

Equal Opportunity Commission

2009-10
Annual Report

 *Equal Opportunity Commission*



Statement of compliance

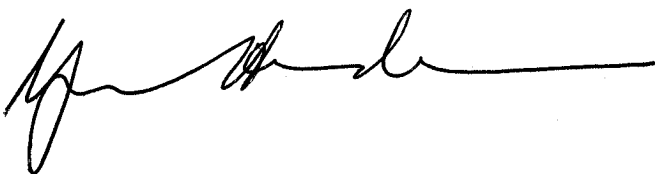
For the year ended 30 June 2010

Honourable Christian Porter BA(Hons) BEd LLB(UWA) MSc(Dist) LSE MLA
Attorney General; Minister for Corrective Services
29th Floor, Allendale Square,
77 St Georges Terrace,
PERTH WA 6000

In accordance with section 63 of the *Financial Management Act 2006*, I have pleasure in submitting for your information and presentation to Parliament, the Annual Report of the Equal Opportunity Commission for the year ended 30 June, 2010.

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

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

27 August 2010

About this report

This report aims to provide an overview of The Equal Opportunity Commission's activities during 2009-10.

The first chapter provides an overview and executive summary of the Commission's activities, operational structure, state and commonwealth legislation affecting the Commission's activities and the Commission's performance management framework. Chapter 2 reports on the Commission's operations and key performance indicators. The third outlines significant issues and trends impacting on the Commission's operations, and the fourth contains the financial statements, key performance indicators and other disclosures. The Appendices include a selection of case studies and a feedback form.

This Report is available from the publication 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 2009-10 Annual Report, please refer to the Feedback Form in Appendix B at the end of this Report.

Equal Opportunity Commission contact details

Street address

Level 2
141 St Georges Terrace
Westralia Square
PERTH WA 6000

Postal address

PO Box 7370
Cloisters Square
PERTH WA 6850

Electronic

Internet: www.eoc.wa.gov.au

Email: eoc@eoc.wa.gov.au

Telephone and facsimile numbers

Telephone: (08) 9216 3900
Toll Free: 1800 198 149
TTY Number: (08) 9216 3936
Facsimile: (08) 9216 3960

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Overview

Commissioner's summary

In 2009-10 the Equal Opportunity Commission continued its focus on working with the community to eliminate discrimination and harassment, which made it a busy and demanding year.

As well as handling more than 900 complaints of discrimination and around 2,900 enquiries, we conducted 220 presentations and training courses, visited and consulted with a number of different communities including those on Christmas and Cocos (Keeling) Islands and influenced public policy by making submissions to various government and parliamentary inquiries.

This year impairment complaints increased from 16.9% to 26.8%, which is an increase of 58.6% from the previous year. It is a disturbing increase that reinforces the continuing need to deliver equal opportunity training to those dealing with disability in their day to day lives and to their advocates.

Of the 632 complaints closed this year 32.4% were conciliated. There was also a continuation of the downward trend of lapsed complaints which has been achieved over the last five years reflecting the reforms put in place to improve complaint handling procedures.

In 2009-10 the EOC was involved in various special projects regarding matters of racial harassment and race discrimination including the *Accommodating Everyone* inquiry into race discrimination in the private rental housing industry and the Narrogin Race Relations project.

The EOC also launched the report *Indigenous Interpreting Service: Is there a need?* to coincide with NAIDOC week 2010.

Throughout 2009-10 the EOC continued to work with government agencies to undertake their own substantive equality needs and impact assessments and conduct consultative community forums with Aboriginal people.

Commission staff commenced working together to develop a new strategic plan to determine priorities for the future direction of the Commission, which was completed by late 2009. It has also commenced the implementation of its Reconciliation Action Plan.

Our year in review

Performance highlights of 2009-10

Accommodating everyone

Following the release of the report of the Commission's inquiry into discrimination in the private rental market, the Commission worked with stakeholders to introduce a number of reforms aimed at preventing such discrimination, including conveying the report to industry bodies, producing two discrimination brochures about the provision of accommodation, making a written submission to the Inquiry into National Standards for Residential Tenancy Databases, joining the Monitoring Committee on the Implementation of the recommendations of the *Accommodating Everyone* report and making a presentation to the Real Estate and Business Agents Supervisory Board in support of compulsory anti-discrimination training for all agents and property managers.

Substantive equality

Agencies participating in the program to implement the Policy Framework for Substantive Equality are now working towards undertaking their own needs and impact analyses, while the Commission's unit assists in identifying the services of highest impact and need through convening community forums for Aboriginal people.

Indigenous Interpreting Service: Is there a need?

The report was the result of extensive research conducted in Aboriginal communities state-wide. It documents the urgent need for indigenous interpreting services throughout Western Australia and was launched during NAIDOC week 2010.

Complaint handling

In 2009-10 649 new complaints were received by the Commission, which is an increase of 2.4% on the previous year. 632 complaints were closed, with 205 (32.4%) resolved through conciliation. The Commissioner referred 75 complaints to the State Administrative Tribunal.

Community education and training

In 2009-10, 62 rights based training sessions were delivered, which is a significant increase in the delivery of training to disadvantaged individuals and those organisations which work to support them. This year the Commission also developed for the first time, customised training courses for large private organisations in the provision of Goods and Services and customer complaint handling.

Publications and community information

The quarterly publication *Discrimination Matters* continues to be a primary source of information for the community, with over 3000 print subscribers and a growing list of people receiving their edition by email. The Commission also produced an information brochure on discrimination on the new ground of breastfeeding.

An upgrade of the Commission's website commenced and will be completed in August 2010.

Community events

As in previous years, the Commission partnered with organisations to bring information to a wide variety of audiences, such as during NAIDOC Week, and conducted events to celebrate key international human rights events, such as International Women's Day. A public forum was held to provide information about the United Nations Convention on the Rights of Persons with Disabilities. This year the Commissioner also attended the Pilbara Indigenous Women's Gathering in Newman to participate in the Indigenous women's issues forum and present the Commission's Substantive Equality work to the women.

Organisational issues

The Commission has undertaken consultations with staff to develop a new strategic plan and conducted two environmental surveys of staff.

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.

The year ahead

- Completion of the Commission's review of performance indicators and new strategic plan.
- To promote awareness about the *Equal Opportunity Act 1984* and access to the Equal Opportunity Commission.

