

Annual Report To Parliament

2007 – 2008



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I have pleasure in submitting this Annual Report for the year ended June 30, 2008, for your information and presentation to Parliament.

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

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

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

September 24, 2008

About This Report

This report aims to provide an overview of The Equal Opportunity Commission's activities during 2007/08.

The first chapter provides an executive summary of the Commission's activities, operational structure, and the Commission's performance management framework. The second chapter reports on the Commission's operations. The third outlines significant issues and trends impacting on the Commission's operations, and the fourth chapter deals with disclosure and legal compliance issues including financial statements and performance indicators. This is followed by a range of case studies and a feedback form.

This Report is available from the Publications section of the Commission's web page located at www.eoc.wa.gov.au.

Printed copies may be requested from the Commission.

Feedback

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

To provide feedback on the effectiveness of the Commission's 2007/08 Annual Report, please refer to the Feedback Form in Appendix B at the end of this Report or complete the form on the website.

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Overview

Commissioner's Overview



The Equal Opportunity Commission had a productive year, having made considerable progress on the Substantive Equality program across the public sector, continued with the more streamlined service delivery for complaints and enquiries from the public, and further developed the training programmes delivered by the Commission.

Achievements



Section 80 Inquiries

-  An enquiry into race discrimination in the private rental market commenced.
-  The Commission held community report back meetings in relation to Indigenous housing in Halls Creek, Broome, Kununurra, Northam, Esperance, Bunbury, Albany, Kalgoorlie, Geraldton, Katanning, Kwinana and South Lakes.
-  In partnership with the Department of Housing and Works (DHW), a new strategic direction was released focussing on policy review and promoting greater sensitivity to the delivery of housing services to Indigenous people.
-  The Commission continues to work in partnership with the DHW towards the implementation of the recommendations of the *Finding a Place* Report 2004.

Special Projects

-  The Commission completed a project to assess the need for Indigenous interpreting services and proposed options for the establishment of such a service across Western Australia.
-  Submissions were made by the Commission to the Productivity Commission's Inquiry into Paid Maternity, Paternity and Parental Leave; and to the Human Rights and Equal Opportunity Commission regarding the WA Taxi Council's request for exemption from the *Disability Discrimination Act 1992*.

Substantive Equality

-  Progress was made in accordance with the framework for substantive equality to complete the Commission's needs and impact assessment in respect of the first negotiated service area. The assessment process revealed systemic issues common to most participating departments including:
 - The need for better client identification in order to evaluate programs for their effectiveness for particular client groups;
 - Better consultation processes to receive feedback from clients; and
 - the need and availability of interpreting services.
-  The majority of participating government departments have completed or are nearing the completion of the review of all policies, procedures and service delivery practices in the first negotiated area of implementation. The review is designed to assist

departments to identify and understand the impacts of their services on Indigenous and ethnic minority groups.

Complaints And Conciliation

- The time taken to close complaints has continued to decrease, despite the increase in numbers of complaints.
- The processes, which 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, have been further reviewed and refined.
- The percentage of complaints which have achieved a conciliated outcome remained steady, notwithstanding a higher percentage of unsubstantiated complaints received.
- All conciliation officers have attended intensive mediation training and the majority are now accredited.
- A high rate of settlement of discrimination complaints in the SAT has been maintained.

Publications And Materials

A range of new publications has been developed:

- *Pregnant and Working* - a comprehensive guide for employers and employees to discrimination on the grounds of pregnancy and the transition back to work for women following maternity leave.
- Flyer with information on rights for young people.
- A guide to unfair dismissals published in partnership with the Department of Consumer and Employment Protection.
- The Commission contributed to the process to develop an Equal Treatment Benchbook for the Judiciary.

Community Education And Training

- Reviewed all training materials and development of training manuals and participant handbooks.
- Developing competency-based framework for community education and training courses.
- Developed a workshop on Inclusive Recruitment Practices for the Public Sector Management division of the Department of the Premier and Cabinet.
- Developed and implemented a training procedure, for community education and training officers to provide feedback on issues raised during training through a report to the management of the organisations which have requested the training.

Events

- Professor Chilla Bulbeck addressed 230 people at the 2008 International Women's Day Breakfast on recent research concerning the attitudes of young people to family and gender issues.
- The Commission conducted public meetings in the metropolitan and regional centres to outline the new provisions about racially offensive behaviour in the Western Australian Criminal Code and proposed amendments to the Equal Opportunity legislation.
- As in previous years, the Commission partnered with organisations to bring information to a wide variety of audiences: NAIDOC Week, Law week seminar and Harmony week

Organisational Changes

- Commenced a review of the Commission's outcomes and performance indicators.
- Reviewed the outcomes and performance indicators for the Standard Delivery Agreement to deliver services to the Indian Ocean Territories to be more reflective of the range of services provided by the Commission.

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

- An increasing number of complaints from women working in the mining industry
- Apparent rise in discrimination against people from ethnic minorities and Indigenous people in the private rental market
- 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.

The Year Ahead

- Completion of the inquiry into discrimination against ethnic minorities and Indigenous people in the private rental market
- Completion of the review of performance indicators and new strategic plan

Operational Structure

Name Of Agency

Equal Opportunity Commission

Authority By Which The Agency Is Established

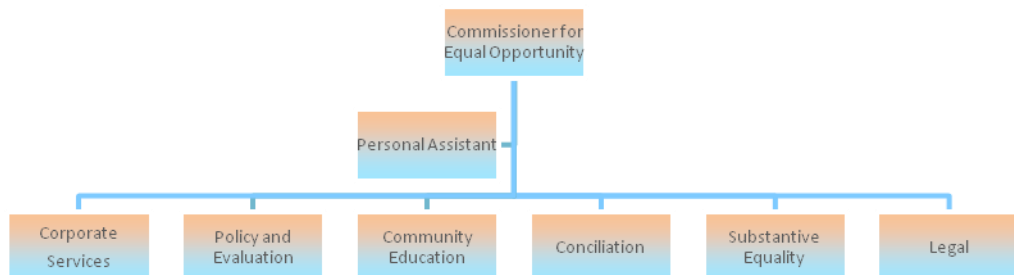
The Office of the Commissioner for Equal Opportunity is established under Part VII, Division I of the *Equal Opportunity Act 1984* as amended, and under the provisions of the *Public Sector Management Act 1984*.

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



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 delivering services 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 to identify and address systemic discrimination; 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 investigating and where possible conciliating 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 achieves 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 achieves its second outcome through the following:

- Investigation of complaints
- Complaint handling and resolution; and
- Provision of legal advice and assistance
- Investigations and inquiries into discrimination

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 2007/08 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 equal access to essential services.

- Achieving equity in the provision of services, therefore, is not always about treating people the same, may often be about treating people differently in order to cater for different needs.
- The Commission has committed to implementing the *Policy Framework for Substantive Equality* focussing on the accessibility of the complaint process.

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 of 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 on a range of issues affecting disadvantaged people in the workplace.
- The Commission produced and has widely distributed the book *Pregnant and working*, a guide for employers and employees on discrimination in pregnancy to support the goal of fair workplace practices.

Race Discrimination

- In 2007/08, 20.23% of all new complaints were race related, involving either race discrimination or racial harassment. In the area of employment, 45% were race related.
- 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, wherever possible, paper with a minimum of 50% recycled content in all our publications.

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 in equal opportunity law in regional and remote areas of Western Australia.
- 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 information sessions, and community forums in regional and remote centres throughout the State to provide information about the Act. The Commission continued its practice, commenced in 2006/07, involving scheduling of free rights-based training to co-incide 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 face-to-face conciliation and mediation conferences outside the metropolitan area, as well as using teleconference facilities in regional centres.
- 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 2007/08 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.





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 respondents in government and non-government sectors
-  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 2007/08

Community Education

Promote Recognition, Awareness And Acceptance

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




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

Table 1
Education Sessions
 2005/06 to 2007/08

Description	2005/06	2006/07	2007/08
Calendar series of courses	21	23	19
Customised courses	135	166	137
Presentations	55	52	57
Guest Speaker	27	28	20
Community Worker Forums	1	2	2
Indigenous and Christmas/Cocos Islands Outreach	19	61	47

During 2007/08 the Commission conducted 249 education and training sessions, guest speaker engagements and outreach programs. This represents a decline of 25% from the previous year due in large part to fewer customised courses and only 3 outreach courses being conducted in the metropolitan region. This decrease is largely due to staff absences and changes during this year.

Eleven training, educational and outreach programs were undertaken on Christmas and Cocos (Keeling) Islands in November 2007, a service which maintains a long-standing delivery arrangement between the State and Commonwealth Governments.

Table 2
Participants Of Customised And Calendar Courses

Training Type	2005/06	2006/07	2007/08
Customised	1971	2619	2214
Calendar	221	239	218
Total	2192	2858	2432

Participant numbers also declined, albeit to a lesser extent (15%).

Training Programs For Employers And Service Providers

Training programs for small and large organisations, as well as business and service providers were conducted on a fee-for-service basis.

Such training included:

- delivering a calendar series of training courses for employers and service providers to increase awareness of equal opportunity law, vicarious liability and identifying discriminatory behaviour, policies and procedures
- responding to requests for customised training within individual workplaces and developing courses to meet specific organisational requirements
- 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
- developing a new course Cultural Competency in response to requests from organisations.

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.

The Commission provides a consultancy service to organisations to ensure that training is incorporated as part of a broader program of the organisation's improvements. A summary report is provided to organisations outlining any issues and assessing processes and procedures against best practice standards. Recommendations are also provided to assist organisations to address any identified issues.

Table 3
Courses Conducted This Year

Training Type	Mixed Profile Courses	Customised courses
Equal Opportunity Law - An Introduction	8	53
Equal Opportunity Law and the Role of the Manager/Supervisor	1	24
The Contact Officer Role	4	11
The Grievance Officer Role and Complaint Handling	3	2
Workplace Culture: Bullying and Harassment	3	37
Multicultural awareness and Cultural Competency	0	6
Other	0	4
Total	19	137

As in past years *Equal Opportunity Law – an Introduction* was the most popular of the customised or externally offered courses.

The Workplace Culture: Bullying and Harassment course was also in high and increasing demand.

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

- Ansaldo STS Australia
- Articles Training Program
- Austral Bricks
- Bandyup Women's Prison
- City of Melville
- City of Rockingham
- City of Stirling
- Dental Health Services
- Department for Planning and Infrastructure
- Department of Corrective Services
- Department of Culture and the Arts
- Disability Services Commission
- Egton Software Services Australian
- Ernst and Young
- Fonterra Australia
- Iluka Resources
- Intework
- Landgate
- Murdoch University
- Newmont Australia
- North Metropolitan Health Service
- Public Transport Authority
- Public Trust Office
- Shire of Broome
- TAFE Central West
- Town of Kwinana
- Western Australian Sports Centre Trust

Feedback From Participants

All participants of the organisation and calendar courses are asked to complete post-training evaluations.

Feedback obtained indicates the Commission's programs were well received by participants and provided practical strategies for dealing with issues of discrimination in the workplace.

Of the 1557 participants who completed post-training questionnaires in 2007/08, 97.8% said they would be able to use what they had learned during the training session in their work and daily lives and 95.4% stated they would recommend the Commission's training courses to their colleagues.

Some comments from these participants' responses to the question 'why would you recommend the Commission's training course to others? Included:

- Very informative and good examples given
- Interesting to know your rights and traps you can easily fall into
- It is important to know what are your rights
- Because it is relative to workplace practices
- People should be as aware as they can be and acquire as much knowledge as possible
- Because I think it is integral to any workplace
- Gives good negotiation skills
- Very well spoken and expressive, made us all feel comfortable
- So they can help themselves and others
- Allowed discussion, personal style
- It covered both the types of items under discussion [bullying and harassment] but also how to look for them and how to confront the problem
- Designed to give confidence to applying the principles
- Allow each person to have equal opportunity to receive the training

When asked how courses could be improved, participants' said:

- More time needed
- updated to current issues
- I quite enjoy role playing – would it be appropriate for this workshop?
- Make it compulsory for managers and supervisors
- More practical sessions and practical activities
- Summary of objectives upfront
- More time to discuss more issues
- Having a WorkSafe representative to answer questions [bullying and harassment course]
- Make shorter
- More interactive with group discussions
- Some more scenario based activities and perhaps some role playing

During 2007/2008 the Commission's officers commenced the redevelopment of training courses to better reflect the principles of adult learning. This has involved the inclusion of interactive and experiential exercises with a view to enhancing understanding that will facilitate behavioural change.

Calendar Training Courses

The Commission continued its calendar courses in 2007/08 with 19 half, full-day and two-day courses attended by employees, managers, employee relations, human resources and equal opportunity practitioners. The calendar series of fee-for-service courses are offered to mixed profile participants at the Commission premises.

As in previous years the most popular of the Commission-based courses was *Equal Opportunity Law – an Introduction*, with 93 participants attending eight (8) half-day sessions.

Organisations attending included a wide range of industries, including:

- accommodation, cafes and restaurants
- agriculture, forestry, fishing
- construction
- education
- electricity, gas and water supply
- finance and insurance
- government administration
- government administration – defence
- health and community services
- manufacturing
- mining
- personal and other services – unions
- retail trade
- services
- transport and storage
- wholesale trade.

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 year staff from the Commission's Community Education and Training section, and other staff visited Geraldton, Kalgoorlie, Albany, Bunbury, Esperance, Katanning, Narrogin, Roebourne, Port Hedland, Karratha, Halls Creek, Kununurra, Broome and Mandurah.

To promote human rights and equal opportunity, the Commission produced a 2008 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 'Know your rights' was translated into four of the most commonly spoken indigenous languages – Kariyarra and Yindjibarndi from the Pilbara; Walmajarri from the Kimberleys and Kriol which is spoken in the Kimberleys and the Perth area.



The 4000 copies of the calendar were distributed throughout the State to Aboriginal organisations, regional offices of government agencies and at events such as NAIDOC Week and International Women's Day. Others were sent to individuals and organisations on request, with a copy also 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 November/December 2007.

Cocos Island:

- ▶ Delivered an Equal Opportunity Law and Contact/Grievance Officer training for education, Shire, non-government and community organisations on West Island
- ▶ Provided a community engagement session on Equal Opportunity Law Awareness with at the Recreation Centre on West Island
- ▶ Provided a community engagement session to Malays in the Kampong, on Home Island
- ▶ Met with West Island Group's state government departments including, Education Department, Health Department, Water Authority, and Australian Federal Police.

