certain items in the financial statements. The Commission does not expect any 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 2007.

2. 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]'. The amendments are as a result of the issue of AASB 7 'Financial Instruments: Disclosures', which amends the financial instrument disclosure requirements in these standards. The Commission does not expect any 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 2007.

3. AASB 101 'Presentation of Financial Statements'. This Standard was revised and issued in October 2006 so that AASB 101 has the same requirements as IAS 1 'Presentation of Financial Statements' (as issued by the IASB) in respect of for-profit entities. The Commission is a not-for-profit entity and consequently does not expect any 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 2007.

4. AASB 2007-4 'Amendments to Australian Accounting Standards arising from ED 151 and Other Amendments [AASB 1, 2, 3, 4, 5, 6, 7, 102, 107, 108, 110, 112, 114, 116, 117, 118, 119, 120, 121, 127, 128, 129, 130, 131, 132, 133, 134, 136, 137, 138, 139, 141, 1023 & 1038]'. This Standard introduces policy options and modifies disclosures. These amendments arise as a result of the AASB decision that, in principle, all options that currently exist under IFRSs should be included in the Australian equivalents to IFRSs and additional Australian disclosures should be eliminated; other than those now considered particularly relevant in the Australian reporting environment. The Department of Treasury and Finance has indicated that it will mandate to remove the policy options added by this amending Standard. This will result in no impact as a consequence of application of the Standard. The Standard is required to be applied to annual reporting periods beginning on or after 1 July 2007.



5. AASB 2007-5 'Amendment to Australian Accounting Standard - Inventories Held for Distribution by Not-for-Profit Entities [AASB 102]'. This amendment changes AASB 102 'Inventories' so that inventories held for distribution by not-for-profit entities are measured at cost, adjusted when applicable for any loss of service potential. The Department does not have any inventories held for distribution so does not expect any financial impact when the Standard is first applied. The Standard is required to be applied to annual reporting periods beginning on or after 1 July 2007.

6. AASB Interpretation 4 'Determining whether an Arrangement contains a Lease [revised]'. This Interpretation was revised and issued in February 2007 to specify that if a public-to-private service concession arrangement meets the scope requirements of AASB Interpretation 12 'Service Concession Arrangements' as issued in February 2007, it would not be within the scope of Interpretation 4. At balance sheet date, the Commission has not entered into any arrangements as specified in the Interpretation or within the scope of Interpretation 12, 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 2008.

7. AASB Interpretation 12 'Service Concession Arrangements'. This Interpretation was issued in February 2007 and gives guidance on the accounting by operators (usually a private sector entity) for public-to-private service concession arrangements. It does not address the accounting by grantors (usually a public sector entity). It is currently unclear as to the application of the Interpretation to the Commission if and when public-to-private service concession arrangements are entered into in the future. At balance sheet date, the Commission has not entered into any public-to-private service concession arrangements 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 2008.

8. AASB Interpretation 129 'Service Concession Arrangements: Disclosures [revised]'. This Interpretation was revised and issued in February 2007 to be consistent with the requirements in AASB Interpretation 12 'Service Concession Arrangements' as issued in February 2007. Specific disclosures about service concession arrangements entered into are required in the notes accompanying the financial statements, whether as a grantor or an operator. At balance sheet date, the Commission has not entered into any public-to-private service concession arrangements 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 2008.

The following Australian Accounting Standards and Interpretations are not applicable to the Commission as they will have no impact or do not apply to not-for-profit entities:

AASB Standards and Interpretations

AASB 8	'Operating Segments'
AASB 1049	'Financial Reporting of General Government Sectors by Governments'
AASB 2007-1	'Amendments to Australian Accounting Standards arising from AASB Interpretation 11 [AASB 2]'
AASB 2007-2	'Amendments to Australian Accounting Standards arising from AASB Interpretation 12 [AASB 1, AASB 117, AASB 118, AASB 120, AASB 121, AASB 127, AASB 131 & AASB 139]' - paragraphs 1 to 8
AASB 2007-3	'Amendments to Australian Accounting Standards arising from AASB 8 [AASB 5, AASB 6, AASB 102, AASB 107, AASB 119, AASB 127, AASB 134, AASB 136, AASB 1023 & AASB 1038]'
Interpretation 10	'Interim Financial Reporting and Impairment'
Interpretation 11	'AASB 2 - Group and Treasury Share Transactions'

	2007	2006
	\$	\$
6 Employee Benefits Expense		
Wages and salaries ^(a)	1,852,022	1,575,098
Superannuation – defined contribution plans ^(b)	179,055	175,837
Superannuation – defined benefit plans ^{(c)(d)}	-	-
Long service leave ^(e)	119,070	73,959
Annual Leave ^(e)	198,910	201,861
Other related expenses	-	-
	<u>2,349,057</u>	<u>2,026,755</u>

(a) Includes the value of the fringe benefit to the employee plus the fringe benefits tax component.

(b) Defined contribution plans include West State and Gold State (contributions paid).

(c) Defined benefit plans include Pension scheme and Gold State (pre-transfer benefit).

(d) An equivalent notional income is also recognised (see note 20 'Income from State Government').

(e) Includes a superannuation contribution component.

Employment on-costs such as workers' compensation, insurance are included at Note 10 'Other Expenses'. The employment on-costs liability is included at Note 22 'Provisions'.



COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
For the year ended 30 June 2007

7 Supplies and Services		
Goods and supplies	72,742	71,414
Services and contracts	181,635	163,989
Resources received free of charge (note 15)	116,361	110,518
	<u>370,738</u>	<u>345,921</u>
8 Depreciation Expense		
Office equipment and computers	30,203	33,806
Leasehold improvements	3,172	3,172
	<u>33,375</u>	<u>36,978</u>
9 Accommodation Expense		
Building rental operating lease expense	272,992	264,633
	<u>272,992</u>	<u>264,633</u>
10 Other Expenses		
Communication expenses	31,053	43,977
Rates and taxes	16,467	34,057
Printing and binding	28,127	39,749
Equipment and vehicles operating lease expense	6,934	7,407
Electricity and water	13,843	10,139
Insurance	3,086	-
Advertising and promotion	17,232	8,552
Repairs and maintenance	8,143	21,345
Other expenses ^(a)	136,618	96,823
	<u>261,503</u>	<u>262,049</u>
^(a) Includes workers compensation insurance; facilities, equipment and plant hire; bank fees; motor vehicle running costs; freight charges; staff travel and accommodation; and staff training.		
11 User Charges and Fees		
Training course fees	202,744	204,855
Other services provided	181,084	35,808
	<u>383,828</u>	<u>240,663</u>
12 Commonwealth Grants and Contributions		
Grant from Commonwealth - Indian Ocean Territories	36,281	26,369
	<u>36,281</u>	<u>26,369</u>
	2007	2006
	\$	\$
13 Other Revenue		
Seminars and miscellaneous revenue	16,309	1,773
	<u>16,309</u>	<u>1,773</u>
14 Net Gain/(Loss) on Disposal of Non-current Assets		
<u>Costs of Disposal of Non-Current Assets</u>		
Equipment	4,028	8,258
<u>Proceeds from Disposal of Non-Current Assets</u>		
Equipment	182	3,987
	<u>3,846</u>	<u>4,271</u>



COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
For the year ended 30 June 2007

15 Income from State Government

Appropriation received during the year:		
Service appropriations ^(a)	2,798,000	2,727,000
	<u>2,798,000</u>	<u>2,727,000</u>
Resources received free of charge ^(b)		
Determined on the basis of the following estimates provided by agencies:		
Department of the Attorney General	110,385	104,680
Department of Housing & Works		
- notional management fee based on lease payments	5,976	5,838
	<u>116,361</u>	<u>110,518</u>
	<u>2,914,361</u>	<u>2,837,518</u>

^(a) 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.

^(b) Where assets or services have been received free of charge or for nominal cost, the Commission recognises revenue (except where the contributions of assets or services are in the nature of contributions by owners in which case the Commission shall make a direct adjustment to 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.

	2007	2006
	\$	\$
16 Restricted Cash and Cash Equivalents		
<u>Non-current</u>		
Accrued salaries suspense account ^(a)	15,000	6,430
	<u>15,000</u>	<u>6,430</u>

^(a) 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.

17 Receivables

<u>Current</u>		
Receivables	88,684	70,878
GST receivable	137	12,354
	<u>88,821</u>	<u>83,232</u>

18 Amounts Receivable for Services

Current	37,000	37,000
	<u>37,000</u>	<u>37,000</u>

This represents the non-cash component of service appropriations. See note 3(l) 'Amounts Receivable for Services (Holding Account)'. It is restricted in that it can only be used for asset replacement or payment of leave liability.

19 Other Assets

Prepayments	26,161	11,801
	<u>26,161</u>	<u>11,801</u>

20 Plant and Equipment

<u>Office equipment and computers</u>		
At cost	258,422	235,686
Accumulated depreciation	(131,893)	(117,079)
	<u>126,529</u>	<u>118,607</u>
<u>Leasehold Improvements</u>		
At cost	31,717	31,717
Accumulated depreciation	(7,401)	(4,229)
	<u>24,316</u>	<u>27,488</u>
	<u>150,845</u>	<u>146,095</u>



COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
For the year ended 30 June 2007

Reconciliation

Reconciliation of the carrying amounts of property, plant and equipment at the beginning and end of the reporting period are set out below.

Office equipment and computers		
Carrying amount at start of period	118,608	92,721
Additions	42,153	67,951
Disposals	(4,028)	(8,258)
Depreciation	(30,203)	(33,806)
Carrying amount at end of period	<u>126,530</u>	<u>118,608</u>

Leasehold improvements		
Carrying amount at start of period	27,488	30,660
Additions	-	-
Disposals	-	-
Depreciation	(3,172)	(3,172)
Carrying amount at end of period	<u>24,316</u>	<u>27,488</u>

2007 2006

\$ \$

21 Payables

Current

Trade payables	84,020	23,267
	<u>84,020</u>	<u>23,267</u>

22 Provisions

Current

Employee benefits provision		
Annual leave ^(a)	122,430	89,933
Long service leave ^(b)	231,636	177,402
Superannuation on-cost	35,743	27,372
	<u>389,809</u>	<u>294,707</u>

Other provisions: Employment on-costs ^(c)		
Carrying amount at start of period	8,681	8,163
Additional provisions recognised	2,692	518
Carrying amount at end of period	<u>11,373</u>	<u>8,681</u>
	<u>401,182</u>	<u>303,388</u>

Non-current

Employee benefits provision		
Long service leave ^(b)	132,572	101,532
Superannuation on-cost	14,213	10,885
	<u>146,785</u>	<u>112,417</u>

Other provisions: Employment on-costs ^(c)		
Carrying amount at start of period	3,327	3,226
Additional provisions recognised	1,017	101
Carrying amount at end of period	<u>4,344</u>	<u>3,327</u>
	<u>151,129</u>	<u>115,744</u>

^(a) Annual leave liabilities have been classified as current as there is no unconditional right to defer settlement for at least 12 months after balance sheet date.

^(b) Long service leave liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after balance sheet date.

^(c) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including workers' compensation insurance. The provision is the present value of expected future payments. The associated expense is included in note 10 'Other expenses'.

2007 2006

\$ \$

23 Other Liabilities

Accrued salaries due to salary increase	-	20,975
Accrued salaries to balance sheet date	7,746	7,167
Training revenue received in advance	2,530	2,440
	<u>10,276</u>	<u>30,582</u>



COMMISSIONER FOR EQUAL OPPORTUNITY
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For the year ended 30 June 2007

24 Equity

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

Contributed equity		
Balance at start of period	290,000	229,000
Contributions by owners	-	-
Capital contributions ^(a)	23,000	61,000
Balance at end of period	<u>313,000</u>	<u>290,000</u>

^(a) Capital contributions (appropriations) have been designated as contributions by owners in Treasurer's Instruction TI 955 'Contributions by Owners Made to Wholly Owned Public Sector Entities' and are credited directly to equity.

Accumulated surplus(deficit)		
Balance at start of period	26,393	(139,323)
Result for the period	59,268	165,716
Balance at end of period	<u>85,661</u>	<u>26,393</u>

2007	2006
\$	\$

25 Notes to the Cash Flow Statement

Reconciliation of cash

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

Cash and cash equivalents	727,441	504,816
Restricted cash and cash equivalents (see note 16)	15,000	6,430
	<u>742,441</u>	<u>511,246</u>

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

Net cost of services	(2,855,093)	(2,671,802)
Non-cash items:		
Depreciation expense	33,375	36,978
Resources received free of charge	116,361	110,518
Net (gain)/loss on sale of plant and equipment	3,846	(4,271)
(Increase)/decrease in assets:		
Current receivables	(17,806)	(32,072)
Other current assets	(14,360)	(5,167)
Increase/(decrease) in liabilities:		
Current payables	60,753	(37,328)
Current provisions	97,794	23,019
Other current liabilities	(20,396)	28,142
Revenue received in advance	90	1,230
Non-current provisions	35,385	3,508
Net change in GST receivables/payables	12,217	3,654
Net cash provided by/(used in) operating activities	<u>(2,547,834)</u>	<u>(2,543,591)</u>

26 Commitments

Capital expenditure commitments

Capital expenditure commitments, being budgeted capital expenditure additional to the amounts reported in the financial statements, are as follows:

Within 1 year	109,000	114,859
Later than 1 year and not later than 5 years	284,000	306,000
Later than 5 years	392,000	479,000
	<u>785,000</u>	<u>899,859</u>
The capital commitments include amounts for:		
Office Equipment	785,000	899,859

Lease commitments

Commitments in relation to leases contracted for at the balance sheet date but not recognised as liabilities in the financial statements are payable as follows:

Within 1 year	595,843	233,092
Later than 1 year and not later than 5 years	2,589,465	10,977
Later than 5 years	6,518,866	
	<u>9,704,174</u>	<u>244,069</u>
Representing:		
Non-cancellable operating leases	9,704,174	244,069
	<u>9,704,174</u>	<u>244,069</u>



27 Explanatory Statement

Significant variations between estimates and actual results for income and expense as presented in the financial statement titled 'Summary of Consolidated Account Appropriations and Income Estimates' are shown below.