Operational Structure

The Equal Opportunity Commission encompasses the following structural areas:

- Conciliation services
- Community education and training
- Substantive equality
- Policy and evaluation
- Corporate services

Enabling legislation

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

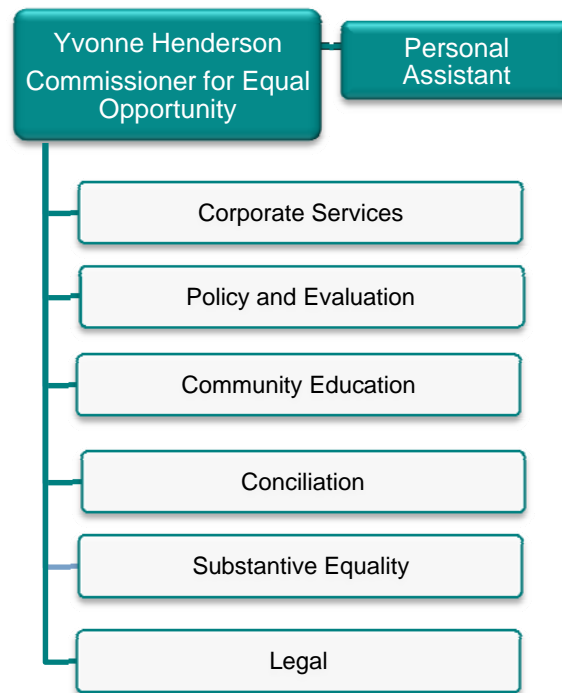
The Commissioner for Equal Opportunity is appointed by the Governor and is the Accountable Officer under the *Financial Management Act 2006*.

Responsible Minister

The Hon. Christian Porter, BA (Hons) BEc LLB(UWA) MSc(Dist) LSE MLA

Attorney General; Minister for Corrective Services

Organisational structure



Senior officers

- Ms Yvonne Henderson, Commissioner for Equal Opportunity
- Mr Allan Macdonald, Senior Legal Officer
- Ms Kathy Digwood, Manager Conciliation
- Ms Cathy Groves, Manager Substantive Equality Unit
- Ms Christine Johnson, Manager Community Education and Training
- Ms Anne Giles, Manager Policy and Evaluation
- Ms Zarin Milambo, Manager Corporate Services

Administered legislation

The Commissioner for Equal Opportunity also administers the following related Act:

Spent Convictions Act, 1988 – Division 3

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

State

- *Auditor General Act 2006*
- *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
- State Records Act 2000
- State Supply Commission Act 1991
- Workers Compensation and Injury Management Act 1981

Commonwealth

- Australian Human Rights Commission Act 1986
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984
- Disability Discrimination Act 1992
- Age Discrimination Act 2004: and
- Fair Work Act 2000

Performance Management Framework

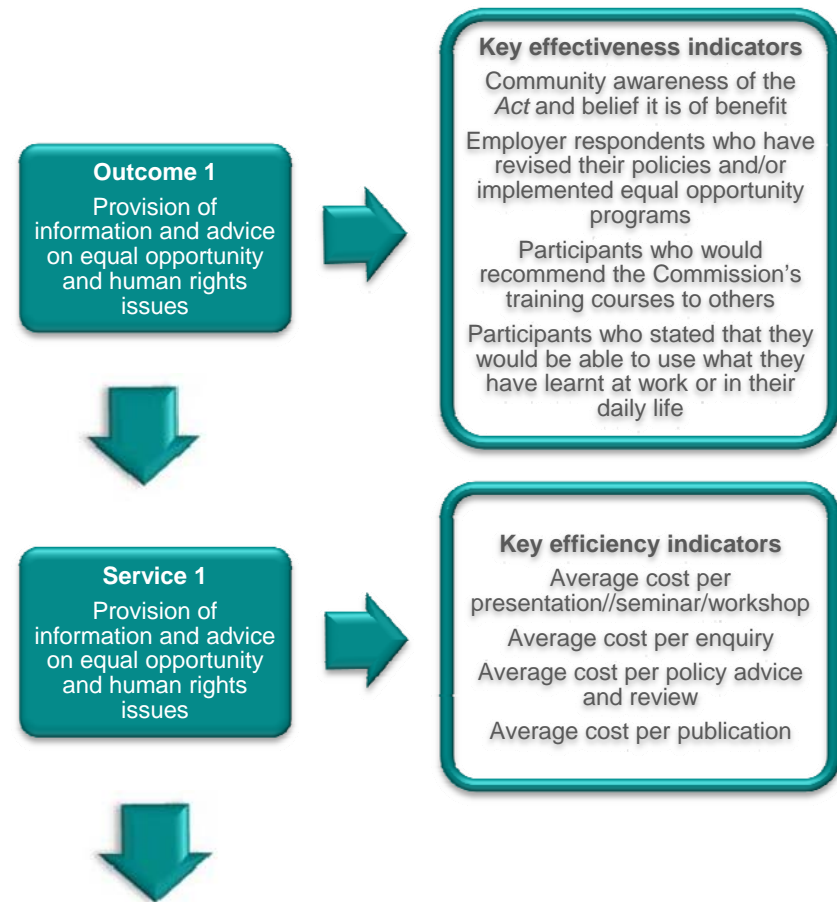
Government Goal:

The Equal Opportunity Commission’s work is aligned to the new government goal:

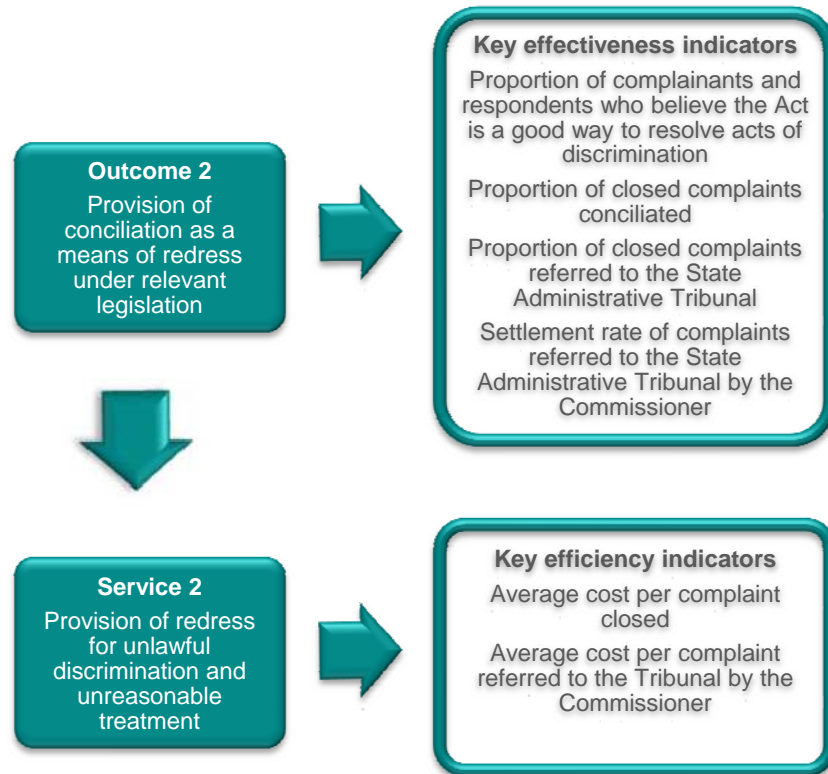
Outcomes Based Service Delivery

Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

Outcome based management framework



Outcome based management framework



Changes to outcome based management framework

The Equal Opportunity Commission's outcome based management framework did not change during 2009-10.