Christmas Island:



-  Provided an Equal Opportunity Law and Contact/Grievance Officer training for officers in the Australian Federal Police, the local authority, mining company, and non-government and community organisations.
-  Delivered three sessions on Equal Opportunity Law Awareness for the Executive of the Union of Christmas Island Workers, mine workshop staff and the Indian Ocean and Territories Health Service.
-  Provided two sessions to the Malay Cocos Islands Women's group

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.



Organisations with which the Commission worked in partnership to deliver customised human rights education included:

-  Geraldton Resource Centre, and
-  Tenants Advice Service.

Publications

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

During 2007/08 the Commission continued its publications program to provide information to the community on their rights and responsibilities:

-  *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. *Discrimination Matters* is distributed to all schools, and libraries as well as to government departments, private sector and non-government organisations, as well as to individual subscribers.
-  The *Reference Guide* continues to be one of the most popular publications produced by the Commission. 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.

- 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.

New publications:

- Pregnant and working* – a comprehensive booklet covering the range of employment issues facing women who become pregnant, maternity leave and the transition back to work.
- Posters on sexual harassment and discrimination which are being distributed to government, schools, and private sector organisations.
- Unfair dismissal brochure published jointly with the office of Fair Employment in the Department of Consumer and Employment Protection, outlining options under equal opportunity and industrial law for people dismissed from their jobs.
- Young people and discrimination flyer published for Youth Week and distributed by the City of Perth as well as the Mirrabooka Harmony Event.
- The Commission contributed to the process to develop an Equal Treatment Benchbook for the Judiciary.

Distribution And Evaluation Of Publications

Each person who attends a Commission training course is provided with a copy of the *Reference Guide*, and the feedback continues to be overwhelmingly positive. The Guide is also distributed free of charge to individuals and organisations seeking more comprehensive information than that provided in the Commission's brochures on individual grounds of the Act.

During 2007/08 Commission literature, including complaint forms, were sent to 882 or 28.8% of people making an enquiry by telephone, mail or email.

After a major revision of the Commission's publications in the 2004/05 year there has been a consistently high – around 97% - 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. This has increased from 81.9% in 2003/04.

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 2007/08 Commission staff referred 397 enquirers to the Commission's website.
- The website received 44,143 unique visitors, including 36,360 who had accessed the website for the first time. This represented an increase of 9.65 per cent increase on the previous year. It is interesting to note that more than 82% of visitors were first time users.

Website updates:

- New Complaint Form which can be completed online
- Revision of sections on Housing Inquiries and Substantive Equality to reflect the progress being made on these projects.

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. Some of these are outlined below.

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.

International Women's Day

The Commission hosted its annual International Women's Day breakfast at the Sheraton Hotel in Perth in March 2008 with the event attended by 250 guests.

This year's guest speaker was Professor Chilla Bulbeck, who holds the Foundation Chair in Women's Studies at The University of Adelaide

Her address was based on a survey of 1000 young people in four states, including Western Australia, exploring what 'equality', 'love', 'family' and 'work' mean to young Australians.

Community Events

The Commission participated in Law Week by holding a seminar on the review of the *Equal Opportunity Act 1984*, undertaken the previous year.

The EOC continued to take part in NAIDOC Week at the Family Day at Ashfield Oval with a popular stall distributing a wide range of information.

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.

The Commission receives many enquiries regarding alleged discrimination, however the allegations do not necessarily constitute unlawful discrimination as defined by the Act and Commission officers attempt to direct the enquirer to the correct body to deal with their issue.

Where allegations of unlawful discrimination are accepted by the Commissioner as complaints under the Act, Commission's specially delegated officers investigate and attempt to conciliate those complaints on behalf of the Commissioner.

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 resolved or otherwise finalised.

Answering Enquiries

The Commission received 2207 enquiries during 2007/08. Of these:

- 1801 (81.6%) were made by telephone
- 318 (14.41%) were made in writing
- 62 (2.81%) were made in person; and
- 26 (1.18%) were made by e-mail.

When compared with the previous financial year the number of telephone enquiries decreased by 30%. This trend has been apparent over recent years and could be accounted for by increased use of the website to obtain information.

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 2207 enquiries received in 2007/08, 1600 (82.5%) were about matters that fell within the jurisdiction of the *Equal Opportunity Act 1984*. Where possible a referral to an appropriate agency or organisation was provided to those whose enquiry was not within the jurisdiction of the Act.

Table 4
Enquiries By Ground
2005/06 to 2007/08

Ground	2005/06	%	2006/07	%	2007/08	%
Age	189	5.5%	161	5.2%	109	4.9%
Family Responsibility/Status	165	4.8%	146	4.7%	107	4.8%
Gender History	13	0.4%	9	0.3%	11	0.5%
Gender Identity	4	0.1%	5	0.2%	4	0.2%
Impairment	456	13.2%	488	15.7%	341	15.5%
Marital Status	25	0.7%	24	0.8%	18	0.8%
Political Conviction	11	0.3%	9	0.3%	6	0.3%
Pregnancy	167	4.8%	97	3.1%	92	4.2%
Race	638	18.4%	511	16.4%	364	16.5%
Racial Harassment	21	0.6%	26	0.8%	27	1.2%
Racial Offensive Behaviour	12	0.3%	56	1.8%	22	1.0%
Religious Conviction	59	1.7%	43	1.4%	37	1.7%
Sex	214	6.2%	144	4.6%	133	6.0%
Sexual Harassment	183	5.3%	195	6.3%	138	6.3%
Sexual Orientation	32	0.9%	48	1.5%	21	1.0%
Spent Conviction	32	0.9%	21	0.7%	8	0.4%
All grounds	299	8.6%	310	10.0%	162	7.3%
Other	938	27.1%	819	26.3%	607	27.5%
Total	3458	100.0%	3112	100.0%	2207	100.0%

The grounds most commonly cited by enquirers correlate closely with those in complaints accepted by the Commission (see Table 7). The most common grounds for 2007/08 were:

- race - 364 (16.5%)
- impairment - 341 (15.5%)
- sexual harassment - 183 (6.3%)
- sex - 133 (6.0%)
- age 109 (4.9%); and
- family responsibility/family status - 107 (4.7%).

Table 5
Enquiries By Area
2005/06 to 2007/08

Area	2005/06	%	2006/07	%	2007/08	%
Employment	1791	51.8%	1601	51.4%	1241	56.2%
Access to Places and Vehicles	44	1.3%	51	1.6%	39	1.8%
Accommodation	143	4.1%	146	4.7%	118	5.3%
Education	105	3.0%	97	3.1%	57	2.6%
Clubs	57	1.6%	47	1.5%	30	1.4%
Goods, Services and Facilities	573	16.6%	525	16.9%	256	11.6%
Sports	18	0.5%	10	0.3%	15	0.7%
Land	1	0.0%	2	0.1%	3	0.1%
Public Place	0	0.0%	26	0.8%	6	0.3%
All Areas	298	8.6%	289	9.3%	191	8.7%
Other	428	12.4%	318	10.2%	251	11.4%
Total	3458	100.0%	3112	100.0%	2207	100.0%

More than one half of these enquiries were about employment, 11.6% were about goods, services and facilities, 5.3% enquired about accommodation.

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 2007/08 108 (5%) of enquiries related to bullying, 90% of which related to the workplace. This is a continuing trend. The Commissioner has taken steps to clarify with other agencies where it is appropriate to refer matters which have an element of bullying to this Commission.

Written Enquiries And Complaints

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

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

In many cases the enquirer is asked to provide additional information or clarify which ground and or area of the Act they believe has been breached. This is to enable a more informed assessment to be made as to whether their concerns do come within the jurisdiction of the Act and can be accepted as a complaint.

Handling Complaints

Table 6
Number Of Complaints Handled
2005/06 to 2007/08

Complaints Handled	2005/06	%	2006/07	%	2007/08	%
Complaints carried over from previous financial years	377	53.8%	197	23.1%	374	40.7%
Complaints Received	324	46.2%	656	76.9%	546	59.3%
Total Handled	701	100.0%	853	100.0%	920	100.0%
Complaints Closed	504	71.9%	479	56.2%	675	73.4%
Complaints still under investigation	197	28.1%	374	43.8%	245	26.6%

Throughout the 2007/08 year there has been further refinement of the complaint acceptance process from the changes outlined in the 2006/07 report. 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, and 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

During the current year, where a potential complainant has not clearly identified a ground and or area of complaint, they are supplied with information about what constitutes a breach under the Act and asked to further clarify their complaint.

If an arguable breach of the Act cannot be identified, then the allegation is classified as an enquiry and no investigation can proceed under s84.

In 2007/08 546 new complaints were received by the Commission and 374 were carried over from the previous financial year.

Of the 920 complaints handled in 2007/08 245 (26.6%) are still under investigation.

Table 7
Complaints By Ground
2005/06 to 2007/08

Ground	2005/06	%	2006/07	%	2007/08	%
Age	17	5.2%	53	8.1%	37	6.8%
Family Responsibility	19	5.9%	34	5.2%	21	3.8%
Family Status	5	1.5%	10	1.5%	17	3.1%
Gender History	0	0.0%	2	0.3%	5	0.9%
Impairment	68	21.0%	110	16.8%	124	22.7%
Marital Status	6	1.9%	8	1.2%	10	1.8%
Political Conviction	0	0.0%	1	0.2%	4	0.7%
Pregnancy	14	4.3%	25	3.8%	12	2.2%
Race	81	25.0%	135	20.6%	88	16.1%
Racial Harassment	13	4.0%	38	5.8%	23	4.2%
Religious Conviction	6	1.9%	11	1.7%	15	2.7%
Sex	29	9.0%	64	9.8%	37	6.8%
Sexual Harassment	40	12.3%	84	12.8%	62	11.4%
Sexual Orientation	6	1.9%	9	1.4%	16	2.9%
Spent Conviction	1	0.3%	4	0.6%	2	0.4%
Victimisation	19	5.9%	64	9.8%	71	13.0%
Victimisation – PID Act	0	0.0%	1	0.2%	1	0.2%
Not specified	0	0.0%	3	0.5%	1	0.2%
Total	324	100.0%	656	100.0%	546	100.0%

During 2007/08 the most common ground of alleged unlawful discrimination cited in complaints was impairment. In the previous year race was most frequently cited. Victimization complaints have increased significantly. The most common grounds were:

- 124 (22.7%) impairment
- 88 (16.1%) race
- 71 (13.0%) victimisation
- 62 (11.4%) sexual harassment;
- 37 (6.8%) sex discrimination.

This pattern has remained remarkably similar over the life of the Act, however over the last five years there has been a marked increase in the number of complaints citing victimisation.

Figure 1
Most Frequently Cited Grounds Of Complaint
2005/06 to 2007/08

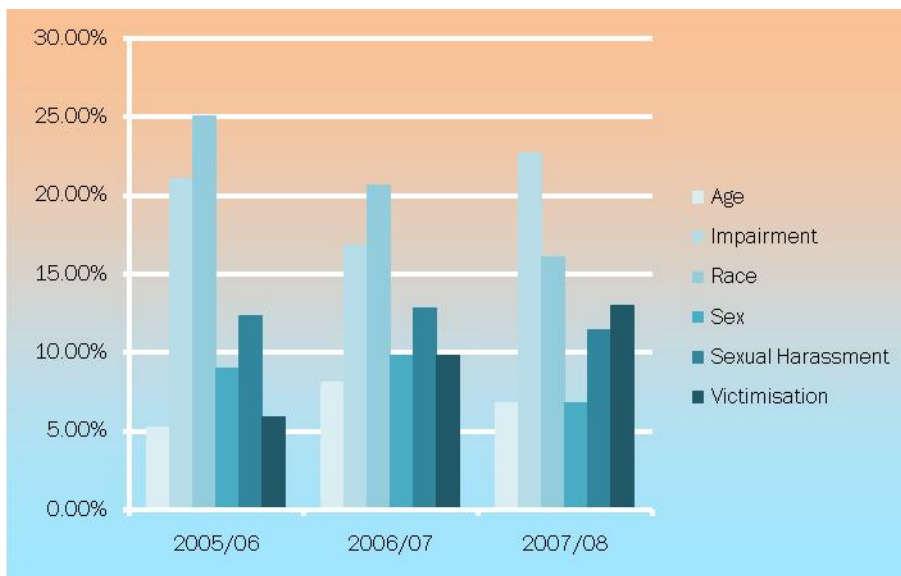


Table 8
Complaints By Area
2005/06 to 2007/08

Area	2005/06	%	2006/07	%	2007/08	%
Employment	203	62.7%	435	66.3%	369	67.6%
Access to Places and Vehicles	12	3.7%	18	2.7%	17	3.1%
Accommodation	32	9.9%	48	7.3%	30	5.5%
Education	9	2.8%	9	1.4%	20	3.7%
Clubs	4	1.2%	1	0.2%	2	0.4%
Goods, Services and Facilities	64	19.8%	138	21.0%	108	19.8%
Sport	0	0.0%	1	0.2%	0	0.0%
Victimisation	0	0.0%	0	0.0%	0	0.0%
Not specified	0	0.0%	6	0.9%	0	0.0%
Total	324	100.0%	656	100.0%	546	100.0%

Of the 546 new complaints those involving employment continued the three year trend and increased to 67.6% of the total. The next most common area of Goods, Services and Facilities continued at around 20% of complaints.