Significant variations are considered to be those greater than 10% or \$20,000.

Significant variances between estimate and actual for 2007 - Total appropriation to deliver services:

	2007 Estimate \$	2007 Actual \$	Variance \$
Provision of Information	1732000	1888163	156,163

This variance relates to \$164,000 funding for the Housing Rights Project that was approved as part of the Indigenous Funding Pool and was not included in the original budget estimates. This is apportioned between Provision of Information and Avenue of Redress.

Avenue of Redress	1247000	1403348	156,348
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In 2005/2006 the Industrial Relations Commission supported a claim to reclassify all the Conciliation Officers from a Level 5 to a Level 6. This resulted in an increase in costs of \$56,000 in 2005/2006 and then \$64,000 in 2006/2007. The balance of the variation resulted from a proportion of the Housing Rights Project monies being related to the delivery of this service.

Significant variances between actuals for 2006 and 2007 - Total appropriation to deliver services:

	2007	2006	Variance
Total appropriations provided to deliver services for the year	2798000	2,727,000	71,000

The variation relates to \$64,000 additional on-going funding that was approved following a decision from the Industrial Relations Commission to reclassify all the Level 5 Conciliators in the Commission to Level 6 Officers. There was also a general cost escalation increase of \$15,000 approved by the Department of Treasury and Finance.

Total Income other than income from State Govt	436,418	268,805	167,613
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The variation is explained as follows: The variance relates to Housing Rights Project related income of \$164,000 received from the Department of Indigenous Affairs. The increase in Commonwealth Grants of \$9,918 during the year was to account for additional monies spent in the 2005/2006 year for training delivered to Cocos/Christmas Island which were recouped in the 2006/2007 year. The increase in other services provided is due to legal action taken to impose penalties on business who broke equal opportunity law.

Service Expenditure

	2007	2006	Variance
Provision of Information	1888163	1685261	202,902

The Housing Rights Project secured additional funding of \$164,000 which allowed the temporary appointment of two additional staff to progress the project. Difficulties in finding suitable persons through the normal recruitment process resulted in increased costs in temporary staff and consultants of \$35,000 during the year. Rental costs were higher than expected as the Commission is supposed to have had rent free period since February 2006 which was negotiated as part of the new lease, however rent was still be charged and the matter is yet to be resolved and the monies recredited to the Commission. This accounts for \$114,000 approximately.

Avenue of Redress	1403348	1255346	148,002
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The reclassification of the Conciliators from Level 5 to Level 6 increased salary costs by \$64,000 in the 2006/2007 year. The decision was retrospective and so the back pay for the 2005/2006 year increased costs for the 2006/2007 year. As explained above, timing problems with the recoup of salary costs of the secondees as the home agency continues to pay the salary costs for the absent person accounts for approximately 3 months salary and on costs for a Level 8 Officer which equates to \$31,000. Additional resources were required to be put in place to manage the workload of a staff member on extended leave, and the associated costs were estimated to be \$15,000 for approximately three months of a Level 6.1(part-time). The balance of the variation resulted from a proportion of the Housing Rights Project monies being related to this service.

Significant variances between estimate and actuals for 2007 - Capital Contribution:
 No significant variances.

Significant variances between actuals for 2006 and 2007 - Capital Contribution:

	2007	2006	Variance
	23,000	61,000	(38,000)

The Commission's capital program is based on the rolling replacement of assets. The variation results from different equipment being replaced each year. In 2005/2006 there were 26 desktop computers



28 Financial Instruments

(a) Financial Risk Management Objectives and Policies

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

Credit Risk

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 and cash equivalents are non-interest bearing, and it has no borrowings.

(b) Financial Instrument Disclosures

Interest Rate Risk Exposure

The following table details the Commission's exposure to interest rate risk as at the balance sheet date:

	Weighted average effective interest rate	Variable interest rate	Fixed interest rate maturities			Non interest bearing	Total
			Within 1 year	1 to 5 years	More than 5 years		
2007	%	\$	\$	\$	\$	\$	\$
Financial assets							
Cash and cash equivalents						727,441	727,441
Restricted cash and cash equivalents						15,000	15,000
Receivables						88,821	88,821
Amounts receivable for services and Other current assets						37,000	37,000
						26,161	26,161
						894,423	894,423
Financial liabilities							
Payables						84,020	84,020
						84,020	84,020
Net financial assets/(liabilities)						810,403	810,403
2006							
Financial assets							
Cash and cash equivalents						504,816	504,816
Restricted cash and cash equivalents						6,430	6,430
Receivables						83,232	83,232
Amounts receivable for services Other current assets						37,000	37,000
						11,801	11,801
						643,279	643,279
Financial liabilities							
Payables						23,267	23,267
						23,267	23,267
Net financial assets/(liabilities)						620,012	620,012

Net Fair Values

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



29 Remuneration of Senior Officers

Remuneration

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

\$	2007	2006
30,001 - 40,000	-	1
40,001 - 50,000	-	-
60,001 - 70,000	-	1
70,001 - 80,000	-	1
80,001 - 90,000	-	2
90,000 - 100,000	2	1
100,001 - 110,000	-	1
110,001 - 120,000	3	-
180,001 - 190,000	-	-
190,001 - 200,000	-	1
200,001 - 210,000	1	-
Total remuneration of senior officers:	<u>\$739,887</u>	<u>\$734,524</u>

The total remuneration includes the superannuation expense incurred by the Commission in respect of senior officers.

No senior officer was a member of the Pension Scheme during the financial year (2006: nil).

30 Remuneration of Auditor

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

Auditing the accounts, financial statements and performance indicators	<u>\$17,000</u>	<u>\$19,000</u>
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The expense is included in note 7 'Supplies and Services'.

31 Supplementary Financial Information

- There was no public property written off by the Commission during the financial year (2006: nil).
- There were no losses of public moneys, public and/or other property through theft, default or other causes during the financial year (2006: nil).
- There were no gifts of public property provided by the Commission during the financial year (2006: nil).