Shared responsibilities with other agencies

The Equal Opportunity Commission did not share any responsibilities with other agencies in 2009-10.

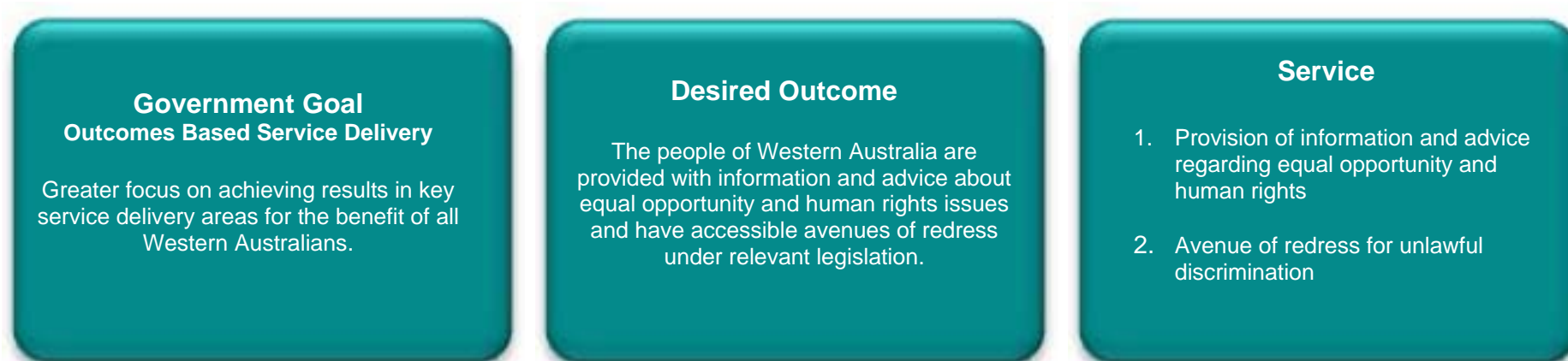
Agency performance: Report on operations

Actual results versus budget targets

Financial targets

	2009-10 Target ¹ \$000	2009-10 Actual \$000	Variation ² \$000
Total cost of services (expense limit)(sourced from Statement of comprehensive income)	3,709	3,721	12
Net cost of services (sourced from Statement of comprehensive income)	3,228	3,062	166
Total equity (Sources from Statement of financial position)	592	218	374
Net increase / (decrease) in cash held	(23)	175	198
Approved full time equivalent (FTE) staff level	32	30	2

Summary of Key Performance Indicators



¹ As specified in the Budget Statements for the year in question

² Note 30 Explanatory statement¹ to the financial statements provides details of any significant variations between estimates and actual results for 2010.

Agency performance For the year ended June 30, 2010 Actual results versus budget results Summary of key performance indicators	2009-10 Target ³	2009-10 Actual	Variation ⁴
Outcome: <i>Provision of information and advice on equal opportunity and human rights issues</i>			
Key effectiveness indicators			
Community awareness of the <i>Equal Opportunity Act 1984</i> and belief it is of benefit	80%	81.4%	1.4%
Employer respondents who have revised their policies and/or implemented equal opportunity programs	25%	35.4%	10.4%
Participants who would recommend the Commission's training courses to others	97%	95.7%	1.3%
Participants who stated that they would be able to use what they have learnt at work or in their daily life.	98%	97.9%	0.1%
Service 1: <i>Provision of information and advice regarding equal opportunity and human rights</i>			
Key efficiency indicators			
Average cost per presentation/seminar/workshop	\$3,200	\$3,484	\$(284)
Average cost per enquiry	\$168	\$151	\$17
Average cost per policy advice and review	\$1,736	\$1,858	\$(82)
Average cost per publication.	\$8,506	\$7,839	\$667

³ As specified in the budget statements

⁴ Explanations for the variations between target and actual results are presented in Chapter 5 Key Performance Indicators of this annual report.

Agency performance For the year ended June 30, 2010 Actual results versus budget results Summary of key performance indicators	2009-10 Target ⁵	2009-10 Actual	Variation ⁶
Outcome: <i>Provision of conciliation as a means of redress under relevant legislation</i>			
Key effectiveness indicators			
Proportion of complainants and respondents who believe the Act is a good way to resolve acts of discrimination	70%	72.3%	2.3%
Proportion of closed complaints conciliated	37%	32.4%	4.6%
Proportion of closed complaints referred to the State Administrative Tribunal	15%	11.9%	3.1%
Settlement rate of complaints referred to the State Administrative Tribunal by the Commissioner ⁷	70%	78.6%	8.6%
Service 2: <i>Provision of redress for unlawful discrimination</i>			
Key efficiency indicators			
Average cost per complaint closed	\$1,103	\$1,239	\$(136)
Average cost per complaint referred to the Tribunal by the Commissioner	\$3,191	\$6,071	\$(2880)

⁵ As specified in the budget statements

⁶ Explanations for the variations between target and actual results are presented in Chapter 5 Key Performance Indicators of this annual report.

⁷ Referred by the Commissioner under s93 of *The Act*

Commission role and functions

The Equal Opportunity 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 including customised training for employers and community groups and organisations on equal opportunity and presentations to community organisations
- Promoting recognition, awareness and acceptance through the media
- 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 on systemic racism in the public sector
- Special investigations such as the inquiry into race discrimination in the private rental market
- Recommending to government reviews of the *Equal Opportunity Act 1984*
- These output areas are aligned to achieve strategic government objectives, as outlined in the Performance Management section of this report.

This chapter on Agency Performance details our performance in each of these outcome areas during 2009-10.

Community Education

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, education 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
-  developing specialised educational materials and publications to support community education initiatives.