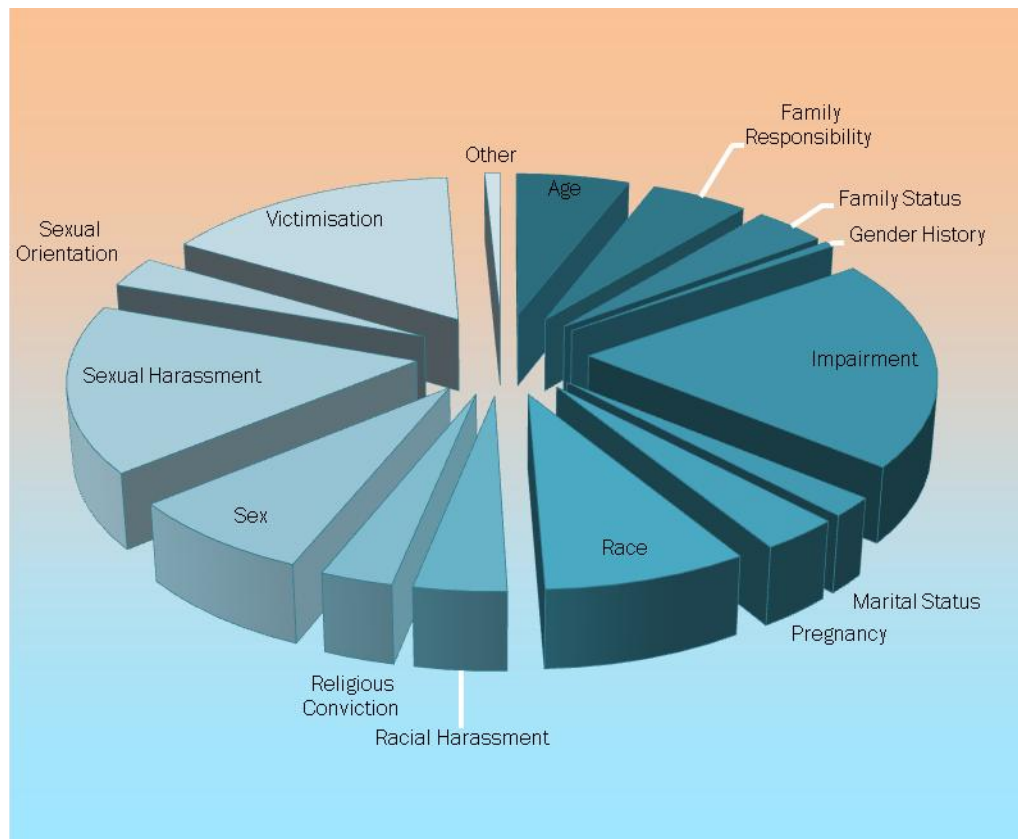
The type of complaints received in this year are detailed by ground and area in Table 9 below.

Table 9
Complaints By Ground And Area
2007/08

Ground	Employment	Access to Places and Vehicles	Accommodation	Education	Clubs	Goods, Services and Facilities	Sports	Total
Age	22	3	1	1	0	10	0	37
Family Responsibility	19	0	0	1	0	1	0	21
Family Status	14	0	0	1	0	2	0	17
Gender History	2	0	0	0	0	3	0	5
Impairment	75	6	16	5	2	20	0	124
Marital Status	7	0	1	0	0	2	0	10
Political Conviction	0	0	0	0	0	4	0	4
Pregnancy	12	0	0	0	0	0	0	12
Race	31	5	8	4	0	40	0	88
Racial Harassment	14	1	0	5	0	3	0	23
Religious Conviction	11	0	0	1	0	3	0	15
Sex	29	1	2	0	0	5	0	37
Sexual Harassment	60	0	0	0	0	2	0	62
Sexual Orientation	11	0	1	0	0	4	0	16
Spent Conviction	2	0	0	0	0	0	0	2
Victimisation	58	1	1	2	0	9	0	71
Victimisation - PID Act	1	0	0	0	0	0	0	1
Not specified	1	0	0	0	0	0	0	1
Total	369	17	30	20	2	108	0	546

Figure 2 below shows that more than half of the complaints received involving employment relate to impairment, sexual harassment and victimisation. This pattern differs from the overall picture of complaints where the largest three groups are made up of race, impairment and sex.

Figure 2
Nature Of Employment Complaints
2007/08



Complaints Of Victimization

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 continued to increase from 64 in 2006/07 to 71 in this financial year. Of these, 58 involved the area of employment.

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

Who Lodged Complaints?

The Commission collects demographic information from complainants on a voluntary basis. Of the 546 complainants who were surveyed in 2007/08, 497 returned completed questionnaires, representing a response rate of 91.0%.

Below are a series of tables showing the breakdown and trends in the demographics of complainants based on age, ethnicity, occupation, languages other than English and disability.

Gender Of Complainants

As in previous years, the majority of complaints received by the Commission in 2007/08 were from women (56.4%).

Table 9
Complaints By Gender Of Complainants
2007/08

Gender	2005/06	%	2006/07	%	2007/08	%
Female	186	57.4%	453	69.1%	308	56.4%
Male	136	42.0%	199	30.3%	231	42.3%
Mixed Group	2	0.6%	2	0.3%	7	1.3%
Other (Transgender)	0	0.0%	2	0.3%	0	0.0%
Total	324	100.0%	656	99.7%	546	100.0%

As can be seen from the table above, women lodged a higher number of complaints than men in most grounds, however there were more complaints from men on the grounds of impairment discrimination and sexual orientation.

Table 10
Complainants By Gender And Ground
2005/06 to 2007/08

Ground	Female	Male	Mixed Group	Total	%
Age	13	22	2	37	6.8%
Family Responsibility	15	6	0	21	3.8%
Family Status	10	6	1	17	3.1%
Gender History	3	2	0	5	0.9%
Impairment	46	76	2	124	22.7%
Marital Status	9	1	0	10	1.8%
Political Conviction	4	0	0	4	0.7%
Pregnancy	12	0	0	12	2.2%
Race	44	42	2	88	16.1%
Racial Harassment	9	14	0	23	4.2%
Religious Conviction	5	10	0	15	2.7%
Sex	34	3	0	37	6.8%
Sexual Harassment	54	8	0	62	11.4%
Sexual Orientation	9	7	0	16	2.9%
Spent Conviction	0	2	0	2	0.4%
Victimisation	40	31	0	71	13.0%
Victimisation - PID Act	0	1	0	1	0.2%
Not specified	1	0	0	1	0.2%
Total	308	231	7	546	100.0%

Overall, more complaints are lodged by women, than men.

- Again this year, there were a number of complaints from men about sexual harassment
- In the areas of grounds of age and impairment the majority of complaints were made by men.

Birthplace And Ethnicity Of Complainants

Table 11
Complainants By Birthplace
2005/06 to 2007/08

Birthplace	2005/06		2006/07		2007/08	
	Number	%	Number	%	Number	%
Australia - Non Aboriginal	112	34.6%	268	40.9%	253	46.3%
Australia - Aboriginal	71	21.9%	128	19.5%	64	11.7%
Central and West Africa	0	0.0%	2	0.3%	5	0.9%
Eastern Europe	2	0.6%	9	1.4%	0	0.0%
Middle East	3	0.9%	7	1.1%	6	1.1%
North Africa	0	0.0%	0	0.0%	5	0.9%
Northeast Asia	2	0.6%	7	1.1%	3	0.5%
Northern America	1	0.3%	18	2.7%	4	0.7%
Oceania and Antarctica	9	2.8%	15	2.3%	17	3.1%
Southeast Asia	7	2.2%	20	3.0%	22	4.0%
Southern and East Africa	5	1.5%	17	2.6%	26	4.8%
Southern Asia	2	0.6%	18	2.7%	16	2.9%
Southern Europe	6	1.9%	20	3.0%	4	0.7%
United Kingdom	37	11.4%	44	6.7%	44	8.1%
Other	9	2.8%	12	1.8%	20	3.7%
Not applicable	0	0.0%	0	0.0%	0	0.0%
No survey returned or did not respond to question	58	17.9%	71	10.8%	57	10.4%
Total	324	100.0%	656	100.0%	546	100.0%

In 2007/08, of the 498 complainants who were surveyed and provided information about their birthplace:

- 317 (58%) indicated they were born in Australia, compared with 396 (60.4%) the previous year
- Of the 317 complainants who indicated they were born in Australia, 64 (11.7%) indicated they were Aboriginal. While this is less than in the previous two years, Aboriginal complainants are significantly overrepresented in relation to the population as a whole, indicating the level of discrimination still present.

Aboriginal Complainants

As noted above, Aboriginal Australians are disproportionately represented in the number of complaints received by the Commission, with 64 (11.7%) out of 546 complainants surveyed who identified themselves as Aboriginal compared with 2.5% in the population as a whole (ABS 2007).

Complaints made by Aboriginal people tend to occur more in the areas of goods, service and facilities, accommodation and access to places and vehicles, while the majority of complaints made by non-Aboriginal people are in the area of employment.

Table 12
Complaints From Aboriginal People By Ground
 2005/05 – to 2007/08

Ground	2005/06	2006/07	2007/08
Age	1	2	3
Family Responsibility	0	6	0
Family Status	0	0	1
Gender History	0	0	0
Impairment	5	11	8
Marital Status	2	0	0
Political Conviction	0	0	1
Pregnancy	0	0	0
Race	54	83	37
Racial Harassment	3	7	5
Religious Conviction	0	0	0
Sex	3	13	2
Sexual Harassment	2	1	1
Sexual Orientation	0	2	1
Spent Conviction	0	0	0
Victimisation	1	3	5
Victimisation – PID Act	0	0	0
Not specified	0	0	0
Total	71	128	64

Table 13
Complaints From Aboriginal People By Area
2005/06 to 2007/08

Area	2006/07		2007/08	
	Aboriginal	%	Aboriginal	%
Employment	27	21.09%	8	12.50%
Access to Places and Vehicles	10	7.81%	2	31.25%
Goods, Services and Facilities	68	53.13%	40	62.50%
Accommodation	23	17.97%	11	17.19%
Education	0	0	3	4.67%
Clubs	0	0	0	0
Land	0	0	0	0
Sport	0	0	0	0
Victimisation	0	0	0	0
Not specified	0	0	0	0
Total	128	100.00%	64	100.00%

Respondents To Complaints




Industry Sector And Size Of Respondent Organisations

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

Table 14
Complainants By Industry
 2005/06 to 2007/08

Industry Type	2005/06		2006/07		2007/08	
	Number	%	Number	%	Number	%
Accommodation/Cafes/Restaurants	36	11.1%	76	11.6%	46	8.4%
Agriculture/Forestry/Fishing	4	1.2%	1	0.2%	7	1.3%
Communication Services	10	3.1%	11	1.7%	16	2.9%
Construction	9	2.8%	21	3.2%	20	3.7%
Cultural and Recreational Services	15	4.6%	15	2.3%	20	3.7%
Education - Pre, School and Post	29	9.0%	51	7.8%	37	6.8%
Finance and Insurance	9	2.8%	9	1.4%	6	1.1%
Health and Community Services	21	6.5%	55	8.4%	44	8.1%
Manufacturing	16	4.9%	15	2.3%	17	3.1%
Mining	12	3.7%	48	7.3%	53	9.7%
Personal and Other Services including corrective and police services	38	11.7%	109	16.6%	55	10.1%
Property and Business Services	41	12.7%	73	11.1%	82	15.0%
Retail Trade	34	10.5%	78	11.9%	57	10.4%
Transport and Storage	28	8.6%	39	5.9%	34	6.2%
Wholesale Trade	7	2.2%	3	0.5%	10	1.8%
Other Industry	15	4.6%	52	7.9%	42	7.7%
Total	324	100.0%	656	100.0%	546	100.0%

In 2007/08, respondents with the highest number of complaints were from the following industries, indicating similar trends from previous years:

-  82 (15.0%) property and business sector
-  57 (10.4%) retail
-  46 (8.4%) accommodation/cafes/restaurants

How Complaints Were Finalised

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.

Table 15
Outcome Of Complaints Closed
2005/06 to 2007/08

Outcome of Complaints Closed	2005/06		2006/07		2007/08	
	Number	%	Number	%	Number	%
Dismissed	46	9.1%	54	11.3%	137	20.3%
Lapsed	71	14.1%	67	14.0%	110	16.3%
Withdrawn	74	14.7%	79	16.5%	100	14.8%
Conciliation	166	32.9%	160	33.4%	240	35.6%
Referred to State Administrative Tribunal	147	29.2%	119	24.8%	88	13.0%
Total Complaints Closed	504	100.0%	479	100.0%	675	100.0%

Conciliated Complaints

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

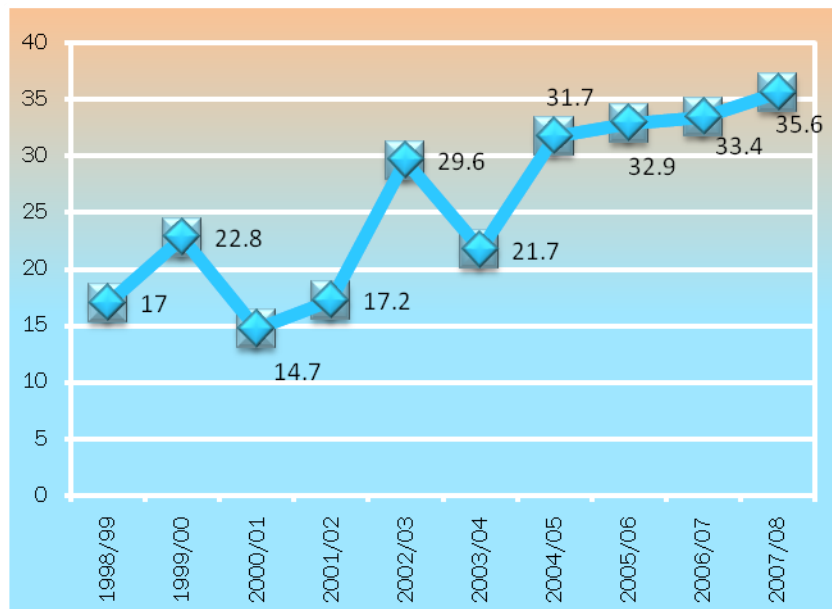
The aim of a conciliation conference is to give the parties an opportunity to discuss the complaint itself and, where appropriate, the issues that led to it. Its aim is to help the parties find a fair and equitable way of resolving the complaint. A conciliation conference provides an opportunity for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

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

In 2007/08, 240 (35.6%) complaints were resolved through conciliation, compared to 160 (33.4%) the previous year.

The Commission aims to increase the proportion of complaints which are conciliated and has put in place a range of measures which are reflected in the Figure 3 below which shows the percentage of complaints resolved by conciliation over the last 10 years.

Figure 3
Percentage of Complaints Conciliated 1998/99 – 2007/08



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 their onus of proof which requires complainants to support their allegations with evidence such as witness statements and documents.

Withdrawn Complaints

Complainants may 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 cases complainants choose to withdraw their complaint if they are satisfied with the respondent's reply to their allegations or following a conciliation conference.

A complainant can decide to withdraw their complaint if they do not have sufficient evidence to substantiate their claim of unlawful discrimination.

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 2007/08, 14.9% (137) of complaints were dismissed, more than double the 2006/07 number of 6.5% (54).

Where a complaint has been dismissed by the Commissioner the complainant, under s89 of the Act, within 21 days of the notice of dismissal, may require the Commissioner to refer the complaint to the State Administrative Tribunal (SAT) under s90 of the Act. From July 2006 all such complaints have been listed as dismissed by the Commission for statistical purposes.