32 Contingent liabilities and contingent assets

- There were no contingent liabilities or contingent assets as at 30 June 2007.

33 Events occurring after the balance sheet date

- There were no events occurring after the balance sheet date.

34 Related bodies

- The Commission had no related bodies during the financial year.

35 Affiliated bodies

- The Commission had no affiliated bodies during the financial year.

	2007 \$	2006 \$
36 Commonwealth Grant - Indian Ocean Territories		
Balance at start of period	(11,282)	9,130
Adjustment to opening balance	<u>(11,282)</u>	<u>9,130</u>
Receipts		
Commonwealth grants	36,281	26,369
Other income		
Payments		
Operating costs ⁽¹⁾	<u>(25,093)</u>	<u>(46,781)</u>
Balance at end of period	<u>(94)</u>	<u>(11,282)</u>

⁽¹⁾ Prior year operating costs have been amended to reflect more accurate cost of providing services



Performance Indicators

Performance Indicators

Certification of Performance Indicators for the year ended June 30, 2007

COMMISSIONER FOR EQUAL OPPORTUNITY
CERTIFICATION OF PERFORMANCE INDICATORS
FOR THE YEAR ENDED JUNE 30, 2007

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, 2007.



Allan Macdonald
A/COMMISSIONER FOR EQUAL OPPORTUNITY

September 12, 2007



Government Goal

Enhancing the quality of life and wellbeing of all people throughout Western Australia by providing high quality, accessible services.

The Commissioner for Equal Opportunity is responsible for the provision of information on equal opportunity and human rights issues as well as avenues of redress to individuals who experience unlawful discrimination as set out in the Equal Opportunity Act 1984.

Desired outcomes

The outcomes established by 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 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.

The efficiency indicators measure the cost of providing these services.

Effectiveness indicators

The extent to which the Western Australian community is aware of, recognises and accepts the Act is assessed by conducting surveys every three years to ascertain community attitudes to equal opportunity. Clients of the Commission's education and training programs are also surveyed to measure their satisfaction with the service.

Effectiveness indicators also include the provision of redress for people alleging unlawful discriminatory behaviour through conciliation and provision of legal assistance.

Public awareness, recognition and acceptance

Between November 3 and November 15, 2006, Patterson Market Research undertook a Survey of Community Awareness across Western Australia to assess public levels of awareness and views of the Act and its provisions as well as levels of community concern for equal opportunity and human rights issues.

This survey is now in its fourth wave, previously conducted in 1997, 2000 and 2003.

Results of the surveys 2000 – 2006 are summarised in Table 27 below.

The methodology comprised a telephone survey of a random sample of the adult population and a total of 410 interviews were completed, 306 of which were in the metropolitan area (population size 1,361,250) and 104 country areas (population size 370,055) at an error rate of $\pm 4.9\%$ at the 95% level of confidence. The population was based on the 2001 ABS Census data. The response rate is 19% being the proportion of interviews achieved from the total contact calls.

The following tables show the results for the whole of Western Australia, as well as the Perth metropolitan region.

Table 27: Community survey of public awareness

Proportion of the public:	2000 Survey Perth %	2000 Survey Kimberley %	2003 Survey Perth %	2003 Survey Whole of WA %	2006 Survey Perth %	2006 Survey Whole of WA %
Who had heard of the Act	73.0	68.0	84.1	82.2	77.5	76.8
Who recognised one or more grounds of discrimination	81.0	82.1	84.1	82.2	91.6	88.6
Who believed that people are generally very or quite concerned about equal opportunity issues	54.0	56.0	57.7	56.2	43.1	46.1
Who were generally very or quite concerned about equal opportunity issues	67.0	66.0	71.4	70.5	64.7	63.4
Who believe that it is of benefit to have Act that deals with discrimination	92.0	87.0	93.4	93.0	93.8	91.7

The community survey found that more than three-quarters of the WA community has heard of the Equal Opportunity Act. The trend of awareness of the Act has gradually increased since 1997 (71%) when the survey was first conducted, with a sharp increase in 2003 following the introduction of amendments to the Act to make unlawful discrimination on the ground of sexual orientation which attracted extensive media attention. This argument is supported by consistent findings in all surveys that the major source of information about equal opportunity is the mass media¹.

Respondents showed a decrease in concern for human rights issues and are less optimistic about general community concern.

Belief in the benefit of the Act remains high, although slightly lower than in the 2003 survey.

Employers' and employees' acceptance of the Act

Of the complaints received by the Commission, almost two thirds relate to work or employment. Increasing the rate of awareness and acceptance of equal opportunity issues in workplaces continues to be a major focus of the Commission.

In the last year 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 18.6.% to 23.1% as shown in Table 28 below.

¹ In 2006 64% of respondents had recently heard something about equal opportunity in either the electronic (radio or TV) or West Australian; 2003 - 47%, 2000 - 64%, 1997 - 68%

Table 28: Employers' acceptance of the Act

Employer Respondents	2003/04	2004/05	2005/06	2006/07
	%	%	%	%
Employer respondents who have revised their policies and/or implemented equal opportunity programs	30.6	10.0	18.6	23.1

Employee's acceptance of the Act and equal opportunity is also assessed by the extent to which participants who attended training courses state they would recommend the Commission's training to others and whether 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, which are continuously reviewed in the light of participant feedback.

In summary:

- The proportion of training participants who would recommend the Commission's training courses to has increased; and
- There was a small increase in the number of participants who indicated they would use what they had learnt at work or in their daily life.

Table 29: Employees' acceptance of the Act

Training Participants	2003/04	2004/05	2005/06	2006/07
	%	%	%	%
Participants who would recommend the Commission's training courses.	96.5	95.8	96.7	97.0
Participants who stated that they would be able to use what they have learnt at work or their daily life.	95.5	97.5	98.0	98.1

Conciliation 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 an effective means of resolving complaints of unlawful discrimination. During 2006/07 the Commission handled 853 complaints. Table 30 below shows the proportions of complaints which are conciliated or referred. The outcomes of cases not resolved by conciliation or referral are detailed in Table 31.

Table 30: Rates of conciliation and referral of complaints

Rates of conciliation and referral to the Tribunal	2003/04	2004/05	2005/06	2006/07
	%	%	%	%
Proportion of closed complaints conciliated	21.7	31.7	32.9	33.4
Proportion of closed complaints referred to the State Administrative Tribunal	15.1	18.4	29.2	24.8

The number of complaints that were conciliated or referred to the Tribunal during 2006/07 was 160 and 119 respectively. During this period the decline in the number of lapsed complaints continued (see Table 31 below). The proportion of conciliated complaints remained much the same but there has been a small decline in the proportion of complaints referred to the Tribunal compared to in last year.