**Table 1: Education sessions
2007-08 to 2009-10**

Description	2007-08	2008-09	2009-10
Calendar Series of Courses	19	22	21
Customised Courses	137	128	83
Rights Based Education (Including ATSI)	59	19	62
Guest Speaker	20	26	27
Indian Ocean Territories Education and Training	11	19	27
Total	235	214	220

During 2009-10 the Commission conducted 220 education and training sessions, guest speaker engagements and outreach programs. This represents a reduction in numbers of total sessions held due to two key factors:

Restructure and amalgamation of core training courses

During 2007 and 2008 a consultant was employed to undertake a review of the training courses offered through the Community Education program. The report from the review recommended a change in structure of the courses offered to provide a competency-based framework and various amendments to existing courses.

The two separate half day courses of *Introduction to Equal Opportunity Law* and *Workplace Culture, Harassment and Bullying* were amended and amalgamated to form the one day course *Equal Opportunity and Workplace Culture*. This course forms the pre-requisite training for Contact Officers and Grievance Officers. The amalgamation of two half day courses into one full day course has resulted in a reduction in the total number of courses delivered.

Contact Officer training comprises two days (including the pre-requisite training) and Grievance Officer training comprises three days of training (including the pre-requisite training). When delivered to external clients these courses have been recorded as one course comprising either two or three full days of training, which results in fewer courses delivered.

The recording of course numbers versus days or hours of training delivery has resulted in lower overall delivery figures for the 2009-2010 year. It is proposed that a truer reflection of training output would be the recording of training hours and this model of recording will be implemented during 2010-2011.

Enhanced focus and delivery of rights based training

In December 2009 the Commission identified the need to enhance the level of delivery of Rights Based training in both the metropolitan and regional areas of WA.

This enhanced focus of rights based training has resulted in a total of sixty-two sessions being delivered in 2009-10 which represents a significant increase in delivery of sessions offered to disadvantaged individuals and those organisations who work to support them compared with 2008-09.

A total of 1310 people received rights based training in 2009-10

Training programs for employers and service providers

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

Such training includes:

- 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 for 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.

In 2009-10 there was a reduction in the number of requests to the Commission by government agencies compared with 2008-09.

This reduction may be related to the process for data collection and the amalgamation of courses referred to above, however the Commission has received a number of requests for 'train-the-trainer' courses so that government organisations can deliver the training internally. Other anecdotal evidence also indicates that the 3% cut in government funding may have impacted on agencies training budgets.

Figure 1: Customised and specialist training sessions
2007-08 to 2009-10

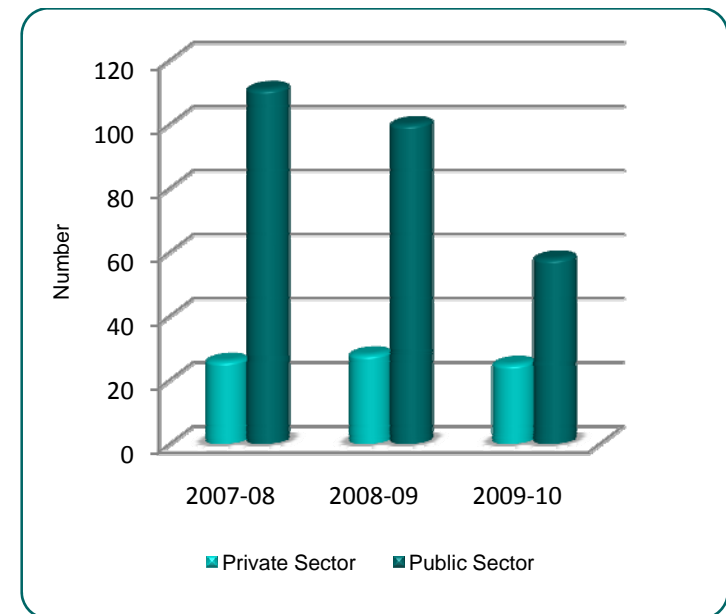


Table 2: Participants of customised and calendar courses
2007-08 to 2009-10

Training Type	2007-08	2008-09	2009-10
Calendar Series of Courses	218	256	217
Customised Courses	2214	1953	1384
Total	2432	2209	1601

More than 1600 people from a wide range of industries and occupations attended the training sessions this year.

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, Commission officers consult with organisations about their training needs. 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
- 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.

During Contact and Grievance Officer training participants evaluate their organisation's Grievance Policy and Procedure against a recommended checklist. Sample policies and procedure documents are also regularly provided to organisations upon request to assist them in reviewing and developing high quality policies.

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 those organisations who request regular training or several sessions which outlines any issues and assesses processes and procedures against best practice standards. Recommendations are also provided to assist organisations to address any identified issues.

**Table 3: Types of courses conducted
2009-10**

Description of Training	Calendar Series of courses	Customised courses
Contact Officer Refresher	1	0
Contact Officer Role	2	3
Grievance Officer and Complaint Handling	3	0
Grievance Officer Refresher	2	0
Grievance/Management and Mediation Officer Role	0	3
Equal Opportunity Law - An Introduction	1	46
Equal Opportunity Law and Workplace Culture	10	18
Equal Opportunity Law for Managers/Supervisors	1	1
Equal Opportunity Law and Grievance Management for Manager	1	1
Equal Opportunity Law and Contact Officer Role	0	3
Managing Recruitment and Selection	0	2
Workplace Culture - Harassment and Bullying	0	4
Role and Functions of EOC	0	2
Total	21	83

Training in legislation relating to the provision of goods and services and accommodation

This year the Commission developed a new, customised course for large private organisations in equal opportunity as it relates to the provision of goods and services and customer complaint handling, in accordance with the provisions of the *Equal Opportunity Act 1984*. This focus on service delivery and the customer relationship versus the workplace relationship within organisations links closely with the Commission's work on the implementation of the Substantive Equality Framework within the Public Sector. This course also provides an opportunity for the Commission to expand training through marketing to other private organisations in relation to the provision of goods and services.