In 2007/08 50 complaints were referred to the SAT at the request of the complainant, compared with 12 the previous year. This increase is due the change in the definition of a complaint, first adopted in January 2006 and further refined in January 2007. See 3.4 Handling Complaints for details.

Complaints Referred To The State Administrative Tribunal

Where a complaint has not been resolved, the Commissioner may refer a complaint to the State Administrative Tribunal (SAT).

Referral of complaints to the 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. (see above)

The Commissioner may refer a complaint to the SAT 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 SAT.

The Commissioner may provide some level of legal assistance to those matters she has referred. Complainants whose matter has been dismissed by the Commissioner are not provided any assistance.

In 2007/08, 88 (13.0%) of total complaints were referred to the SAT by the Commissioner compared to 119 (24.8%) the previous financial year. This downward trend cannot be attributed to any change in policy, merely the different nature of the complaints received in the respective years.

Types Of Outcomes In Conciliated Complaints

Outcomes that can be 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 2007/08 the most common types of outcomes negotiated during the conciliation of complaints included:

- 102 monetary settlement
- 87 apology
- 29 respondent's explanation satisfactory to complainant
- 24 private settlement between parties
- 22 policy change
- 12 job offer, transfer, reinstatement or reference, and
- 8 provision of accommodation.

Case Studies Of Complaints Handled

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

Time Taken To Close Complaints

Table 16
Time Taken To Close Complaints
2005/06 to 2007/08

Outcome of Complaints Closed	2005/06		2006/07		2007/08	
	Number	%	Number	%	Number	%
0 - 6 months	177	35.1%	317	66.2%	405	60.0%
7 - 12 months	188	37.3%	115	24.0%	210	31.1%
13 - 18 months	77	15.3%	34	7.1%	48	7.1%
19 - 24 months	35	6.9%	5	1.0%	12	1.8%
2 years or more	27	5.4%	8	1.7%	0	0.0%
Total	504	100.0%	479	100.0%	675	100.0%

Of the 675 complaints closed in 2007/08, 60% were closed within 6 months, Another 30.1% were closed by 12 months. This continues the improvement achieved in the previous year with over 90% of complaints being closed within 12 months.

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

Table 17
Number Of Matters By Legal Assistance
2005/06 to 2007/08

Legal Assistance	2005/06		2006/07		2007/08	
	Number	%	Number	%	Number	%
Number of matters referred by the Commissioner and carried over from previous financial years	28	29.8%	32	38.1%	28	33.3%
Number of appeals to the Supreme Court or Exemption Orders carried over from previous financial years	2	2.1%	1	1.2%	3	3.6%
Number of matters referred by the Commissioner each financial year	62	66.0%	49	58.3%	51	60.7%
Number of appeals to the Supreme Court or Exemption Orders received each financial years	2	2.1%	2	2.4%	2	2.4%
Total number of matters handled each financial year	94	100.0%	84	100.0%	84	100.0%

The number of matters referred by the Commissioner to the SAT and carried over from the previous financial year decreased from 32 (38.1%) in 2006/07 to 28 (33.3%) in 2007/08. However the number of matters referred by the Commissioner during 2007/08 increased, from 49 (58.3%) to 51 (60.7%) in 2007/08.

The number of legal matters handled in 2007/08 is also shown in Table 17. A matter means a single inquiry by the SAT into all complaints made by one or more complainants.

Table 18
Outcome Of Matters By Legal Assistance
2005/06 to 2007/08

Outcome of Matters	2005/06		2006/07		2007/08	
	Number	%	Number	%	Number	%
Withdrawn	9	9.6%	6	7.1%	5	6.0%
Settled before hearing by Legal Officers	22	23.4%	18	21.4%	7	8.3%
Settled at Tribunal mediation by Legal Officers	19	20.2%	24	28.6%	19	22.6%
Upheld by the Tribunal	1	1.1%	0	0.0%	0	0.0%
Dismissed by the Tribunal	1	1.1%	0	0.0%	0	0.0%
Discontinued Assistance	6	6.4%	5	6.0%	11	13.1%
Number of matters heard and decided by the Supreme Court	0	0.0%	0	0.0%	0	0.0%
Number of Writ of Summons, Interim Appeals, and Exemption Orders finalised	3	3.2%	0	0.0%	2	2.4%
Total number of matters finalised	61	64.9%	53	63.1%	44	52.4%
Number of matters referred by the Commissioner and outstanding at the Tribunal and Supreme Court	33	35.1%	31	36.9%	40	47.6%
Total number of matters handled each financial year	94	100.0%	84	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, decreased from 42 (79.2%) 2006/07 to 26 (30.9%) in 2007/08.

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. The arrangement has helped reduce the workload of the Commission's Legal Officers, while enabling private practitioners to acquire skills in advocating for complainants.

The figures in Table 18 above 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.

Special Projects

Under Sections 80 and 82 of the *Equal Opportunity Act 1984* the Commissioner is empowered to carry out investigations, research and inquiries relating to discrimination or sexual or racial harassment of the kinds rendered unlawful under this Act;

This section of the Annual Report outlines activities undertaken with respect to this section of the Act.

Substantive Equality

The Substantive Equality Unit (SEU) has been operating for two full financial years to assist public sector departments represented on the Strategic Management Council to implement the Policy Framework for Substantive Equality. This policy enables departments to assess whether the needs and circumstances of Indigenous and ethnic minority groups are appropriately considered in all service delivery, and that policies, practices and procedures are capable of highlighting possible inequalities. This is done in 2 ways:

1. A needs and impact assessment is conducted each year on a service (chosen by the department) to ascertain whether there are any unintended negative impacts on Indigenous and ethnic minority groups. The findings are also assessed to see whether any or all can be easily converted or transferred across other divisions within the respective department and includes addressing the findings of the needs and impact assessment undertaken in each previous year.
2. A needs and impact assessment is also conducted on any new policies and major new initiatives before they are implemented.

Towards the end of the 2007/08 year the SEU began to transform its role from the primary responsibility for driving implementation of the *Policy Framework* within departments, to a role which supports and monitors agencies through the implementation process (which was originally intended for the SEU).

Although all departments undertake a needs and impact assessment of a chosen service area each year as outlined in Level 2 of the *Policy Framework*, the outcomes attached to each level remains the method in which progress is measured. Hence, most departments are currently in Level 1 with the following components of Level 1 outstanding:

- Establishment of an organisational structure to facilitate and support the implementation of the framework.
- Establishment of resources and clear lines of responsibility for implementation.
- Adoption of a clear communication strategy for informing and educating designated staff about the policy framework.

Progress on this implementation is reported by all departments in their Annual Report.

For the past two years, the Commission monitored the participating departments using the following methods:

1. Reporting the number of departments who have completed or are nearing completion of their needs and impact assessments.
2. Identified common/systemic issues affecting the public sector as a whole.
3. In summary, the timetable allocated to departments is as follows:

2005/06	Communicating the requirements of the policy framework and negotiating the first (Year 1) service area to undergo a needs and impact assessment. Only half of the financial year can be attributed to this task as the SEU at the same time, were recruiting officers and setting itself up to take on the role, following approval to establish the Unit.
2006/07	Undertaking needs and impact assessments with many departments receiving an extension to complete the reports.
2007/08	Completion of needs and impact assessments for those departments who received an extension and formulating action plans from the recommendations associated with the first (Year 1) service area needs and impact assessments.
June 2008	Negotiating and confirming second (Year 2) service area to undergo a needs and impact assessment.

A formal *Monitoring Framework* is currently being drafted to enable the Commission to more effectively monitor implementation of the *Policy Framework* across the sector. This will identify a number of common and key points in the implementation process of which Departments will be expected to report against to demonstrate their progress.

Whole of government systemic issues have also been identified. These are:

Collection Of Indigenous And Ethnic Data

The needs and impact assessments have revealed that the public sector is limited in its capacity to identify existing and potential Indigenous and ethnic minority clients in their statistical data. This hinders the ability of the sector to effectively develop and evaluate policies and programs.

Participating departments implementing substantive equality (and government agencies generally) rely upon the information gathered by ABS as a source of data against which agencies can analyse the quantitative data they collect on its Indigenous and ethnic minority clients.

Given the need to utilise ABS as a source from which benchmark data can be obtained, participating Departments are in turn required to align their data collection systems, to the way in which the ABS collects data in the population census. This method is referred to as the Standards for Statistics on Cultural and Language Diversity (the *Standards*).

The ABS has confirmed that the *Standards* were not intended as a tool for measuring racial discrimination and that although the collection of information about Indigenous status uses self identification, the information is often used to assist with assessing disadvantage in the

context of other related characteristics such as education, health and housing rather than as a means of quantifying levels of racial discrimination.

Unfortunately, despite confirming that the current *Standards* are inadequate, the ABS has no plans to change the current *Standards*.

The Commission agrees with the ABS that the introduction of an ethnicity question into administrative systems would present certain considerations, namely; that custodians of administrative systems would need to be sufficiently informed about the benefit of such a data item in the context of their business and that privacy and community considerations would be an important factor. In this regard the Commission will seek further advice from the ABS and will consider engaging peak bodies on such concerns with a view to developing a national strategy.

The method used by the Commission in the absence of an ethnicity or self identified question

The primary purpose of the ABS standard indicators is to identify the cultural and linguistic groups within the population, rather than Indigenous and ethnic groups. Although identifying groups within the population according to attributes such as language may provide a basis from which ethnic groups could be assumed to exist, it remains that the standard cultural and linguistic indicators do not provide an accurate method for identifying Indigenous and ethnic groups.

For Indigenous people, although the category used to define Indigenous status is collected through a process of self identification, the categories used are too limited to identify differing Indigenous groups in Western Australia.

Within the parameters of the data collected by the ABS population census, a request for data was made which best suited the purposes of monitoring. In doing so, specific attempt were made to ensure that some high priority groups such as Indigenous people, Arab Muslim Australians and some new and emerging communities could be, (to the most effective degree), identified within the data request. For example to ensure that the differing ethno-religious groups such as Arab Muslim Australians within the community could, to an extent, be identified, a table, cross tabulating religion with main language spoken at home was requested.

The following 12 data user tables (data cube) were formulated:

1. Indigenous status, by age, by sex
2. Country of Birth, by age, by sex
3. Main Language Spoken at Home, by age, by sex
4. Proficiency in Spoken English, by age, by sex
5. Religious Affiliation, by age, by sex
6. Year of Arrival in Australia, by age, by sex
7. Ancestry by Birthplace of Parents, by age, by sex
8. Country of Birth by Year of Arrival in Australia, by age, by sex
9. Indigenous persons, by Main Language Spoken at Home, by Proficiency in Spoken English, by age, by sex
10. Religious Affiliation by Year of Arrival in Australia, by age, by sex
11. Religious Affiliation by Main Language Spoken at Home, by age, by sex

12. Proficiency in English, by Country of Birth, by Year of Arrival in Australia, by age, by sex

For each of these tables, it was requested that they be capable of automatically generating information in relation to the following geographical locations:

- All individual 318 suburbs within the Perth Metropolitan region;
- Aggregated total of all 318 suburbs;
- Aggregated total for the North Metro Regions of Mirrabooka, City Office and Midland;
- All 143 individual Local Government Areas in Western Australia;
- All 9 individual statistical divisions within Western Australia;
- Kalgoorlie and Bunbury Statistical Sub Divisions; and
- Western Australia as a total.

The data cube (which is a software program of statistical information) has now been produced by the ABS for the Commission's purposes and will assist in undertaking the needs and impact assessments.

Language Services

The Commission undertook research to identify the extent of language barriers for Indigenous people, particularly when coming into contact with the justice and health systems. The provision of interpreters for Indigenous people for whom English is not the first language and who experience communication difficulties as a result of this, has been ad hoc. The research shows that there is a considerable need for Indigenous interpreters in all spheres of activity to provide basic services to Indigenous people. Currently, there is an insufficient number of Indigenous interpreters to cater to the needs of Indigenous people, none of whom are trained at a professional level of competence which is required for complex communication exchanges such as in the areas of health and justice. Despite the enormity of the need, even the available Indigenous interpreters are not being fully utilised, reflecting the lack of appreciation of the need for Indigenous interpreters by some service providers.

A proposal was developed for an Indigenous Interpreting Service to improve communication between service providers and clients who do not speak fluent English, and in particular Indigenous clients in regional and remote Western Australia. The submission was costed and discussed with Treasury.

Understanding Equal Opportunity And Substantive Equality Its Meaning And Application

The Commission is currently reviewing its existing training courses on equal opportunity to include more specifically the responsibilities of employers as service providers and will be developing new materials on substantive equality to a range of different audiences. The Commission is also receiving requests for cultural diversity training. However it has emerged that these requests often have different meanings applied to the term cultural diversity; there is no uniformity and no clear learning outcomes.







The Equal Opportunity Commission's Progress On Implementing Substantive Equality

Although not formally required to implement substantive equality the Commission has chosen to do so, so that it can promote its leadership role and apply the same standard of change expected of other departments. The Commission is currently in the process of establishing the structures to ensure that a needs and impact assessment can be undertaken on all new

policies, practices and procedures before they are implemented and on any major new initiatives.

The Policy Framework For Substantive Equality At The EOC

The Commission conducted a needs and impact assessment on its service defined as accessing the complaint process, including the following services which were reviewed for potential adverse impacts:

-  Community Education and Training
-  EOC Website
-  EOC Special Events
-  EOC Publications
-  Media
-  Enquiries

Inquiry Into The Private Rental Market In Western Australia

The Commissioner for Equal Opportunity has initiated an inquiry pursuant to s80 of the *Equal Opportunity Act 1984* into whether persons from Aboriginal and ethnic minority groups experience discrimination (direct or indirect) on the basis of their race in the private rental housing market.

The Commissioner instigated this inquiry after receiving a submission from sub-committee representatives of the Housing Crisis Committee for Culturally and Linguistically Diverse Communities (HCCCaLD) in WA - a consultative group representing various ethnic minority groups. The submission included individual experiences, the increase in anecdotal information from other community groups and the general awareness of the restrictions in the private rental market in Western Australia.


The Commissioner has called for submissions from those who believe they have suffered less favourable treatment in the private rental housing market and invited comment from any other interested persons and groups including real estate agents.

To ensure that the potential diversity of experiences encountered by Aboriginal and ethnic minority people will be appropriately considered, the EOC has also provided that the inquiry will examine intersectional forms of racial discrimination.

Specifically this would include experiences of racial discrimination that may involve multiple forms of discrimination on a number of other additional grounds identified within the *Equal Opportunity Act 1984*, such as 'race' and 'sex', or 'race' and 'sex' and 'impairment'.