During the 2006/07 financial year:

- 33.4% of closed complaints were conciliated
- 89.3% of conciliated complaints were settled through conciliation conferences; and
- the average time taken to reach a conciliation conference was 5.0 months.
- 79.2% of cases referred to the Tribunal were settled through mediation.

Table 31: Outcomes of remaining closed complaints

Details of Remaining Complaints	2003/04	2004/05	2005/06	2006/07
	%	%	%	%
Lapsed	51.8	22.9	14.1	14.0
Dismissed	5.5	10.4	9.1	11.3
Withdrawn	5.9	16.6	14.7	16.5

The percentage of lapsed complaints has decreased in recent years due to policy changes in complaint handling practices. This has led to a reduction in the time taken hold a conference and consequently to close complaints.

Legal assistance as a means of redress

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.

Table 32: Settlement rate of cases referred to the State Administrative Tribunal

Settlement rate of cases referred to the State Administrative Tribunal	2003/04 %	2004/05 %	2005/06 %	2006/07 %
Settlement rate	67.7	75.9	70.7	79.2

In 2006/07 there was an 8.5% increase in the settlement rate of cases referred to the Tribunal.

Efficiency indicators

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 33 provides the average cost of training, enquiries, policy advice and review, and publications.

**Table 33: Average cost of information provision
2003/04 to 2006/07**

	2003/04 \$	2004/05 \$	2005/06 \$	2006/07 \$	Budget 2006/07 \$
Average cost per presentation/seminar/workshop	3,027.20	2,224.56	2,025.00	1,690.90	2,074.00
Average cost per enquiry	83.87	88.24	105.00	130.13	100.00
Average cost per policy advice and review	1,258.68	2,343.84	1,056.00	956.42	1,215.00
Average cost per publication	14,522.66	6,542.33	7,279.00	10,026.24	5,226.00

There was an overall increase of 34% in the number of presentations, from 288 in 2005/06 to 386 in 2006/07, reducing the average cost accordingly.

The increase in the average cost per enquiry is due to a decrease in number of enquiries from 3257 in 2005/06 to 2959 in 2006/07. This could be accounted for by the increasing use of the website. The Commission's website received 40,259 unique visitors in 2006/07 compared with 36,371 in the 2005/06 financial year. Because of this the budgeted amount of \$100 per enquiry was exceeded.

Policy advice and reviews are requests received from individuals and organisations such as draft replies for the Minister, submissions on government policies, legislation reviews and papers presented by the Commissioner.

The number of policy advice and reviews increased again this year from 505 to 669 – and increase of 32.5%. Consequently the budget amount was in excess of the actual cost per policy advice achieved.

The number of publications produced in 2006/07 was 21, compared with 31 the previous year. The new materials included three new booklets in addition to the updating of existing brochures. Materials were also produced in community languages on workplace bullying and amendments to the Act relating to racially offensive behaviour. While a reduced number of publications were released, each was a substantial work, in contrast to the small format brochures which were published in 2005/06, resulting in a higher cost per item.

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 34 below provides details of the average cost per complaint handled and the average cost per case referred by the Commissioner to the Tribunal.

Table 34: Average cost per complaint and per case referred by the Commissioner to the Tribunal

	2003/04	2004/05	2005/06	2006/07	Budget 2006/07
	\$	\$	\$	\$	\$
Average cost per complaint	923.38	1,042.83	1,364.00	1,257.74	1,025.00
Average cost per case referred to the Tribunal by the Commissioner	2,375.57	3,089.66	3,177.00	3,934.63	2,885.00

The decrease in the average cost per complaint is due to an increase in the number of complaints handled from 701 in 2005/06 to 853 in 2006/07. The change in definition of accepted complaint increased handling costs of complaints therefore exceeding the budgeted amount.

The average cost per case referred to the Tribunal increased due to a decrease in the number of complaints referred, down from 94 in 2005/06 to 84 in 2006/07. The cost per case has exceeded the budget for the same reason.

Other Financial Disclosures

Employees by category

**Table 35: Staff Profile by gender and salary
2006/07**

2006/2007			
Salary Range	Female	Male	Total
\$0 - \$38,660	2	0	2
\$38,661 - \$44,542	5	0	5
\$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	8	2	10
\$75,659 - \$85,692	3	1	4
\$85,693 - \$98,179	1	2	3
\$98,180 - \$111,508	0	0	0
>\$111,509	1	0	1
Total	25	9	34

Staffing policies, including recruitment and staff development

The Commission complies with the Public Sector Standards in respect of staffing policies, recruitment and staff development. The Commission's human resource management principles have adequate checks in place to ensure compliance requirements are met. Not applications or claims for breach of standards were received during the reporting year.

Industrial relations

The Commission has established a Joint Consultative Council to facilitate effective communication of issues of concern to staff. The JCC comprises representatives from management and union members and has commenced meeting on a regular basis.

Workers compensation claims, prevention of occupational injuries and illnesses and the rehabilitation of injured and sick employees

No worker's compensation claims were lodged during the reporting year.

Staff elections were held for occupational health and safety officers, as well as three first aid officers, who all attended training during the year. A WorkSafe inspection identified a number of issues of concern which have been or are being addressed.

Other legal requirements

Advertising

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 the Table below:

**Table 36: Advertising and sponsorship
2006/07**

1. Total expenditure for 2006/07 was \$13,648.50			
2. Expenditure was incurred in the following areas			
Item	Cost	Provider	Total Cost
Advertising Agencies	Nil	Nil	Nil
Market Research Organisations	Nil	Patterson Market Research	\$9,330.00
Polling Organisations	Nil	Nil	Nil
Direct Mail Organisations	Nil	Nil	Nil
Media Advertising Organisations		Marketforce Advertising Ltd	\$1,083.68
		Telstra White Pages	\$3,150.00
		Print Black	\$681.82

Disability access and inclusion plan outcomes

The Commission is committed to ensuring that people with disabilities, their families and carers have access to and are included in its services. The Commission's Corporate Executive is developing a five year plan, based on the six key outcomes set out in the Disability Services Act 2004, and has commenced some initiatives to improve access and inclusion for people with disabilities. Details of progress are set out below.