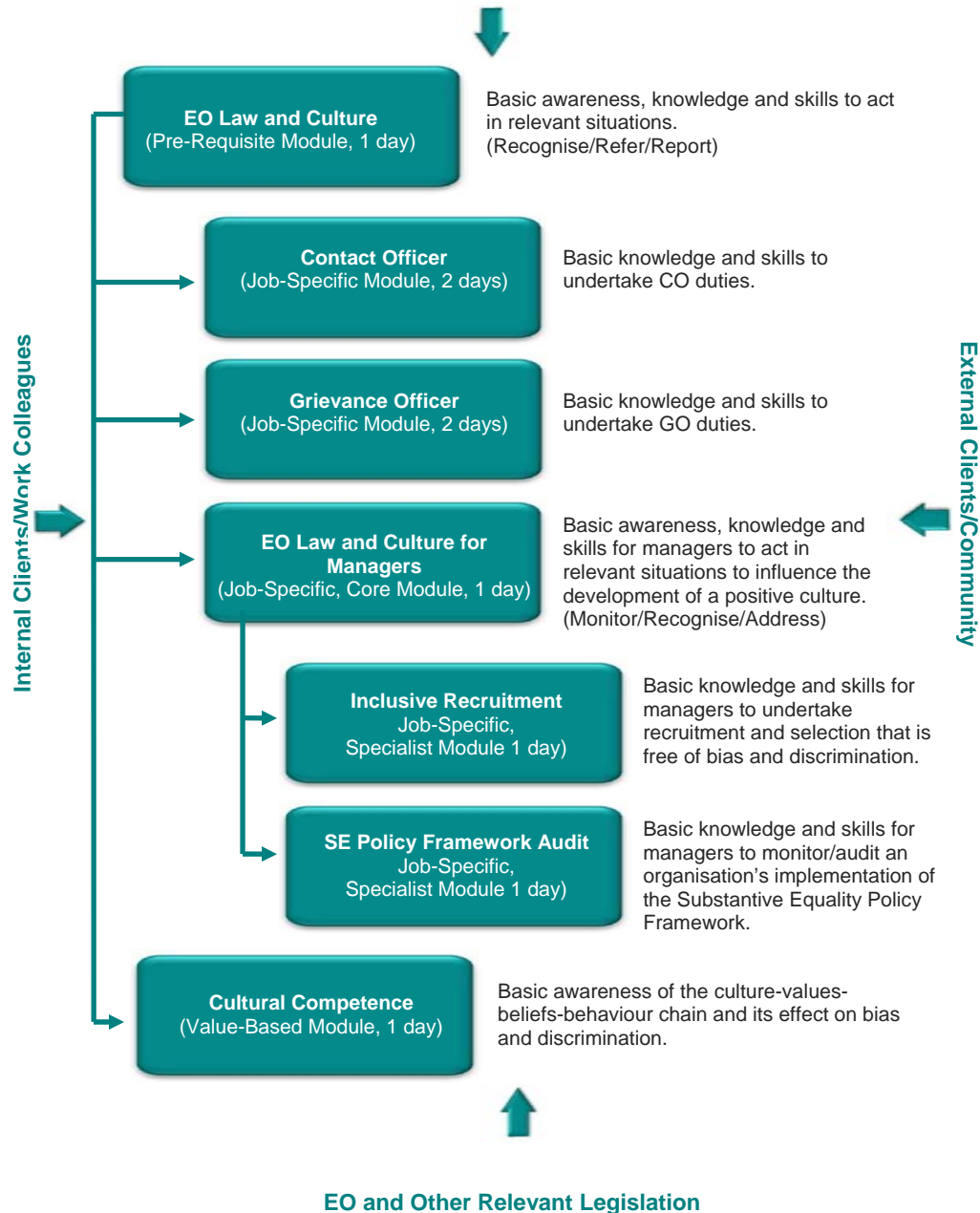
Similarly the Commission developed a customised course for a large real estate company for training in relation to the application of the Equal Opportunity Act as it applies in the public area of Accommodation. This work links closely with the Commission's Section 80 Inquiry into the private rental housing sector. Marketing of this course will provide future opportunities to provide training on the Act relating to the area of accommodation.

Training competency based framework

Following a review of the Commission's training programs by the consultancy service 'Outside the Square Solutions' a recommendation was implemented in 2008-09 to combine and redevelop the two half day courses in Equal Opportunity Law and Workplace Culture into a one day course that had a focus on the causes, and impact of inappropriate workplace behaviour and ways of dealing with this. This course is proving popular and forms the pre-requisite module for further training with the EOC within a competency based framework.

The competency based framework for the courses provided by the Commission identifies pathways for individuals to address their professional development needs in a progressive and integrated manner.

Substantive Equality Principles and Policy Framework



The Commission delivered customised training to a wide range of organisations, including state and local government authorities, non-government and private sector companies. Some of these included:

- Department of Corrective Services
- Public Transport Authority
- Department of Commerce
- Department of Water
- Department of Sport and Recreation
- Department of the Attorney General
- Department of Culture and the Arts
- Disabilities Services Commission
- Prisoners' Review Board
- Corruption and Crime Commission
- Dental Health Services
- Edith Cowan University
- Challenger Institute
- Central Institute of Technology
- Murdoch University
- University of WA
- City of Melville
- United Traders Newtown Toyota
- St John of God Hospital
- Bankwest
- Plan B Holdings
- Sylvania Lighting
- Perpetual Insurance
- L J Hooker Real Estate

Feedback from participants

All participants of the organisation and calendar courses are asked to complete both pre and 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.





In 2009-10 1299 participants (97.9%) said they would be able to use what they had learned during the training session in their work and daily lives and 95.7% stated they would recommend the Commission's training courses to their colleagues.

Calendar training courses

The Commission continued its calendar courses in 2009-10 with 21 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.

The most popular of the Commission-based courses was the full day *Equal Opportunity Law and Workplace Culture* which replaced two former half day courses: *Equal Opportunity Law – an Introduction* and *Workplace Culture, Harassment and Bullying*.

Participants represented a broad range of industry sectors. Industries showing high attendance levels included:

-  education
-  government Administration
-  local Government
-  health and Community Services











A key performance indicator planned for 2010-11 is to identify the effectiveness of the Commission's' internal calendar training program. This will be determined by identifying the level of increase of participants understanding and knowledge of the *Equal Opportunity Act 1984* by comparing data collected in the pre and post course evaluations.

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 whom the Commission worked in partnership to deliver customised human rights education included:

-  Department of Sport and Recreation
-  Centrecare
-  Department of Education and Training
-  Koondoola Integrated Services Centre
-  Reel Connections
-  Albany Hockey Association
-  Great Southern Netball Association
-  TAFE Colleges
-  Disability Services
-  Unions WA
-  University of WA
-  Department of Health
-  Noongar Sports
-  Tenants Advice Service

In December 2009 the Commission identified the need to enhance the level of delivery of Rights-Based training in both the metropolitan and regional areas of WA and to focus on the provision of training to those groups who have been identified as subject to long term discrimination on the grounds of disability, sexual orientation and race (including both Aboriginal and ethnic minority groups).

To ensure the effectiveness of this program, the Commission has adopted a consultative approach and works in partnership with the relevant government and non-government organisations to develop training which reflects the needs of these groups.