The Inquiry will examine the possible causes and appropriate remedies for addressing any race based discrimination identified in the private housing rental industry, including liaison and consultation with the private rental industry where appropriate.

The Inquiry is also informed by three specific recommendations of the *Finding a Place* report into discrimination against Aboriginal people in public housing. These three recommendations are as follows:

-  Recommendation 52. The Inquiry noted that many submissions referred to the existence of racist attitudes in the private rental market and the effect this has on the

capacity of Aboriginal prospective tenants to gain housing. The Inquiry recommends that Department of Housing and Works (DHW) conduct training sessions to raise awareness of this.

- Recommendation 53. In view of the frequency with which Aboriginal people report race based discrimination in accessing the private housing rental market, the DHW to cease the practice of requiring that Aboriginal prospective tenants make multiple attempts to access the private rental market before the DHW will list these tenants for priority housing.
- Recommendation 54. That all DHW officers, including regional officers, be made aware of and required to follow the new policy of not including a requirement to provide evidence of trying to obtain private rental housing before being considered for priority assistance.

Investigation Into Public Housing For Aboriginal People

The *Finding a Place* Report on an Inquiry into Discrimination Against Aboriginal people in public housing which was conducted by the Equal Opportunity Commission (EOC) under Section 80 of the *Equal Opportunity Act 1984*, set out 165 recommendations for action by Department of Housing and Works (DHW). These were designed to improve housing accessibility and sustainability for Aboriginal people.

A high level Implementation and Monitoring Committee meets regularly with separate six weekly meetings held between the Commissioner and the Director General of the DHW to ensure that the changes are implemented in an on-going manner. The DHW has recently agreed to participate as a formal member of the Implementation and Monitoring Committee.

Previously, the Department's strategic directions were based on a business framework where eligibility and sustainability of housing was primarily dependent on financial considerations with the payment of rent, living in harmony and the maintenance of property being its core success factors. The current approach lists "Improving Aboriginal Communities" as one of its strategic priorities along with 'More people in housing' and 'Improving building and infrastructure.' Clients are the key focus of the Department's attention and resources are being directed to ensure that the needs of clients are recognised and met. The new strategic directions complement the substantive equality approach which necessitates a focus on systems, policies, practices and procedures which can unwittingly result in service inequalities.

In keeping with its strategic directions, the Department has commenced assessing its policies with a view to amending them. The policy on statute-barred debt is one such policy. As a result of the amendment, all clients with a debt of over six years will receive the benefit of the new policy and have their debts written off.

A five staged methodology to implement the recommendations has been developed which includes an evidence based profile analysis of all 165 recommendations in order to gauge progress.

Significant Issues And Trends

Key Issues And Trends In 2007/08

- There has been an increase in the number of complaints received following State Administrative Tribunal decision of *James v Peter and Deborah Sayers* (the trustees for the Sayers family trust) and *Ors [2006] WASAT 332*, which clarified jurisdictional issues for the acceptance of complaints at the Commission.
- Demand for training courses from public sector departments has increased due to both repeat training sessions and the negotiation of a number of agreements between the Commission and departments to deliver all of their equal opportunity training.
- Community education activities have increased with officers participating in forums and community-based programs for young people, people from culturally and linguistically diverse backgrounds, Muslim community organisations and Indigenous people in both the metropolitan and regional areas.
- Shortage of housing, particularly rental accommodation has resulted in increased reports of discrimination in the area of accommodation. Competition for limited vacancies has resulted in increased claims of exclusion from people of minority racial backgrounds and families with children.

Policy Framework For Substantive Equality

- Participating government departments continue to implement the policy framework as departments move to adopt their full responsibility requirements.
- A diverse range of service areas were selected for commencement of implementation of the Substantive Equality Policy, and the undertaking of needs and impact assessments. Areas were selected that provide a strong public interface and where service delivery to indigenous and other minority ethnic groups is significant.
- Departments have made significant progress in their commitment to implement the framework but are yet to develop communication strategies, internal organisational strategies and clear lines of responsibility to transition the implementation process.

Housing Inquiry

- The DHW continues to work in partnership with the Commission towards implementation of the recommendations of the *Finding a Place Report 2004*.

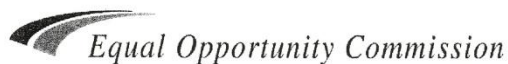
The Year Ahead

During the next year the Commission will undertake:

- Ongoing review and continuous improvement of training materials.
- Development of a marketing plan to target major industries for the provision of equal opportunity training.
- Development of a community engagement plan to ensure that community education is focused and effective.
- Development of a course for community-based contact officers that would be able to provide basic information and referral for people in the community regarding discrimination and harassment.
- Review of the Commission's website, in particular the provision of information in alternative formats.
- Further development of information for young people.
- The Commission will assist other departments participating in the substantive equality program to:
 - establish effective consultation practices to understand the needs of diverse groups;
 - undertake full assessment of services, policies and practices in relation to service delivery; and
 - address any barriers to service delivery and any gaps in training for service delivery that is sensitive to cultural differences.
- Upgrade of data collection in order to better plan for services that meet the needs of Indigenous clients and clients from culturally and linguistically diverse backgrounds.
- In partnership with the Commission, the DHW information systems for be reviewed to enable the analysis of trends relating to the provision of housing services for Indigenous people.
- The Commission will develop conciliation techniques appropriate with dealing with complaints of racially offensive behaviour and in particular for complaints lodged on behalf of representative groups.

Disclosures And Legal Compliance

Financial Statements



COMMISSIONER FOR EQUAL OPPORTUNITY
CERTIFICATION OF FINANCIAL STATEMENTS FOR THE YEAR ENDED JUNE 30, 2008

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 2008 and the financial position as at 30 June 2008.

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

Alan Andersson
DIRECTOR BUSINESS
AND FINANCIAL SERVICES

Chief Finance Officer

10 September 2008

Yvonne Henderson

Yvonne Henderson
COMMISSIONER

Accountable Officer

10 September 2008





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 2008

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 2008, 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 2008**

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 2008 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 2008.


COLIN MURPHY
AUDITOR GENERAL
15 September 2008

COMMISSIONER FOR EQUAL OPPORTUNITY

Income Statement*For the year ended 30 June 2008*

	Note	2008 \$	2007 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	6	2,462,355	2,349,057
Supplies and services	7	444,286	364,762
Depreciation and amortisation	8	37,843	33,375
Accommodation expenses	9	307,194	278,968
Other expenses	10	365,910	261,503
Loss on disposal of non-current assets	14	1,985	3,846
Total cost of services		<u>3,619,573</u>	<u>3,291,511</u>
Income			
<i>Revenue</i>			
User charges and fees	11	223,399	383,828
Commonwealth grants and contributions	12	12,500	36,281
Other revenue	13	393,483	16,309
Total income other than income from State Government		<u>629,382</u>	<u>436,418</u>
NET COST OF SERVICES		<u>2,990,191</u>	<u>2,855,093</u>
INCOME FROM STATE GOVERNMENT	15		
Service appropriations		2,961,000	2,798,000
Resources received free of charge		99,944	116,361
Total income from State Government		<u>3,060,944</u>	<u>2,914,361</u>
SURPLUS/(DEFICIT) FOR THE PERIOD		<u>70,753</u>	<u>59,268</u>

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

COMMISSIONER FOR EQUAL OPPORTUNITY

Balance Sheet*For the year ended 30 June 2008*

	Note	2008 \$	2007 \$
ASSETS			
Current Assets			
Cash and cash equivalents	25	365,309	727,441
Receivables	17	307,935	88,821
Amounts receivable for services	18	78,000	37,000
Other current assets	19	12,067	26,161
Total Current Assets		<u>763,311</u>	<u>879,423</u>
Non-Current Assets			
Restricted cash and cash equivalents	16	22,000	15,000
Plant and equipment	20	373,041	150,845
Total Non-Current Assets		<u>395,041</u>	<u>165,845</u>
TOTAL ASSETS		<u>1,158,352</u>	<u>1,045,268</u>
LIABILITIES			
Current Liabilities			
Payables	21	131,130	91,766
Provisions	22	273,058	401,182
Other current liabilities	23	-	2,530
Total Current Liabilities		<u>404,188</u>	<u>495,478</u>
Non-Current Liabilities			
Provisions	22	213,751	151,130
Total Non-Current Liabilities		<u>213,751</u>	<u>151,130</u>
Total Liabilities		<u>617,939</u>	<u>646,608</u>
NET ASSETS		<u>540,413</u>	<u>398,660</u>
EQUITY			
Contributed equity	24	384,000	313,000
Accumulated surplus/(deficit)		<u>156,413</u>	<u>85,660</u>
TOTAL EQUITY		<u>540,413</u>	<u>398,660</u>
TOTAL LIABILITIES AND EQUITY		<u>1,158,352</u>	<u>1,045,268</u>

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



COMMISSIONER FOR EQUAL OPPORTUNITY

Cash Flow Statement*For the year ended 30 June 2008*

	Note	2008 \$	2007 \$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation		2,882,000	2,760,000
Capital contributions		71,000	23,000
Holding account drawdowns		38,000	38,000
Net cash provided by State Government		<u>2,991,000</u>	<u>2,821,000</u>
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(2,304,439)	(2,042,779)
Supplies and services		(1,198,414)	(935,975)
GST payments on purchases		(180,001)	(84,788)
Receipts			
Receipts from services		407,601	418,703
GST receipts on sales		67,145	38,734
GST receipts from taxation authority		124,000	58,271
Net cash provided by/(used in) operating activities	25	<u>(3,084,108)</u>	<u>(2,547,834)</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from sale of non-current physical assets		286	182
Purchase of non-current physical assets		(262,310)	(42,153)
Net cash provided by/(used in) investing activities		<u>(262,024)</u>	<u>(41,971)</u>
Net increase/(decrease) in cash and cash equivalents		(355,132)	231,195
Cash and cash equivalents at start of period		<u>742,441</u>	<u>511,246</u>
CASH AND CASH EQUIVALENTS AT END OF PERIOD	25	<u><u>387,309</u></u>	<u><u>742,441</u></u>

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



COMMISSIONER FOR EQUAL OPPORTUNITY

Statement of Changes in Equity*For the year ended 30 June 2008*

	Note	2008 \$	2007 \$
Balance of equity at start of period		<u>398,660</u>	<u>316,392</u>
CONTRIBUTED EQUITY	24		
Balance at start of period		313,000	290,000
Capital contribution		<u>71,000</u>	<u>23,000</u>
Balance at end of period		<u>384,000</u>	<u>313,000</u>
ACCUMULATED SURPLUS/(DEFICIT)	24		
Balance at start of period		85,660	26,392
Surplus/(deficit) for the period		<u>70,753</u>	<u>59,268</u>
Balance at end of period		<u>156,413</u>	<u>85,660</u>
Balance of equity at end of period		<u><u>540,413</u></u>	<u><u>398,660</u></u>
Total income and expense for the period	(a)	<u>70,753</u>	<u>59,268</u>

(a) The aggregate net amount attributable to each category of equity is: surplus \$70,753
(2007: surplus \$59,268)

The Statement of Changes in Equity 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 2008

	Provision of Information		Avenue for Redress		TOTAL	
	2008	2007	2008	2007	2008	2007
	\$	\$	\$	\$	\$	\$
COST OF SERVICES						
Expenses						
Employee benefits expense	1,484,418	1,362,563	977,937	986,494	2,462,355	2,349,057
Supplies and services	247,775	203,425	196,511	161,337	444,286	364,762
Depreciation expense	21,105	18,613	16,738	14,762	37,843	33,375
Accommodation expenses	171,320	155,578	135,874	123,390	307,194	278,968
Finance costs						
Loss on disposal of non-current assets	1,107	2,145	878	1,701	1,985	3,846
Other expenses	204,065	145,838	161,845	115,665	365,910	261,503
Total cost of services	2,129,790	1,888,162	1,489,783	1,403,349	3,619,573	3,291,511
Income						
User charges and fees	223,399	383,828	-	-	223,399	383,828
Commonwealth grants and contributions	8,563	24,852	3,938	11,429	12,500	36,281
Other revenue	-	-	393,483	16,309	393,483	16,309
Total income other than income from State Government	231,962	408,680	397,421	27,738	629,382	436,418
NET COST OF SERVICES	1,897,828	1,479,482	1,092,362	1,375,611	2,990,191	2,855,093
INCOME FROM STATE GOVERNMENT						
Service appropriation	1,569,330	1,482,940	1,391,670	1,315,060	2,961,000	2,798,000
Resources received free of charge	60,251	67,494	39,693	48,867	99,944	116,361
Total income from State Government	1,629,581	1,550,434	1,431,363	1,363,927	3,060,944	2,914,361
Surplus/(deficit) for the period	(268,247)	70,952	339,001	(11,684)	70,753	59,268

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 2008

	2008 Estimate \$	2008 Actual \$	Variance \$	2008 Actual \$	2007 Actual \$	Variance \$
DELIVERY OF SERVICES						
Item 64 Net amount appropriated to deliver services	2,762,000	2,762,000	-	2,762,000	2,614,000	148,000
Amount Authorised by Other Statutes - Salaries and Allowances Act 1975	199,000	199,000	-	199,000	184,000	15,000
Total appropriations provided to deliver services	2,961,000	2,961,000	-	2,961,000	2,798,000	163,000
CAPITAL						
Item 152 Capital Contribution	71,000	71,000	-	71,000	23,000	48,000
GRAND TOTAL OF APPROPRIATIONS	3,032,000	3,032,000	-	3,032,000	2,821,000	211,000
Details of Expenses by Service						
Provision of Information	2,007,000	2,129,790	122,790	2,129,790	1,888,162	241,628
Avenue of Redress	1,395,000	1,489,783	94,783	1,489,783	1,403,349	86,434
Total Cost of Services	3,402,000	3,619,573	217,573	3,619,573	3,291,511	328,062
Less total income other than income from State Government	(445,000)	(629,382)	(184,382)	(629,382)	(436,418)	(192,964)
Net Cost of Services	2,957,000	2,990,191	33,191	2,990,191	2,855,093	135,098
Adjustments ^(a)	4,000	(29,191)	33,191	(29,191)	(57,093)	(27,902)
Total appropriations provided to deliver services	2,961,000	2,961,000	-	2,961,000	2,798,000	163,000
Capital expenditure						
Purchase of non-current physical assets	109,000	262,310	153,310	262,310	42,153	220,157
Repayment of borrowings	-	-	-	-	-	-
Adjustment for other funding sources	(38,000)	(191,310)	(153,310)	(191,310)	(19,153)	(172,157)
Capital Contribution (appropriation)	71,000	71,000	-	71,000	23,000	48,000

^(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

COMMISSIONER FOR EQUAL OPPORTUNITY**Notes to the Financial Statements***For the year ended 30 June 2008***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 2008 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).