Six key outcomes:

- *People with disabilities have the same opportunities as other people to access the services of, and events organised by the Commission.*
Any members of the public or staff with a disability have an equal opportunity to participate in events conducted by the Commission.
- *People with disabilities have the same opportunities as other people to access the buildings and other facilities available.*
The layout of the offices and the facilities, are currently being reviewed, particularly the reception and entry, to ensure that the needs of people with disabilities are met as far as practicable. The building has a lift designed for persons with disabilities and the ground floor is at the same level as St Georges Terrace to assist easy access. There are disabled car parking bays, with lift access to the offices of the Commission and were no formal complaints received during the year about provision of appropriate facilities or access to services by the Commission.
- *People with disabilities receive information in formats that will enable them to access the information as readily as other people are able to access it.*
Whenever possible the Commission strives to publish all documents in plain English. A review of all publications was undertaken, to this end, in 2004-05. Publications are available in alternative formats on request and this information will be provided in all new publications. Information published on the Commission's website can be viewed and printed in alternative formats. The provision of digital sound files on the website is being currently assessed.
- *People with disabilities receive the same level and quality of service from staff as other people receive.*
The services provided by the Commission have been adapted to reduce barriers to people with disabilities through better access and the availability of information in various formats on request. In-house training sessions have raised the awareness and skills of staff in relation to their obligations in dealing with people with disabilities.
- *People with disabilities have the same opportunities as other people to make complaints to the Commission.*
Any member of the public with a disability has an equal opportunity to make a complaint to the Commission. All complaints are investigated free of any bias or discrimination in order to achieve appropriate outcomes quickly and efficiently.
- *People with disabilities have the same opportunities as other people to participate in any public consultation arranged by the office.*
Any member of the public or staff with a disability has an equal opportunity to participate in consultations, decision making, grievance process and any other consultative process within the Commission.

Compliance with public sector standards and ethical codes

Public Sector Standards (PSS)

- Information about Standards included on the Equal Opportunity Commission intranet and included in the formal Induction process for new employees.
- Current EOC Grievance officers attended accredited training in May 2006.
- There were no breach claims in the reporting year.

WA Code of Ethics

- WA Code of Ethics forms part of induction materials and is on the Equal Opportunity intranet.
- There were no reports of non compliance with WA Code of Ethics

Agency Code of Conduct

- The Equal Opportunity Code of Conduct is accessible on the intranet and forms part of the formal induction process.
- The Acceptable Use Policy for E-mail and Internet use was revised in 2006 and circulated to all staff. This also forms part of the induction process and is available on the intranet.
- There were no reports of non compliance with the Code of Conduct.

Record keeping plan

- *Evaluation of efficiency and effectiveness of RKP*
A comprehensive review of all of the Commission's RKP was undertaken and a schedule of upgrades to the thesaurus, archiving, associated hardware and software commenced in April 2006. It is anticipated that new efficiency and effectiveness indicators will be developed to measure records keeping for the Commission.
- *Nature and extent of training program conducted*
All new staff undertake training in their responsibilities with respect to record keeping. Ongoing consultation will be undertaken with all staff during the records upgrade and will be included in the training required to implement the records upgrade.
- *Review efficiency and effectiveness of training program*
As part of the abovementioned review, the training of all Commission employees, including new employees is currently under review.
- *Induction program*
The roles and responsibilities of employees are outlined as part of the induction and this will more formalised with the development of new procedures resulting from the records upgrade.

Government policy requirements

Corruption prevention

The Commission revised the Induction process and this provides more comprehensive information to new and existing staff on their responsibilities in relation to corruption and misconduct.

Information is regularly updated on the Office intranet and circulated to all staff.

Substantive equality

The Substantive Equality Unit was established in early 2005 in order to provide support and guidance and to oversee the adoption and implementation of the Policy Framework for Substantive Equality in the 23 departments represented on the Strategic Management Council and the Equal Opportunity Commission. The Unit comprises of two substantive Project Officers, one seconded Project Officer, one Administrative Assistant and a Manager.

The Unit also has the functions of monitoring the progress of the public sector agencies against the objectives of the policy, identifying sector wide issues in relation to substantive equality, and acting as a consultative body for matters relating to racism, systemic discrimination and substantive equality.

Implementation of the Policy Framework for Substantive Equality

The Equal Opportunity Commission is dedicated to the elimination of systemic forms of discrimination from all aspects of its service delivery and functions. As such, the Commission is committed to the implementation of the Policy Framework for Substantive Equality, and has demonstrated this commitment by commencing implementation of the needs and impact assessment initial screening as detailed in Level 2 of the *Policy Framework*.

The Commission has two main functions; to educate and encourage recognition of the principles of equal opportunity in the community, and to provide a means of redress to individuals who allege unlawful discrimination.

Of these functions the Commission was of the view that the area of 'Remedy' which enables people to lodge complaints had the highest relevance to substantive equality. How accessible the complaints system is for Indigenous and ethnic minority groups became the area of focus².

Given the numerous ways in which people can access complaints and the shared responsibility each divisional area has in facilitating access to the complaints process it became necessary to first consult with each of the divisional areas, as part of the initial screening, to determine the approach and method to undertake the initial screening.

Needs and impact assessment initial screening

The Commission is currently undertaking the needs and impact assessment initial screening of the area of focus outlined above. The Commission has created an implementation team consisting of the Senior Officer for Substantive Equality and an implementation Project Officer from the SEU, in order to progress the implementation of the needs and impact assessment for Level 2 of the *Policy Framework*.

The implementation team have focused on information gathering and analysis of policies, practices and procedures that relate to how the Commission's Indigenous and ethnic minority clients come to know of, and enter into, the complaints system. This analysis will enable the Commission to better identify current and potential clients and their needs, and whether there are any differences within the practices of the Commission

² The Commission identified both 'Assessing the accessibility of the Commission's complaint process; and Assessing the effectiveness of the Commission's promotional activities (including publications)' however subsequent to consultations it was determined that the promotional activities is an inherent component of the functions related to the Commission's complaint process.

that affect different Indigenous and ethnic minority groups who may, because of their identity and visible difference, be subject to discrimination.

If the initial screening highlights any adverse impacts for particular Indigenous or ethnic minority groups, the Equal Opportunity Commission will move to a needs and impact *full assessment*. This will involve reviewing, modifying and amending the policy and/or practice and procedure to ensure greater equality of outcomes.

In proposing any changes to policies, practices and procedures, the Commission will consult with relevant Indigenous and ethnic groups for their view on the Policy Framework, service needs and barriers to achieving substantive equality.

Preliminary Findings – potential adverse impact

The implementation team have identified a number of preliminary issues which have the potential to have an adverse impact on certain groups. One example to illustrate this is the collection and effective utilisation of client data. The Commission collects equality data which is not sufficiently robust to ascertain whether some groups who are more likely to experience discrimination actually do use the Commission's services and for those that do, whether they experience any barriers to equal service outcomes.

Where the Commission does collect client information on Indigenous and ethnic minority status, it is not formally utilised in service delivery planning or to provide strategic direction. The data is not able to be effectively utilised for planning purposes as there are limitations in the processes for identifying the extent of discrimination and harassment experienced by particular groups in the community, and therefore useful analysis of client data is also limited. It appears that the primary use for client data identifying Indigenous and ethnic status at present is for compliance reporting.

Sustainability

Better Planning: Better Futures – first of three goals.