Consequently, the Community Education Unit has developed an Operational Plan which is currently being implemented. The team has recently undertaken a regional visit to Albany in which education training officers delivered Rights-Based training to two groups of volunteers involved in sporting organisations regarding discrimination in sport and promoting the *Play by the Rules* website; a course for Aboriginal and Islander Education Officers and an Aboriginal Community workshop. Consultation with relevant organisations and joint promotional activities resulted in high attendance of at all courses.

Humanitarian refugees

In 2009-10 the Commission worked in partnership with government and non government organisations to provide training in human rights and equal opportunity to over 200 newly arrived humanitarian refugees. This work has involved the use of interpreters.

Discrimination and harassment in sport

The partnership between the Equal Opportunity Commission and the Department of Sport and Recreation WA Sports Federation has developed further this year. A total of six jointly coordinated workshops on the website tool *Play by the Rules* have been presented in the metropolitan and regional areas including: Albany, Gosnells, Leederville, Joondalup and Narrogin. In addition the Equal Opportunity Commission is a member of the Harassment Free Sport Reference Group.

The Commission is also involved in the delivery of Member Protection Information Officer (MPIO) workshops and meetings organized through Department of Sport and Recreation. A representative of the Commission also takes an active role in the *Play by the Rules* National

Reference Group for Harassment Free Sport run by the Australian Sports Commission.

To see Play by the Rules go to www.playbytherules.net.au

Aboriginal and Torres Strait Islander education 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.

Aboriginal programs aim to deliver culturally appropriate education initiatives to Aboriginal 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 visited Mandurah, Albany, Bunbury and Narrogin.

A project commenced in February 2010 to provide training for Aboriginal and Torres Strait Island Education Officers (AIEOs). Commission officers liaised with District Aboriginal Education Managers and during 2009-10 training has been delivered to more than 100 AIEOs in both the metropolitan and regional areas of Mandurah and Albany. Training for this target group will continue into 2010-11 year.

The combined strategies of the *Play by the Rules* program, the AIEO Project, the Narrogin Project and regional visits have resulted in 332 Aboriginal people receiving face-to-face rights based training in 2009-10. This work will continue into 2010-11.

To promote human rights and equal opportunity, the Commission produced a 2010 Aboriginal and Torres Strait Islander Calendar. The calendar's border and background graphics were inspired by Kimberley and Central Desert artwork. 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.

This calendar continues to be popular with indigenous and non-indigenous people alike and is an effective way to bring information about the Commission to a diverse and scattered population.

Christmas Island and Cocos (Keeling) Island education and training

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

Commission staff visited Christmas Island and Cocos (Keeling) Island in June 2010 and conducted meetings and provided training to a broad range of government and non government organisations and community members on the islands. This included:

Cocos (Keeling) Islands

- ☞ Cocos Cooperative (Home and West Islands)
- ☞ Cocos Island District High School
- ☞ Shire of Cocos Island Health Services
- ☞ Community members on Home Island
- ☞ Department of the Attorney General
- ☞ Indian Ocean Group Training

Christmas Island

- ☞ Christmas Island Phosphate Company
- ☞ Shire of Christmas Island
- ☞ National Parks Australia
- ☞ Christmas Island District High School
- ☞ Indian Ocean Health Services
- ☞ Department of the Attorney General
- ☞ Indian Ocean Group Training
- ☞ Union of Christmas Island Workers

Information and media

Since 1997, the Commission has undertaken a triennial community survey to assess the awareness of the community about equal opportunity issues, including the Western Australian *Equal Opportunity Act*.

Results of these surveys have been reported in the Key Performance Indicators section of the Annual Reports.

The survey has consistently found that the community finds out much of its information through the mass media – both print and electronic, as well as in the workplace.

In response to this the Commissioner undertakes a program of community information, including printed and electronic publications, engagement with the mass media, and more recent has commenced a strategy of communication with community groups through their own specialist media.

Publications

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

During 2009-10 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. *Discrimination Matters* is distributed to all Western Australian schools, libraries, government departments, private sector and non-government organisations, as well as to individual subscribers.

☞ The Newsletter is also distributed to a growing list of email subscribers and on the website.

☞ The *Reference Guide* was updated in reprinted again in 2009-10. 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, 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 were updated this year to an email format.
- Brochures on various grounds of the *Act* were updated as required, including the *Guidelines for Advertisers* which is available on the Commission's website.
- A new fact sheet was prepared outlining the Commission's Substantive Equality Program, designed for general distribution. This is available in both hard copy and on the Commission's website.

Distribution and evaluation of publications

Every 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 2009-10 Commission literature, including complaint forms, were sent to 654 or 22.3% of people making an enquiry by telephone, mail, fax or email.

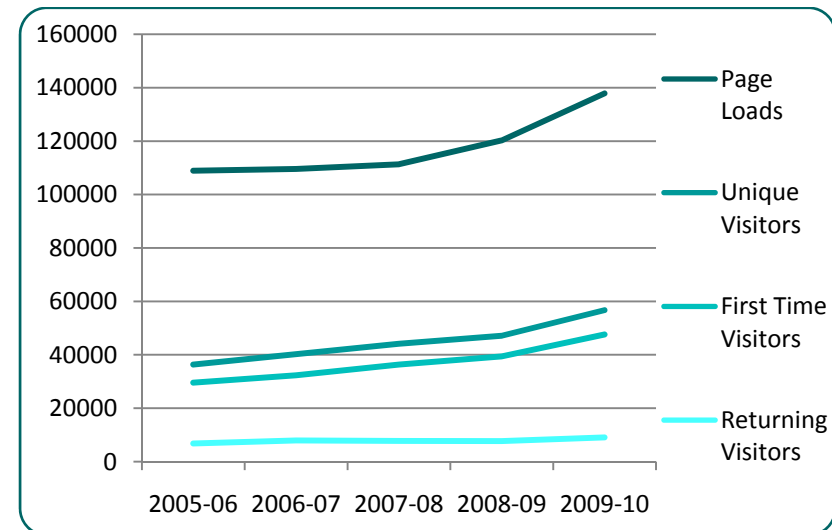
In recent years there has been a consistently high proportion of the Commission's clients, namely training and presentation participants, as well as complainants and respondents, who state in surveys that they find the Commission's publications useful

Communications online

- The Commission's website continues to increase in 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 as required.

- Wherever appropriate, requests for publications are referred to the Commission's website. In 2009-10 Commission staff referred 669 or 22.8% of enquirers to the Commission's website.
- The website received 56,712 unique visitors, including 47,635 who accessed the website for the first time. This represented an increase of 20.9% per cent increase of new visitors on the previous year. It is interesting to note that more than 84% of visitors were first time users.