The Australian Accounting Interpretations are adopted through AASB 1048 'Interpretation and Application of Standards' and are classified into those corresponding to IASB Interpretations and those only applicable in Australia.

The AASB has decided to maintain Statements of Accounting Concepts (SAC 1 and SAC 2) and has continued to revise and maintain accounting standards and the interpretations that are of particular relevance to the Australian environment, especially those that deal more specifically with not-for-profit entity issues and/or do not have an equivalent IASB standard or interpretation.

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 2008.

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.

COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
For the year ended 30 June 2008

(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. Repayable capital appropriations are recognised as liabilities.

(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 2007-2008 Budget Statements, the Commission retained \$629,382 in 2008 (2007: \$436,418) 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.

COMMISSIONER FOR EQUAL OPPORTUNITY

Notes to the Financial Statements*For the year ended 30 June 2008*

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

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).

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.

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'.

All non-current assets with a value of more than \$1,000 and 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.



COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
 For the year ended 30 June 2008

(i) Financial Instruments

The Commission has two categories of financial instrument:

- loans and receivables (cash and cash equivalents, receivables)
- Financial liabilities measured at amortised cost.

These have been disaggregated into the following classes:

Financial Assets

- Cash and cash equivalents
- Restricted cash and cash equivalents
- Receivables
- Amounts receivable for services

Financial Liabilities

- Payables
- Bank overdraft
- WATC/Bank borrowings
- Other borrowings
- Finance lease liabilities
- Amounts due to the Treasurer

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 21 'Payables') 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. The last pay day in 2007/08 was 26 June, therefore an accrual of 2 days was necessary in this financial year.

(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'.





COMMISSIONER FOR EQUAL OPPORTUNITY

Notes to the Financial Statements

For the year ended 30 June 2008

(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

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'.

COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
For the year ended 30 June 2008

Provisions - Other

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).



COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
 For the year ended 30 June 2008

5 Disclosure of Changes in Accounting Policy and Estimates

Initial application of an Australian Accounting Standard

The Department has applied the following Australian Accounting Standards and Australian Accounting Interpretations effective for annual reporting periods beginning on or after 1 July 2007 that impacted on the Department:

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 and while there is no financial impact, the changes have resulted in increased disclosures, both quantitative and qualitative, of the Department's exposure to risks, including enhanced disclosure regarding components of the Department's financial position and performance, and changes to the way of presenting certain items in the notes to the financial statements.

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:

Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities 1 July 2008. The existing requirements in AAS27, AAS 29 and AAS 31 have been transferred to the above new and existing topic-based Standards and Interpretation. These requirements remain substantively unchanged. The new and revised Standards make some modifications to disclosures, otherwise there will be no financial impact.

Voluntary changes in Accounting Policy

From July 2008 the Department will increase the asset capitalisation threshold from \$1,000 to \$5,000 for property, plant and equipment.

	2008	2007
	\$	\$
6 Employee Benefits Expense		
Wages and salaries(a)	2,054,484	1,852,022
Superannuation – defined contribution plans(b)	204,756	179,055
Superannuation – defined benefit plans(c)(d)	-	-
Long service leave(e)	149,151	119,070
Annual Leave(e)	53,964	198,910
Other related expenses	-	-
	<u>2,462,355</u>	<u>2,349,057</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 2008

	2008	2007
	\$	\$
7 Supplies and Services		
Goods and supplies	83,350	72,742
Services and contracts	264,239	181,635
Resources received free of charge (note 15)*	96,697	110,385
	<u>444,286</u>	<u>364,762</u>
*Department of the Attorney General - corporate services		
8 Depreciation Expense		
Office equipment and computers	34,671	30,203
Leasehold improvements	3,172	3,172
	<u>37,843</u>	<u>33,375</u>
9 Accommodation Expense		
Building rental operating lease expense	303,947	272,992
Resources received free of charge (note 15)*	3,247	5,976
	<u>307,194</u>	<u>278,968</u>
*Department of Housing & Works - notional management fee based on lease payments		
10 Other Expenses		
Communication expenses	42,530	31,053
Rates and taxes	-	16,467
Printing and binding	34,507	28,127
Equipment and vehicles operating lease expense	11,567	6,934
Electricity and water	22,136	13,843
Insurance	7,813	3,086
Doubtful debts expense	30,203	
Advertising and promotion	13,197	17,232
Repairs and maintenance	20,356	8,143
Other expenses ^(a)	183,601	136,618
	<u>365,910</u>	<u>261,503</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	189,751	202,744
Other services provided	33,648	181,084
	<u>223,399</u>	<u>383,828</u>
12 Commonwealth Grants and Contributions		
Grant from Commonwealth - Indian Ocean Territories	12,500	36,281
	<u>12,500</u>	<u>36,281</u>
13 Other Revenue		
Seminars and miscellaneous revenue	393,483	16,309
	<u>393,483</u>	<u>16,309</u>



COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
 For the year ended 30 June 2008

14 Net Gain/(Loss) on Disposal of Non-current Assets	2008	2007
	\$	\$
<u>Costs of Disposal of Non-Current Assets</u>		
Equipment	2,272	4,028
<u>Proceeds from Disposal of Non-Current Assets</u>		
Equipment	287	182
	<u>1,985</u>	<u>3,846</u>
15 Income from State Government		
Appropriation received during the year:		
Service appropriations ^(a)	2,961,000	2,798,000
	<u>2,961,000</u>	<u>2,798,000</u>
Resources received free of charge ^(b)		
Determined on the basis of the following estimates provided by agencies:		
Department of the Attorney General		
- corporate services	96,697	110,385
Department of Housing & Works		
- notional management fee based on lease payments	3,247	5,976
	<u>99,944</u>	<u>116,361</u>
	<u>3,060,944</u>	<u>2,914,361</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.

16 Restricted Cash and Cash Equivalents

<u>Non-current</u>		
Accrued salaries suspense account ^(a)	22,000	15,000
	<u>22,000</u>	<u>15,000</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	307,935	88,684
GST receivable		137
Accrued Revenue		
	<u>307,935</u>	<u>88,821</u>

Ageing of receivables past due but not impaired based on the information provided to senior management, at the balance sheet date:

Not more than 3 months	297	51
More than 3 months but less than 6 months	10	-
More than 6 months but less than 1 year	1	37
More than 1 year	-	1
	<u>308</u>	<u>89</u>

COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
For the year ended 30 June 2008

18 Amounts Receivable for Services	2008	2007
	\$	\$
Current	78,000	37,000
Non-current	-	-
	<u>78,000</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	12,067	26,161
	<u>12,067</u>	<u>26,161</u>

20 Plant and Equipment

<u>Office equipment and computers</u>		
At cost	287,780	258,422
Accumulated depreciation	(164,292)	(131,893)
	<u>123,488</u>	<u>126,529</u>
<u>Leasehold Improvements</u>		
At cost	260,125	31,717
Accumulated depreciation	(10,572)	(7,401)
	<u>249,553</u>	<u>24,316</u>
	<u>373,041</u>	<u>150,845</u>

Reconciliation

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

<u>Office equipment and computers</u>		
Carrying amount at start of period	126,530	118,608
Additions	33,904	42,153
Disposals	(2,273)	(4,028)
Depreciation	(34,671)	(30,203)
Carrying amount at end of period	<u>123,490</u>	<u>126,530</u>
<u>Leasehold improvements</u>		
Carrying amount at start of period	24,316	27,488
Additions	228,409	-
Disposals	-	-
Depreciation	(3,172)	(3,172)
Carrying amount at end of period	<u>249,553</u>	<u>24,316</u>

21 Payables

<u>Current</u>		
Accrued salaries due to salary increase	-	-
Accrued salaries to balance sheet date	20,534	7,746
GST payable	11,008	-
Trade payables	99,588	84,020
	<u>131,130</u>	<u>91,766</u>



COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
 For the year ended 30 June 2008

22 Provisions	2008 \$	2007 \$
<u>Current</u>		
Employee benefits provision		
Annual leave ^(a)	110,951	122,430
Long service leave ^(b)	139,650	231,636
Superannuation on-cost	19,769	35,743
	<u>270,370</u>	<u>389,809</u>
Other provisions: Employment on-costs ^(c)		
Carrying amount at start of period	11,373	8,681
Additional provisions recognised	<u>(8,685)</u>	<u>2,692</u>
Carrying amount at end of period	2,688	11,373
	<u>273,058</u>	<u>401,182</u>
<u>Non-current</u>		
Employee benefits provision		
Long service leave ^(b)	197,669	132,572
Superannuation on-cost	13,848	14,213
	<u>211,517</u>	<u>146,785</u>
Other provisions: Employment on-costs ^(c)		
Carrying amount at start of period	4,345	3,328
Additional provisions recognised	<u>(2,111)</u>	<u>1,017</u>
Carrying amount at end of period	2,234	4,345
	<u>213,751</u>	<u>151,130</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'.

23 Other Liabilities

Training revenue received in advance	-	2,530
	<u>-</u>	<u>2,530</u>

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	313,000	290,000
Contributions by owners	-	-
Capital contributions ^(a)	<u>71,000</u>	<u>23,000</u>
Balance at end of period	<u>384,000</u>	<u>313,000</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	85,660	26,392
Result for the period	<u>70,753</u>	<u>59,268</u>
Balance at end of period	<u>156,413</u>	<u>85,660</u>



COMMISSIONER FOR EQUAL OPPORTUNITY

Notes to the Financial Statements

For the year ended 30 June 2008

25 Notes to the Cash Flow Statement	2008	2007
	\$	\$
<u>Reconciliation of cash</u>		
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	365,309	727,441
Restricted cash and cash equivalents (see note 16)	22,000	15,000
	<u>387,309</u>	<u>742,441</u>
<u>Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities</u>		
Net cost of services	(2,990,191)	(2,855,093)
Non-cash items:		
Depreciation expense	37,843	33,375
Resources received free of charge	99,944	116,361
Net (gain)/loss on sale of plant and equipment	1,985	3,846
(Increase)/decrease in assets:		
Current receivables	(219,251)	(17,806)
Other current assets	14,094	(14,360)
Increase/(decrease) in liabilities:		
Current payables	15,568	60,753
Current provisions	(128,124)	97,794
Other current liabilities	12,788	(20,396)
Revenue received in advance	(2,530)	90
Non-current provisions	62,621	35,385
Net change in GST receivables/payables	11,145	12,217
Net cash provided by/(used in) operating activities	<u>(3,084,108)</u>	<u>(2,547,834)</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	92,000	109,000
Later than 1 year and not later than 5 years	393,600	284,000
Later than 5 years	498,700	392,000
	<u>984,300</u>	<u>785,000</u>
The capital commitments include amounts for:		
Office Equipment	984,300	785,000

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	403,366	595,843
Later than 1 year and not later than 5 years	1,861,881	2,589,465
Later than 5 years	4,176,881	6,518,866
	<u>6,442,128</u>	<u>9,704,174</u>
Representing:		
Non-cancellable operating leases	6,442,128	9,704,174
	<u>6,442,128</u>	<u>9,704,174</u>



COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
 For the year ended 30 June 2008

27 Explanatory Statement

Significant variations 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 2008 - Total appropriation to deliver services:

	2008 Estimate	2008 Actual	Variance
	\$	\$	\$
Provision of Information	2,007,000	2,129,790	122,790

The recent review of all specified callings positions resulted in a financial impact for the Office of \$36,000 for the 2007/2008 year. There was an increase of expected training revenue of \$30,000 and therefore increased expenditure associated with the delivery of that training. As part of the records keeping plan, the Commission commenced work on electronic document management. This required the upgrade of the TRIM records Software and associated hardware to the value of \$50,000 approximately.

These monies were apportioned accordingly across Service 1 and Service 2.

Avenue of Redress	1,395,000	1,489,783	94,783
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The recent review of all specified callings positions resulted in a financial impact for the Office of \$36,000 for the 2007/2008 year. As part of the records keeping plan, the Commission commenced work on electronic document management. This required the upgrade of the TRIM records Software and associated hardware to the value of \$50,000 approximately.

These monies were apportioned accordingly across Service 1 and Service 2.

In addition to this there were increased staff costs associated with the replacement of two staff who had progressed on maternity leave during the year.

Significant variances between actuals for 2007 and 2008 - Total appropriation to deliver services:

	2008 \$	2007 \$	Variance \$
Service Expenditure			
Provision of Information	2,129,790	1,888,162	241,628

The recent review of all specified callings positions resulted in a financial impact for the Office of \$36,000 for the 2007/2008 year. There was an increase of expected training revenue of \$30,000 and therefore increased expenditure associated with the delivery of that training. As part of the records keeping plan, the Commission commenced work on electronic document management. This required the upgrade of the TRIM records Software and associated hardware to the value of \$50,000 approximately.

These monies were apportioned accordingly across Service 1 and Service 2.

There were delays in recouping salary from other agencies for staff who were on secondment while the Commission was required to continue to maintain the payroll payments.

Avenue of Redress	1,489,783	1,403,349	86,434
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The recent review of all specified callings positions resulted in a financial impact for the Office of \$36,000 for the 2007/2008 year. As part of the records keeping plan, the Commission commenced work on electronic document management. This required the upgrade of the TRIM records Software and associated hardware to the value of \$50,000 approximately.

These monies were apportioned accordingly across Service 1 and Service 2.

In addition to this there were increased staff costs associated with the replacement of two staff who had progressed on maternity leave during the year.

COMMISSIONER FOR EQUAL OPPORTUNITY

Notes to the Financial Statements

For the year ended 30 June 2008

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.

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.

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.

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) Categories of Financial Instruments

In addition to cash and bank overdraft, the carrying amounts of each of the following categories of financial assets and financial liabilities at the balance sheet date are as follows

	2008	2007
	\$	\$
Financial Assets		
Cash and cash equivalents	365,309	727,441
Restricted cash and cash equivalents	22,000	15,000
Loans and receivables(a)	307,935	88,821
Financial Liabilities		
Financial liabilities measured at amortised cost	99,588	84,020

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

(c) Financial Instrument Disclosures

The following table details the exposure to liquidity risk and interest rate risk as at the balance sheet date. The Commission's maximum exposure to credit risk at the balance sheet date is the carrying amount of the financial assets as shown on the following table. The table is based on information provided to senior management of the Commission. The contractual maturity amounts in the table are representative of the undiscounted amounts at the balance sheet date. An adjustment for discounting has been made where material.