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.

During 2006/07 the Commission provided 1100 kilograms of waste paper to be recycled, a 17% increase compared with 2004/05.

In accordance with the Government's Energy Smart policy, the Commission continues to upgrade its computer network with energy saving equipment where possible and encourages staff to be aware of the need to reduce energy consumption.

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.

Outcome 1 – Provision of information and advice

The 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 37: Outcome 1: Average cost of provision of information and advice

	2006/07 \$	Budget 2006/07 \$
Average cost per presentation/seminar/ workshop	1,690.90	2,704.00
Average cost per enquiry	130.13	100.00
Average cost per policy advice and review	956.42	1,215.00
Average cost per publication	1,026.21	5,226.00

The variation between actual and targeted average costs is largely due to unanticipated increase in the provision of training courses, policy advice and review resulting in a reduced cost per item. Enquiries continue to decline and publications, expenditure remained the same although the number of small publication declined.

Effectiveness

A survey is conducted triennially to measure the community's attitudes towards equal opportunity. The 2007 survey revealed that 91.7% of survey participants in Western Australia believed it is of benefit to have an Act that deals with discrimination and 88.6% recognised one or more of the grounds of discrimination specified in the Act.

Outcome 2 - 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 38 : Average cost per complaint and average cost per case referred

	2006/07	Budget 2006/07
	\$	\$
Average cost per complaint	1,257.74	1,025.00
Average cost per case referred to the Tribunal by the Commissioner	3,934.63	2,885.00

Effectiveness

The extent to which complaints are conciliated, in comparison to those that are referred to the State Administrative Tribunal indicates the degree to which the complaint handling model is an effective means of resolving complaints of unlawful discrimination.

Table 39: Rates of conciliation and referral of complaints

Rates of conciliation and referral to the Tribunal	2003/04	2004/05	2005/06	2006/07
	%	%	%	%
Proportion of closed complaints conciliated	21.7	31.7	32.9	33.4
Proportion of closed complaints referred to the State Administrative Tribunal	15.1	18.4	29.2	24.8

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

August 31, 2007

APPENDIX A: Case Studies

Case studies for conciliated complaints

Impairment discrimination in the area of access to a facility

A man with a disability used a two-wheeled electrical scooter to transport himself around his local area. When he went to his local shopping centre he was denied access. He was told the centre did not allow 'skate boards, pushbikes and the like' into the centre. The matter was resolved when the shopping centre wrote a letter of apology and explained their policy was not directed at electrical transporters of that type.

Impairment discrimination in the area of access to a service

A hearing impaired woman alleged she had been discriminated against by a health service provider when it failed to book an interpreter for an appointment. In addition the health service's policy did not allow for the booking of a preferred interpreter. After conciliation the health service agreed to include information on its website about available interpreting services, including the client's right to a qualified interpreter. Information on how to make a complaint about the service was also posted on the website.

Age discrimination in the area of accommodation and advertising

A woman lodged a complaint of age discrimination on behalf of her child, after a hotel advertised it provided 'adult only' accommodation. After attending a conciliation conference it was agreed the venue's advertising would no longer refer to age barriers. No monetary settlement was sought but the complainant accepted an apology and the respondent undertook to amend its advertising immediately.

Race discrimination in the area of provision of a service

An Aboriginal woman was asked to get off a bus by the driver, while non-Aboriginal passengers were allowed to continue their journey. The driver also sprayed deodorant on seats previously occupied by Aboriginal people. The matter was resolved with the provision of cross-cultural staff training from a local Aboriginal person; anti-discrimination training for all drivers, administrative staff and the general manager; surveillance cameras to be installed on all buses within 12 months; a written apology; free bus tickets (a three-month multi-rider); and a \$150 ex-gratia payment to the Aboriginal woman.

Age discrimination in the area of employment

A 65-year-old man applied for a job as a community health worker and was interviewed for the position. He was not successful. One of the reasons given was that the employer was concerned about the applicant's capacity to carry out the job because of his age. His complaint was resolved when he accepted a \$2500 ex-gratia payment, was provided with a written apology and the employer committed to providing equal opportunity training to staff sitting on employment selection panels.

Family responsibility discrimination in the area of employment

A mother alleged her employer discriminated against her by refusing to allocate her shifts that took account of altered child care requirements caused by a death in the family. She alleged when she told her employer she could no longer work Thursday night or Saturday morning she was told if she didn't like it she could look for another job. The matter was resolved when the employer adjusted the roster to accommodate her needs.

Marital status discrimination in the area of employment

A woman alleged she had been discriminated when she was refused employment because her partner worked for a business in a similar field to her prospective employer. She claimed there was no likelihood of collusion between herself and her partner and therefore her employment posed no risk to her prospective employer. The respondent denied discriminating against her and the matter was resolved when she received a \$10,500 ex-gratia payment from the respondent.

Sex and sexual orientation discrimination in the area of employment

A woman claimed she was twice coerced into sexual encounters with her female manager. After these encounters the manager allegedly became antagonistic towards her, criticised her in front of other staff, sent her numerous text messages and then put pressure on her to resign. After the woman resigned her manager allegedly contacted the woman's job referees and attempted to turn them against her. The woman also alleged victimisation in the area of employment. The matter was resolved with a \$7,500 ex-gratia payment, an

apology and an undertaking by the company that all the company's WA branch undergo equal opportunity training.

Sex discrimination and sexual harassment in the area of employment

A woman employed by an employment agency to work in a manufacturing company received obscene text messages from a male colleague. She alleged that when she reported the incident to her employer and the manufacturing company, the matter was not addressed and she was terminated from her contract with the company. The matter was resolved when the work colleague who had sent her the text messages agreed to provide her with an apology.

Race discrimination in the area of employment

A non-Aboriginal employee of an Aboriginal corporation alleged he was dismissed because the organisation was implementing a policy of employing more Aboriginal staff. The organisation denied this, stating he was dismissed because of misconduct. A conciliation conference was held and the parties agreed to settle the complaint with an ex-gratia payment of \$1500.00.

Age discrimination in the area of provision of a service

A 73-year-old man died as a result of injuries sustained in a sporting accident. The sporting organisation declined to pay the man's widow death insurance because he was over the age of 70. The matter was resolved through conciliation when the sporting organisation agreed to make an ex-gratia payment of \$45,000.00 to the widow.

Impairment discrimination in the area of employment

A young woman alleged her employer would not sign her apprenticeship papers because she had diabetes. The employer said this was not the case, adding that after the woman collapsed at work, her mother had advised the company her daughter's doctor did not think she should work full-time. This explanation was acceptable to the complainant and her employer said she could work part-time until she was well enough to resume her apprenticeship.