Figure 2: Website usage
2005-06 to 2009-10



Website highlights

- A new section News and Events includes references to news items about the Commission
- Following the award of a tender, a staff working party has undertaken a complete redesign of the website with the website developer. The new website will include online submission of Complaints, online registration for training courses and events, as well as a review of all content. It is expected to go live early in the new financial year.

Media

During the year, the Commission issued a wide range of media releases, generating media in major press and electronic media outlets. This included a five minute segment on Channel 7's *This Day Tonight* program centred around the issue of discrimination against women breastfeeding in public. With extensive input from Commission staff, the program demonstrated how complaints are handled on a day-to-day basis by the Commission.

In addition, the Commission, for the first time developed a strategy to provide customised copy for a range of specialist publications, to communicate more directly with community groups who may be subject to discrimination. This has resulted in stories appearing in such diverse publications as *Yamegi News*, *Disability Update*, and *Out* (a paper for gay, bisexual, lesbian and transgender people).

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. One of the students undertook a research project on the increase in sexual harassment complaints.

NAIDOC Week

The EOC continued to participate in NAIDOC Week at the Family Day at Ashfield Oval with a popular stall distributing a wide range of information, including the Aboriginal calendar.

International Women's Day

Retiring Chief Judge Antoinette Kennedy addressed the Commission's annual International Women's Day breakfast at the Hyatt Hotel in Perth on 8 March 2010. The breakfast was attended by 300 guests..

Chief Judge Kennedy, who was the first woman to be appointed to the bench, in 1985, spoke of her experiences as a woman in a largely male dominated field.

Substantive equality

A seminar was presented by Penny Armytage, Secretary of the Department of Justice in Victoria in November.

The seminar was attended by Chief Executive Officers from government departments participating in the Commission's substantive equality program, Ms Armytage detailed how the Victorian government was developing measures to ensure that services delivered by the varied units of her department are sensitive to the needs of the diverse range of clients. This is a requirement of the Victorian Charter of Human Rights and has parallels with the Western Australian Substantive Equality Programme. Substantive Equality requires an examination of all policies, practices and new initiatives of all major government departments to determine whether there is any unintended, adverse effects for any Indigenous or other minority groups arising from their policies or practices.

Penny Armytage gave examples of how agencies under her Department are working to create a culture sensitive to the needs of minority groups.

RAP launch

Commission staff participated in the development of a Reconciliation Action Plan, which was approved by Reconciliation Australia and launched at a function in the Commission's Seminar Room. The RAP includes specific actions and targets designed to foster the Commission's relationship with the Aboriginal and Torres Strait Islander community and bring about a better way of delivering our services. It also seeks to establish a process for consulting with Aboriginal and Torres Strait Islander stakeholders in relation to Commission activities and projects.

A working party of staff is now ensuring the implementation of the RAP which can be found on the Commission's website.

Yajilarra premiere

The premiere screening of the film Yajilarra by the Commission and the Department of Communities, attracted more than 180 people to the Aboriginal Advancement Council Hall. This documentary is the story of the successful battle of the Aboriginal women of the Fitzroy Valley to have alcohol restrictions imposed in order to reduce violence in their communities.

The gathering was addressed by June Oscar from the Marninwarntikura Women's Resource Centre, one of the women who was instrumental in the campaign to improve the lives of the people of the Fitzroy Valley.

Pilbara Indigenous Women's Gathering

The Commissioner was invited to attend the annual gathering of Indigenous women in the Pilbara. Around 200 women attend this annual event which was held at the Auski Roadhouse, near the Karajini National Park. Issues relating to discrimination against Aboriginal women, particularly in relation to housing were high on the agenda.

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*, (the *Act*)
- unlawful discrimination as defined under the *Act*
- the complaint handling process
- rights and responsibilities of complainants and respondents
- community education
- 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 agency to deal with their issue.

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

This chapter:

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

Answering enquiries

The Commission received 2,933 enquiries during 2009-10 from people who came to the Commission office, rang the Enquiries telephone number or sent in a written enquiry.

Written enquiries are increasingly made by email.

The number of enquiries has increased marginally this year, by 3.6% on last year, which continues an upwards trend.

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 seeking information on rights and responsibilities under the *Act*.

Of the 2933 enquiries received in 2009-10, 1854 (63.2%) were about matters that fell within the jurisdiction of the *Act*. Where possible a referral to an appropriate state or federal agency or organisation was provided to those whose enquiry was not within the jurisdiction of the *Act*.

**Table 4: Enquiries by ground
2007-08 to 2009-10**

Ground	2007-08	%	2008-09	%	2009-10	%
Age	109	4.9%	171	6.0%	160	5.5%
Bullying	108	4.9%	146	5.2%	185	6.3%
Family Responsibility/Status	107	4.8%	146	5.2%	117	4.0%
Gender History	11	0.5%	4	0.1%	5	0.2%
Gender Identity	4	0.2%	9	0.3%	5	0.2%
Impairment	341	15.5%	436	15.4%	420	14.3%
Marital Status	18	0.8%	22	0.8%	13	0.4%
Political Conviction	6	0.3%	4	0.1%	7	0.2%
Pregnancy	92	4.2%	101	3.6%	104	3.5%
Race	364	16.5%	468	16.5%	537	18.3%
Racial Harassment	27	1.2%	30	1.1%	43	1.5%
Racial Offensive Behaviour	22	1.0%	43	1.5%	39	1.3%
Religious Conviction	37	1.7%	54	1.9%	41	1.4%
Sex	133	6.0%	146	5.2%	123	4.2%
Sexual Harassment	138	6.3%	177	6.3%	170	5.8%
Sexual Orientation	21	1.0%	33	1.2%	39	1.3%
Spent Conviction	8	0.4%	10	0.4%	15	0.5%
All grounds	162	7.3%	222	7.8%	205	7.0%
Other	499	22.6%	608	21.5%	705	24.0%
Total	2207	100.0	2830	100.0	2933	100.0

The grounds of alleged discrimination most commonly cited by enquirers correlate closely with those in complaints accepted by the Commission (see Table 7).

Significant changes are noted in the increase in enquiries relating to bullying and family responsibilities. The problem of bullying, particularly in the workplace, has generated extensive publicity in the media and the State Government has indicated that it will introduce a new ground of bullying to the *Act*. In 2009-10 enquiries about bullying were the third most common concern expressed by callers.