The Commission does not hold any collateral as security or other credit enhancements relating to the financial assets it holds.

The Commission does not hold any financial assets that had to have their terms renegotiated that would have otherwise resulted in them being past due or impaired.



2008	Weighted average interest rate	Variable Interest Rate	Non- Interest Bearing	Within 1 year	1-2 years	2 - 3 years	3 - 4 years	4 - 5 years	Over 5 years	Adjustment for discounting	Total
	%	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Financial assets											
Cash and cash equivalent assets			365,309								365,309
Restricted cash and cash equivalent assets			22,000								22,000
Receivables			307,935								307,935
Loans and advances			12,067								12,067
Amounts receivable for services			78,000								78,000
Total financial assets			785,311	-	-	-	-	-	-	-	785,311
Financial liabilities											
Payables			99,588								99,588
Other borrowings											-
Finance lease liabilities											-
Total financial liabilities			99,588	-	-	-	-	-	-	-	99,588
Net financial asset/(liabilities)			685,723	-	-	-	-	-	-	-	685,723

2007	Weighted average interest rate	Variable Interest Rate	Non- Interest Bearing	Within 1 year	1-2 years	2 - 3 years	3 - 4 years	4 - 5 years	Over 5 years	Adjustment for discounting	Total
	%	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Financial assets											
Cash and cash equivalent assets			727,441								727,441
Restricted cash and cash equivalent assets			15,000								15,000
Receivables			88,821								88,821
Loans and advances			26,161								26,161
Amounts receivable for services			37,000								37,000
Total financial assets			894,423	-	-	-	-	-	-	-	894,423
Financial liabilities											
Payables			84,020								84,020
Other borrowings											-
Finance lease liabilities											-
Total financial liabilities			84,020	-	-	-	-	-	-	-	84,020
Net financial assets/(liabilities)			810,403	-	-	-	-	-	-	-	810,403

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

The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities

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.

Where a material difference between the carrying amount and fair value exists in respect of financial assets or liabilities, then the aggregate fair value of the class of financial assets or liabilities should be disclosed. An entity shall disclose the methods and significant assumptions applied in determining fair values of financial assets and financial liabilities separately for significant classes of financial assets and financial liabilities.

COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
For the year ended 30 June 2008

	2008 \$	2007 \$
36 Commonwealth Grant - Indian Ocean Territories		
Balance at start of period	(94)	(11,282)
Receipts		
Commonwealth grants	12,500	36,281
Other income	-	-
Payments		
Operating costs	(22,141)	(25,093)
Balance at end of period	<u>(9,735)</u>	<u>(94)</u>

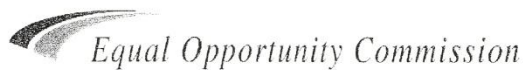
. The Commission had no related bodies during the financial year.

35 Affiliated bodies

The Commission had no affiliated bodies during the financial year.



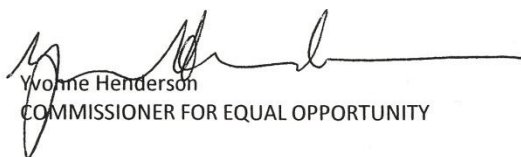
Performance Indicators



COMMISSIONER FOR EQUAL OPPORTUNITY

CERTIFICATION OF PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2008

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 Equal Opportunity Commission for the financial year ended 30 June 2008.



Yvonne Henderson
COMMISSIONER FOR EQUAL OPPORTUNITY

10 September 2008



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

The 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 raises awareness of the *Equal Opportunity Act 1984* within the Western Australian community; promotes equality of opportunity and provides remedies in respect to discrimination.

The efficiency indicators measure the cost of providing these services.

Effectiveness Indicators

The extent to which the Western Australian community is aware of, equality of opportunity and recognises and accepts the Act is assessed by conducting a community-wide survey 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 the extent to which their complaints can be conciliated, and the extent to which provision of legal assistance results in settlement of the complaint.

Public Awareness, Recognition And Acceptance

Between December 3 and December 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 1 below.

The methodology comprised a telephone survey of a random sample of the adult population. A total of 410 interviews were completed, 306 of which were in the metropolitan area.

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

Table 1
Community Survey Of Public Awareness
2000 – 2006

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 conducted in 2006 found that more than three-quarters of the Western Australian 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.

In 2006 respondents were less optimistic about general community concern for human rights issues, but showed a small increase in their personal concern.

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

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

Employers' And Employees' Acceptance Of The Act

Of the complaints received by the Commission, more than two thirds (67.6% in 2007/08) 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 decreased by a small amount, but continues the upward trend of the past four years, as shown in Table 2 below.

Table 2:
Employers' Acceptance Of The Act
2004/05 to 2007/08

Employer Participants	2004/05 %	2005/06 %	2006/07 %	2007/08 %
Employer respondents who have revised their policies and/or implemented equal opportunity programs	10.0	18.6	23.1	19.6

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.

Table 3 below shows the 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.

Table 3
Employees' Acceptance Of The Act
2004/05 to 2007/08

Training Participants	2004/05 %	2005/06 %	2006/07 %	2007/08 %
Participants who would recommend the Commission's training courses.	95.8	96.7	97.0	95.4
Participants who stated that they would be able to use what they have learnt at work or their daily life.	97.5	98.0	98.1	97.8

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 2007/08 the Commission handled 920 complaints. Table 4 below shows the proportions of complaints which were conciliated or referred to the State Administrative Tribunal. The outcomes of cases not resolved by conciliation or referral are detailed in Table 5.

Table 4
Rates Of Conciliation And Referral Of Complaints
2004/05 to 2007/08

Rates of conciliation and referral to the Tribunal	2004/05 %	2005/06 %	2006/07 %	2007/08 %
Proportion of closed complaints conciliated	31.7	32.9	33.4	35.6
Proportion of closed complaints referred to the State Administrative Tribunal	18.4	29.2	24.8	13.0

The proportion of conciliated complaints remained much the same but there has been a decline in the proportion of complaints referred to the Tribunal in last year. This relates to the number of complaints which cannot be conciliated, and which are referred by the Commissioner under s93 of the Act. This is entirely dependent on the nature of the complaints themselves.

During this period the number of lapsed complaints remained at a low level achieved by changes in conciliation practices over the last three years (see Table 5 below).

Table 5
Outcomes Of Remaining Closed Complaints
2004/05 to 2007/08

Details of Remaining Complaints	2004/05 %	2005/06 %	2006/07 %	2007/08 %
Lapsed	22.9	14.1	14.0	16.3
Dismissed	10.4	9.1	11.3	20.3
Withdrawn	16.6	14.7	16.5	14.8

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 to 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 6
Settlement Rate Of Cases Referred
To The State Administrative Tribunal
2004/05 to 2007/08

Settlement rate of cases referred to the State Administrative Tribunal	2004/05 %	2005/06 %	2006/07 %	2007/08 %
Settlement rate	75.9	70.7	79.2	61.9

In 2007/08 the settlement rate of cases referred to the Tribunal declined, reflecting an increase in cases which were determined by the SAT.

Efficiency Indicators

Service 1: Provision Of Information And Advice Regarding Equal Opportunity And Human Rights

These indicators measure the average cost of delivering presentations and seminars, answering enquiries, providing policy advice, conducting reviews and producing publications. Each initiative or service contributes and enhances the public's awareness and acceptance of equal opportunity. Table 7 shows the average cost of presentations, enquiries, policy advice and review, and publications.

Table 7
Average Cost Of Information Provision
2004/05 to 2007/08

	2004/05 \$	2005/06 \$	2006/07 \$	2007/08 \$	Budget 2007/08 \$
Average cost per presentation/seminar/ workshop	2,224.56	2,025.00	1,690.90	2,719.64	1,885
Average cost per enquiry	88.24	105.00	130.13	196.60	130
Average cost per policy advice and review	2,343.84	1,056.00	956.42	1,135.75	1,208
Average cost per publication	6,542.33	7,279.00	1,026.21	8,787.45	8,453

Factors contributing to the increase in budget estimates:

- Fewer presentations and publications due to staff turnover in the respective sections.
- Enquiries continued to decline as in previous years from 2958 in 2006/07 to 2103 in 2007/08. The Commission has been working with other agencies to reduce the number of inappropriate referrals, particularly about bullying, which may account for some of the decline this year. Another factor may be the increasing use of the website for obtaining information and complaint forms. Usage has increased to 44,143 unique hits in the 2007/08 year, up from 40,259 in the previous year.
- Policy advice and reviews include requests received from individuals and organisations, draft replies for the Minister, submissions on government policies, legislation reviews and papers presented by the Commissioner). The number received in this reporting year was 665 compared with 669 in the previous year.

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

Table 8
Average Cost Per Complaint And Per Case Referred
By The Commissioner To The Tribunal
2004/05 to 2007/08

	2004/05 \$	2005/06 \$	2006/07 \$	2007/08 \$	Budget 2007/08 %
Average cost per complaint	1,042.83	1,364.00	1,257.74	1,241.65	1,116
Average cost per case referred to the Tribunal by the Commissioner	3,089.66	3,177.00	3,934.63	4,357.14	2,571

There was an increase in the average cost per complaint due to increased costs of salaries, accommodation and office renovation, despite an increase in complaints handled from 818 in 2005/06 to 920 in 2007/08).

The average cost per case referred to the Tribunal increased as the number of complaints referred declined from 94 in 2006/07 to 84 in 2007/08.

Corporate Compliance And Governance

Governance Disclosures

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

Enabling Legislation

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

Legislation Administered By The Commissioner

- ✦ *Equal Opportunity Act 1984* (as amended in 1988, 1992 and 2001) – Parts I-VII and X; and the
- ✦ *Spent Convictions Act 1988* – Division 3
- ✦ Enquiries concerning Commonwealth human rights and anti-discrimination laws are referred directly to the Commonwealth Human Rights and Equal Opportunity Commission (HREOC) in Sydney, New South Wales.









Legislation Affecting The Commission's Activities

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

State

- ✦ *Disability Services Act 1993*
- ✦ *Electoral Act 1907*
- ✦ *Financial 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 Injury Management 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*
-  *Workplace Relations Amendment (A Stronger Safety Net) Act 2007.*

Other Legal Requirements

Advertising

In accordance with Section 175ZE of the *Electoral Act 1907*, the Commission did not incur any expenditure in the stipulated areas of in advertising, market research, polling, direct mail and media advertising.



Disability Access And Inclusion Plan Outcomes

The Commission has developed a draft plan in consultation with staff, which is approved for public advertising and consultation in accordance with its public consultation strategy. Current initiatives to address each of the six desired outcomes are as follows:

Desired Outcome 1:

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




Initiatives:

-  the Commission's Community Education and Training department has conducted sessions to the NICAN National Conference on Tourism and People With Disabilities
-  The Commission refers enquirers and complainants to appropriate disability advocacy and support services, where required.

Desired Outcome 2:

People with disabilities have the same opportunities as other people to access the buildings and other facilities of a public authority.

Initiatives:

-  Access to EOC public areas is ensured by providing:
 - Doors to public areas are wide enough to allow wheelchair access
 - Wheelchair access to the building and office entrances via lift
 - Audio directions in lifts
 - Accessible toilets are available for public use.
-  Access to EOC office facilities have been modified
 - Reception counter has been redesigned to allow improved access
 - Office doors modified to ensure adequate visibility of glass, and automatic opening
 - Meeting and conference rooms have been modified to improve lighting and accessibility
-  External venues for EOC events are assessed for disabled access and facilities.

Desired Outcome 3:

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

Initiatives:

- The EOC website was reviewed and modified to improve access, including larger fonts and text versions of documents.
- Audio versions of public documents are available on request
- TTY service is utilised for clients as required.
- Auslan interpreters are engaged for EOC events as required.

Desired Outcome 4:

People with disabilities receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.



Initiatives:

- EOC is a Companion Card participant.
- Conciliation officers use the Human Rights and Equal Opportunity Commission's video Pathways to Resolution with text to assist people with hearing impairments in the conciliation process.
- The Commission refers enquirers and complainants to appropriate disability advocacy and support services where required.
- The EOC uses the video A Class Divided in its Equal Opportunity Law training sessions. This video has been captioned to accommodate those who are deaf or hard of hearing.
- When working with hearing impaired people conciliation officers follow the client's direction regarding their preferred choice or type of interpreter.

Desired Outcome 5:

People with disabilities have the same opportunities as other people to make complaints to a public authority.


Initiatives:

-  Complaint information and forms are available in hard copy and on the website.
-  Complaint forms can be completed and submitted electronically as well as in hard copy.

Desired Outcome 6:

People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority

Initiatives:

-  In the 2007 review of the Equal Opportunity Act 1984, information about the terms of reference and submissions was advertised in the press and on the website. An audio tape of the information was provided by request. Submissions were received in hard copy and electronic formats

Compliance With Public Sector Standards And Ethical Codes

Compliance Issues	Significant action taken to monitor and ensure compliance
Public Sector Standards (PSS) Nil breach claims	Information about Standards included on the Equal Opportunity Commission intranet and included in the formal Induction process for new employees.
WA Code of Ethics Nil reports of non compliance with WA Code of Ethics	WA Code of Ethics forms part of induction materials and is on the Equal Opportunity intranet.
Agency Code of Conduct Nil reports of non compliance with the Code of Conduct.	The Equal Opportunity Code of Conduct is accessible on the intranet and forms part of the formal induction process. The Code of Conduct is under review in consultation with all staff 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.

Record Keeping Plans

The Commission has developed a Record Keeping Plan, in accordance with the *State Records Act 2000*. This plan specifies how records are created, managed and maintained over time including the disposal of records.

During the year the Office has made significant improvements to demonstrate further compliance with the Record Keeping Plan and a commitment to efficient record-keeping practices. The Office has upgraded to the latest version of TRIM to enable electronic document storage. The electronic module is being piloted by Corporate Services and will be rolled out to staff upon completion. In 2008/09 it is envisaged all correspondence be scanned into TRIM electronically and regular audits be conducted to test the quality of the data being saved into TRIM this information will be evaluated to identify training requirements.

Record-naming conventions have been updated for the creation and registration of documents to reflect the functions performed by divisions within the Office. This process will improve in the retention and disposal procedures. It is envisaged that in 2008/09 a review of the Retention and Disposal Schedule will aid in the appraisal of current files held by the Office.