Pregnancy discrimination in the area of access to a vehicle and provision of a service

A woman who was three months pregnant alleged that a bus driver spoke to her in a rude manner and did not lower the ramp to help her get a suit case on board the bus. The bus company said the ramp was not working at the time and acknowledged that this should have been communicated to the passenger at the time. The complainant accepted this explanation and a verbal apology from the bus driver, and the case was closed.

Case studies of lapsed complaints

Race discrimination in the area of employment

An Aboriginal employee took three weeks' bereavement leave and was told by her employer that they expected someone "responsible and reliable". She alleged that her employer was insensitive to her cultural needs and alleged that a non-Aboriginal work colleague had taken two weeks' bereavement leave earlier in the year without any repercussions from their employer. The complaint was lapsed after the complainant failed to provide any evidence to support her allegations, and then did not maintain contact with the Commission.

Pregnancy discrimination in the area of employment

A female employee alleged she had been discriminated against on the ground of her pregnancy when her hours were reduced and her employment eventually terminated. The respondent denied it had discriminated against her and provided evidence to show her hours had not been reduced and that she had been dismissed because of poor work performance and customer complaints, not pregnancy. The complaint lapsed when the applicant failed to respond to Commission correspondence.

Family responsibility discrimination in the area of employment

The complainant underwent a training program in a joint venture between two companies and an educational organisation. At the completion of the program the complainant alleged that she was refused employment because she had family responsibilities. The two company's involved denied this and said the complainant neither expressed any interest in employment, nor followed through with any job applications. The complaint lapsed when the complainant failed to contact the Commission to confirm her attendance at a conciliation conference.

Case studies of withdrawn complaints

Sexual harassment in the area of employment

A man alleged he became the target of numerous sexually based pranks and jokes during the course of his employment. He found them offensive and resigned from his employment, subsequently lodging a complaint of sexual harassment with the Commission. The respondent denied the allegations but after holding discussions with the complainant the respondent reached a private settlement and as a result the complainant withdrew his complaint.

Sexual harassment in the area of employment

A woman alleged a male work colleague sexually harassed her at work by touching parts of her body, and his actions did not stop when she made it clear his actions were unacceptable. Her complaint did not proceed because she decided to withdraw her complaint shortly after lodging it with the Commission.

Age discrimination in the area of employment

A man was employed by a mining company on a fixed term contract and he unsuccessfully applied for a full time vacancy when one became available. He claimed he was asked his age twice during the interview process. A number of other men on fixed term contracts were offered full time employment and when he queried why he was unsuccessful he was told that he had had his chance, and younger men would now get the full time jobs. He alleged age discrimination but this was difficult to substantiate as the company had a good track record for employing people of all ages, and several witnesses for the respondent told the Commission that age was not a consideration when employing staff. The complainant subsequently gained employment in a remote area and found it difficult to continue with the complaint so decided to withdraw it.

Case studies of dismissed complaints

Race and impairment discrimination in the area of the provision of a service.

A person lodged a complaint of race and impairment discrimination, complaining about the level of service he had received from a company two years prior to making his complaint. The Commissioner requested that he show 'good cause' as to why she should accept the complaint 'out of time'. When he failed to provide an acceptable explanation the complaint was dismissed.

Race discrimination in the area of the provision of a service

The complainant alleged a public official had called him a 'black bastard'. The complaint was dismissed as lacking in substance as the complainant's original complaint to the statutory body did not include any reference to a racial taunt, and allegations of a racial taunt were only raised several weeks later and could not be substantiated.

Sexual harassment in the area of employment

A female employee alleged that she was sexually harassed by a male colleague. When she objected to his behaviour and reported the matter to her employer she alleged she was ostracised and harangued by her alleged harasser and other work colleagues. As a result she was certified unfit to carry out the duties of her position. The complainant was unable to provide any evidence of sexual harassment and there were no witnesses who were prepared to confirm her version of events. The Commissioner found the initial incident was not conduct of a sexual nature and therefore the subsequent alleged disadvantage and detriment was not because of an unlawful act. The complaint was dismissed as being vexatious and lacking in substance.

Case studies of complaints referred to the State Administrative Tribunal by the Commissioner under s93 of the *Equal Opportunity Act 1984*

Race discrimination in the area of provision of a service.

An Aboriginal woman complained a local bus driver treated her and her children less favourably on the ground of race, by not picking them up, querying the unpaid fares of children who were not members of her family and re-routing the service. The bus service claimed that she and her children did not have the correct fares, were consistently late to the bus stop and that the complainant was abusive towards the bus driver. The

bus service was interested in reaching a conciliated settlement and offered a variety of settlement options, but the complainant – partly due to the fact her complaints to the company had not been acted upon promptly and she felt she had not been listened to – did not accept those settlement options. The Commissioner referred the complaint to the State Administrative Tribunal (SAT) for determination under s93 of the *Equal Opportunity Act 1984* (the Act). The matter was settled at mediation.

Sex discrimination in the area of employment

The complainant alleged she was interviewed and hired by the first respondent, a large construction company, but employed by the second respondent, a labour hire firm. After one week's employment a male employee returned to site and the complainant alleged it was soon made clear she was doing his work. She claimed the male employee was rude and aggressive and when she complained to management she was told that 'some employees refused to work with females'. She also alleged the smoke room had pictures of naked females posted on the walls, and her employment was subsequently terminated because male employees did not want to work with a female. Both of the respondents, the construction company and the labour hire firm, alleged the complainant was dismissed because of her poor work performance. The matter could not be conciliated and the Commissioner referred the complaint to the SAT for determination under s93 of the Act. The matter is still before the Tribunal.

Case studies of complaints referred to the State Administrative Tribunal at the request of complainant under s90 of the *Equal Opportunity Act 1984*

Sex discrimination in the area of employment

A male employee felt he was discriminated against because female employees were issued with a different style of bag as part of their allocated work uniform. The employer denied this was discriminatory. Attempts to conciliate were unsuccessful and the Commissioner dismissed the complaint as being frivolous and lacking in substance. The complainant requested that the matter be referred to the SAT for determination under s90 of the Act.

Impairment discrimination in the area of employment

A male employee was involved in an after-hours altercation with several co-workers, resulting in them being disciplined by their employer. The complainant alleged that because he was impaired he was the only one of the group to be dismissed as a result of the subsequent enquiry into the incident. The Commissioner determined the employer had demonstrated the complainant's actions were worse than the others involved in the altercation, and found the complainant had used his impairment to try and gain a benefit. The Commissioner dismissed his complaint as lacking in substance, but the complainant required that the matter be referred to the SAT for determination under s90 of the Act.

APPENDIX B: 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:

Post to:

Commissioner for Equal Opportunity, Equal Opportunity Commission,
PO Box 7370, Cloisters Square, PERTH WA 6850, or
Facsimile to: (08) 9216 3960.

THANK YOU FOR YOUR FEEDBACK