Staff have participated in information sessions conducted by State Records Office outlining their individual responsibilities under the *Act*. All new staff are provided with basic record-keeping induction and provided with instructions on the use of TRIM. However, once the electronic document module is fully operational all staff will receive in-depth training on the use of TRIM.

Government Policy Requirements

Corruption Prevention

- The Manager, Corporate Services attended a consultation workshop hosted by the Corruption and Crime Commission on the 30th April 2008. The purpose of this was to obtain feedback from a number of agencies on the proposed outcomes based framework to assist public sector authorities to manage misconduct.
- The Equal Opportunity Commission is currently reviewing the Code of Conduct for the Commission and has also made staff aware of public sector wide requirements with relation to misconduct.

Substantive Equality

- The Equal Opportunity Commission has committed to implementing the *Policy Framework for Substantive Equality*
- The first service area selected was the accessibility of the Commission's complaints process, across Western Australia.
- The service area that will commence in the next financial year, is the Complaints Process and its impact on Indigenous and ethnic minority people.
- The needs and impact assessment within the service area of 'assessing the accessibility of the complaints process' was undertaken and a report is expected to be completed early in 2008/09.

Sustainability

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

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

During 2007/08 the Commission provided 1440 kilograms of waste paper to be recycled compared with 1100 kilograms in the previous year.

Occupational Health And Safety

- The Commission has approved the establishment of an Occupational Health and Safety committee to support the elected staff representative.
- Statement of compliance with the injury management requirements of the Workers Compensation and Injury management Act 1981
- A report on annual performance:

Indicator	Actual	Target 2007/08
Number of fatalities	Zero (0)	Zero (0)
Lost time injury/diseases (LT/D) incidence rate	Zero (0)	Zero or 10% reduction on previous year
Lost time injury severity rate	Zero (0)	Zero (0)

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

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.

Average Cost Of Information Provision 2004/05 to 2007/08

	2007/08 \$	Budget 2007/08 \$
Average cost per presentation/seminar/workshop	2,719.64	1,885
Average cost per enquiry	196.60	130
Average cost per policy advice and review	1,135.75	1,208
Average cost per publication	8,787.45	8,453

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.

	2007/08 \$	Budget 2007/08 \$
Average cost per complaint	1,241.65	1,116
Average cost per case referred to the Tribunal by the Commissioner	4,357.14	2,571

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

September 24, 2008

Appendix A: Case Studies

Case Studies For Conciliated Complaints

Family Responsibility Discrimination In The Area Of Employment:

An employee returning to work from maternity leave sought to return on a part-time basis for 12 months. The employer agreed to do so provided she accept a lower status position, with lower pay and fewer responsibilities as a 'consequence' for seeking to work part time. After unsuccessful attempts to negotiate, the employee made a complaint to the EOC. Conciliation led to her being reinstated in her original position with her original rate of pay. This set a precedent for the company involved, which now recognises its responsibility to staff in making reasonable moves to accommodate family responsibilities.

Sexual Orientation Discrimination In The Area Of Employment:

An employee was sexually harassed about his sexual orientation and lodged a complaint with his employer. The employer reprimanded staff and the harassment ceased for a few weeks. But some weeks later the behaviour recommenced with additional victimisation and bullying. The employee made another complaint to his employer, but did not feel that the matter was resolved so he lodged a complaint with the EOC and resigned. Conciliation resulted in a formal apology, policy change within the organisation and payment for lost wages.

Sex Discrimination In The Area Of Provision Of Goods, Services And Facilities:

A number of men were refused entry to a nightclub, while female companions were allowed in. The club claimed it was because the men were dressed too casually, this was disputed by the patrons and a complaint on the grounds of sex discrimination was made to the EOC. Conciliation resulted in a formal apology, EO training and a review of staff procedures.

Impairment Discrimination In The Area Of Access To A Service:

A man with a mental illness was refused a life insurance policy on the grounds of his impairment. In conciliation, it was recognised that statistical data about his illness indicated additional risk however the insurance company acknowledged that it had handled the matter insensitively. An apology and compensation was provided and changes were made to company procedures.

Impairment Discrimination In The Area Of Employment:

A health sector employee complained to her employer when nursing staff revealed her mental health history. The employee filed a complaint with the EOC when she felt her employer did not deal with her internal complaint effectively due to the nature of the complaint. Further she claimed that she was penalised by being removed from shifts when rostered to work with one of the nurses. Some of the complainant's issues were resolved at conference. Her removal from the roster was not, and this matter was referred to the SAT.

Impairment Discrimination In The Area Of Employment:

A person employed in the health industry claimed impairment discrimination in the area of employment when his operations manager told him he would be made redundant if he did not increase his hours from two days a week to full time. He declined to increase his hours and was subsequently made redundant. He claimed his employer knew he was unable to work full-

time due to his impairment and his employer did not consider other alternatives such as job share arrangements. The respondent claimed operational requirements necessitated an increase in the complainant's working hours, and they were unaware his impairment could impact on the amount of time he could work on a weekly basis. The matter was resolved with an ex-gratia payment of \$6,000 and the provision of a written apology.

Impairment Discrimination In The Area Of Employment:

A man was offered employment with a mining company in the North West. The day before he was due to start work the company informed him the offer of employment was being withdrawn because he had a congenital defect, something he had successfully coped with from four years of age. The matter was conciliated with an ex-gratia payment of \$6,000 and a written apology.

Sex Discrimination In The Area Of Employment:

A woman working in the mining industry lodged a complaint of sex discrimination in the area of employment because she believed her supervisor was treating her less favourably than her male co-workers. When she reported his actions to management she claimed they did not take her claims seriously. The matter was resolved through an ex-gratia payment of \$3,000 and the payment of \$2,776 in entitlements.

Race Discrimination In The Area Of Provision Of Goods, Services And Facilities:

On completion of his journey an Aboriginal man asked the taxi driver to wait while he went inside to get the correct change. The driver was of Indian origin and told the man 'Aboriginal people never have the fare'. During conciliation both parties discussed their cultural origins and views about race and the driver apologized and said he now understood why the complainant was angry and hurt. No monetary payment was sought and none was offered. Both parties agreed to meet privately outside the Commission and continue their discussion about cultural origins and their views on race and racism.

Case Studies Of Lapsed Complaints

Family Responsibility Discrimination In The Area Of Employment:

An employee working through an agency at a mine-site complained of bullying and harassment in the workplace which he believed was linked to his family responsibilities. He was requested to provide further substantiation of his complaints before they were put to the various respondents however he did not respond. The complaint lapsed before it was investigated or any conciliation was attempted.

Race Discrimination In The Area Of Provision Of Goods, Services And Facilities:

A foreign student at a private English language college discovered that there was a variation in fees dependent upon country of origin. He filed a claim as he believed that it was race discrimination. The respondent explained that there were lower fees for students from developing countries as it was considered they had less capacity to pay. When the complainant left Australia to continue travelling, contact was lost and the complaint lapsed.

Racial Harassment And Discrimination In The Area Of Employment:

A female employee in the retail industry alleged that she was punched and verbally abused and threatened by other employees. The complaint was lodged on the ground of race and racial harassment. Several of the allegations were out of the 12 month time limit for investigation of complaints. An investigation revealed that much of the complaint related to bullying and general harassment and the complainant indicated that she intended to withdraw the complaint. She did not put this in writing and after several follow up letters from the Commission, the matter lapsed.

Case Studies Of Withdrawn Complaints

Family Responsibility And Marital Status In The Area Of Employment:

A woman alleged that her family responsibility, marital status and sex had led to discrimination in that her employer preferred a single person in the job she had applied for and that the employer had a perception that a single person would be more flexible. The complainant withdrew her complaint when the respondent employer subsequently offered her another position.

Impairment Discrimination In The Area Of Employment:

A female employee alleged she had been discriminated against by her former supervisor for taking sick leave. The employee complained that she was bullied because she contracted the 'flu around the Christmas period and needed to take leave rather than coming to work. The employer denied having discriminated against the employee on the ground of her being unwell and cited a number of occasions where the employee had not shown for work and poor work performance as issues relating to the employee. The complaint was withdrawn by the employee after she saw the response and commenced alternate employment.

Racial Discrimination In The Area Of Employment:

An overseas-trained nurse claimed senior nursing staff had treated her less favourably by referring to her accent in a negative way, as well as her mode of expression, and at times

disrespecting her way of providing care. The hospital stated that she did not get along with many of the other staff and problems were created due to her domineering personality and manner - not because she was foreign. The matter went to conciliation and some outcomes were achieved but the matter did not settle due to a disagreement about financial compensation. In the interim, the complainant returned to work, a number of senior nursing staff had been replaced and she claimed the issue was no longer present. Consequently she withdrew the complaint.

Race Discrimination And Victimization In The Area Of Employment:

A non-indigenous health care worker claimed that she had been adversely treated and racially harassed in their place of employment at an indigenous service provider, by the new non-indigenous manager, to the point that she was forced on to stress leave and subsequently terminated from their employment. Settlement in this matter was reached in another jurisdiction and the complaint was withdrawn as part of that settlement.

Sexual Harassment In The Area Of Employment:

A woman alleged that she witnessed a former male colleague sexually harass a female worker and that she herself had been subjected to a comment of a sexual nature by the man in question. When contacted by the Conciliation Officer to discuss the matter the woman said that she did not want to pursue her complaint as the man's employment had been terminated.

Case Studies Of Dismissed Complaints

Age Discrimination In The Area Of Provision Of Goods, Services And Facilities:

A man believed that he had been subjected to age discrimination as he had been denied a home loan for the amount and term he sought. The respondent stated that they did offer a loan on alternate terms taking into account the full financial commitments of the complainant at present and over the term of the loan. It was assessed that the rejection of the loan was not on the basis of age but on his capacity to repay the loan.

Impairment Discrimination In The Area Of Employment:

A female employee in the finance industry alleged impairment discrimination when she was asked to undertake project work whilst she was certified as unfit to perform the duties of her position and on her return to work was given a different position, with altered days and hours. The complaint was dismissed because the complainant agreed to undertake project work and was not refused her original job but when asked to provide medical evidence that she was fit to resume this work failed to do so. A change in business needs required a change to the days/hours worked and many employees were aggrieved by this. The changes were not related to her impairment.

Impairment Discrimination In The Area Of Employment:

A man employed as a delivery driver with a transport company injured himself at work. The company owners said they were not aware he needed any additional time off work, other than one day off for which they received a medical certificate. He took additional time off work and did not provide any medical certificates to justify his absence from work. The complainant did not provide any other information to substantiate why he had taken additional time off work as requested, he did not attend a conciliation conference and the matter was subsequently dismissed by the Commissioner as lacking in substance.

Sex Discrimination In The Area Of Employment:

A male employee alleged that he was discriminated against because he been paid a lower allowance, than a female colleague who had acted in his position. The allegations were denied because the allowance was not calculated based on gender but rather on the hours worked or claimed. The complaint was dismissed as lacking in substance.

Case Studies Of Complaints Referred To The State Administrative Tribunal By The Commissioner Under S93 Of The Equal Opportunity Act 1984

Sexual Harassment In The Area Of Employment:

An employee alleged that a work colleague sexually harassed her during her employment by touching her inappropriately and by making comments to her that were of a sexual nature. She reported the matter to management and felt that her concerns were not taken seriously and subsequently her employment was terminated. The allegations were denied. Attempts to conciliate were unsuccessful and the case was referred to the SAT.

Impairment Discrimination In The Area Of Access To A Service:

A prisoner complained that he was not provided with appropriate medical care and attention for his diagnosed medical condition because prison staff believed him to be an intravenous drug user coming off drugs - despite his recent discharge from hospital after an operation. The prison stated that guidelines for appropriate medical care were followed and that staff were correct to refuse the request for the on call doctor to be called to attend to the prisoner's pain. The prison acknowledged and apologised that next of kin were not notified early enough when it became apparent that the complainant's condition was critical and life threatening. The complaint however was referred to the SAT by the Commissioner.

Sexual Harassment In The Area Of Employment:

A young overseas backpacker alleged that whilst on a working holiday in country Western Australia her employer subjected her to unwelcome comments and conduct of a sexual nature. She was so distressed by this she immediately left the job. The matter was unable to be conciliated and the Commissioner referred the complaint to the SAT.

Age And Impairment Discrimination In The Area Of Employment:

A female employee of a hotel complained that she had been discriminated against on the basis of her impairment after she injured herself at work. She claimed that after being cleared as fit to return to work on light duties she was advised that there were no light duties for her to do. She eventually resigned. The company denied discriminating against the employee. The matter was unable to be resolved and the Commissioner referred to the SAT.

Impairment Discrimination In The Area Of Employment:

A man's employment was terminated after being off work for an extended period. He claimed that he was not treated as other employees due to his illness being depression and he was not allowed to have a graduated return to work. The employer stated that the organisation was too small to allow the position to become part-time and that they were also concerned that the employee was not medically fit to return to work. The matter was unable to be resolved and was referred to the SAT.

Case Studies Of Complaints Referred To The State Administrative Tribunal By The Commissioner Under S90 Of The Equal Opportunity Act 1984

Impairment discrimination in the area of employment:

A man alleged impairment discrimination in the area of employment when he was denied access to a mine site because his pre-medical test showed he was obese and the company stated he would not be allowed on site because the equipment he would be using had a weight limitation and he was significantly over that weight. The complainant was asked to explain how he viewed being overweight as an impairment and he did not do so. The Commissioner dismissed his complaint as lacking in substance, and the complainant self-referred the matter to the SAT under S90 of the Act.

Pregnancy Discrimination In The Area Of Employment:

A woman alleged discrimination on the ground of pregnancy in the area of employment. After investigation the Commissioner determined that although there may have been work issues and a subsequent break down in the employer/employee relationship there was no evidence to indicate that this occurred because of the complainant's pregnancy. The complaint was dismissed as lacking in substance and the complainant requested that it be referred to the SAT.

Race Discrimination In The Area Of Employment:

A father lodged a complaint of race discrimination in the area of employment on behalf of his son. He alleged that his son did not obtain an apprenticeship because of his race. The respondent company stated that the son did not meet the requirements of the apprenticeship and that they employed people of all different backgrounds. The complaint was dismissed as lacking in substance and the complainant referred the matter to the SAT.

Appendix B: Feedback Form



EQUAL OPPORTUNITY COMMISSION

The Commission is interested in receiving your feedback regarding our 2007/08 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 2007/08 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