The most common grounds of alleged discrimination cited by enquirers in 2009-10 were:





-  race - 537 (18.3%) up from 468 (16.5%) in the previous year
-  impairment - 420 (14.3%)
-  sexual harassment - 170 (5.8%)
-  age - 160 (5.5%)

Table 5: Enquiries by area
2007-08 to 2009-10

Area	2007-08	%	2008-09	%	2009-10	%
Employment	1241	56.2%	1580	55.8%	1630	55.6%
Access to Places and Vehicles	39	1.8%	28	1.0%	38	1.3%
Accommodation	118	5.3%	134	4.7%	111	3.8%
Education	57	2.6%	74	2.6%	105	3.6%
Clubs	30	1.4%	40	1.4%	31	1.1%
Goods, Services and Facilities	256	11.6%	383	13.5%	404	13.8%
Sports	15	0.7%	13	0.5%	11	0.4%
Land	3	0.1%	2	0.1%	2	0.1%
Public Place	6	0.3%	21	0.7%	51	1.7%
All Areas	191	8.7%	249	8.8%	215	7.3%
Other	251	11.4%	306	10.8%	335	11.4%
Total	2207	100.0	2830	100.0	2933	100.0

Enquiries in 2009-10 reflected closely the pattern of the previous year. More than one half of the enquiries handled related to employment 1630 (55.6%), 404 (13.8%) were about goods, services and facilities and 111 (3.8%) were concerned with accommodation.

Written enquiries and complaints

All written correspondence received at the Commission is reviewed and acknowledged by the Commissioner. Where the written enquiry nominates a ground and area of alleged discrimination identified in the *Equal Opportunity Act 1984* 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
2007-08 to 2009-10

Complaints Handled	2007-08	%	2008-09	%	2009-10	%
Complaints carried over from previous financial years	374	40.7%	245	27.9%	267	29.1%
Complaints Received	546	59.3%	634	72.1%	649	70.9%
Total Handled	920	100.0	879	100.0	916	100.0
Complaints Closed	675	73.4%	612	69.6%	632	69.0%
Complaints still under investigation	245	26.6%	267	30.4%	284	31.0%

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 be accepted by the Commission as a complaint, irrespective of how much supporting information is provided. 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.

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 2009-10, 649 new complaints were received by the Commission, an increase of 2.4% on the previous year.

**Table 7: Complaints by ground
2007-08 to 2009-10**

Ground	2007-08	%	2008-09	%	2009-10	%
Age	37	6.8%	31	4.9%	39	6.0%
Family Responsibility	20	3.7%	46	7.3%	19	2.9%
Family Status	19	3.5%	16	2.5%	8	1.2%
Gender History	5	0.9%	3	0.5%	1	0.2%
Impairment	124	22.7%	107	16.9%	174	26.8%
Marital Status	10	1.8%	15	2.4%	7	1.1%
Political Conviction	4	0.7%	6	0.9%	4	0.6%
Pregnancy	12	2.2%	26	4.1%	26	4.0%
Race	87	15.9%	102	16.1%	132	20.3%
Racial Harassment	23	4.2%	32	5.0%	28	4.3%
Religious Conviction	15	2.7%	13	2.1%	21	3.2%
Sex	37	6.8%	53	8.4%	28	4.3%
Sexual Harassment	62	11.4%	92	14.5%	68	10.5%
Sexual Orientation	16	2.9%	5	0.8%	14	2.2%
Spent Conviction	2	0.4%	0	0.0%	0	0.0%
Victimisation	71	13.0%	87	13.7%	79	12.2%
Victimisation - PID	1	0.2%	0	0.0%	1	0.2%
Not specified	1	0.2%	0	0.0%	0	0.0%
Total	546	100.0	634	100.0	649	100.0

During 2009-10, complaints received about impairment increased from 16.9% to 26.8% of total complaints. This represents an increase of

58.6% from the previous year. Race increased by 26.1% while complaints on the grounds of sexual harassment and sex declined.

The most commonly cited grounds were:

- impairment - 174 (26.8%)
- race - 132 (20.3%)
- victimisation - 79 (12.2%)
- sexual harassment - 68 (10.5%)
- age discrimination - 39 (6.0%)

**Figure 3: Most frequently cited grounds of complaint
2007-08 to 2009-10**

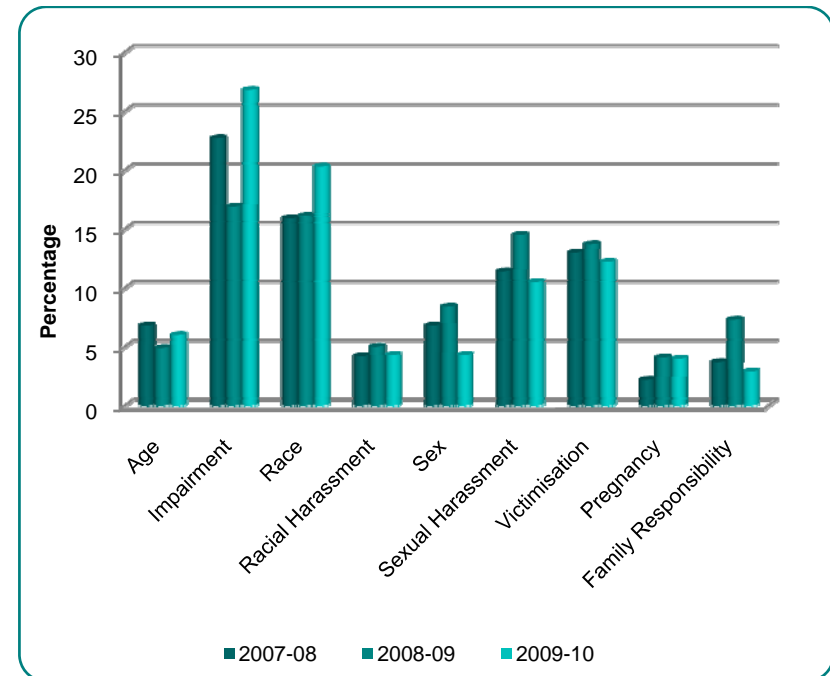


Figure 3 illustrates clearly the increase in impairment and race complaints in 2009-10. Age discrimination was the only other ground to show an increase in this financial year.

Table 8: Complaints by area
2007-08 to 2009-10

Area	2007-08	%	2008-09	%	2009-10	%
Employment	369	67.6%	480	75.7%	372	57.3%
Access to Places and Vehicles	17	3.1%	8	1.3%	27	4.2%
Accommodation	30	5.5%	33	5.2%	116	17.9%
Education	20	3.7%	24	3.8%	32	4.9%
Clubs	2	0.4%	6	0.9%	2	0.3%
Goods, Services and Facilities	108	19.8%	83	13.1%	97	14.9%
Sport	0	0.0%	0	0.0%	1	0.2%
Not specified	0	0.0%	0	0.0%	2	0.3%
Total	546	100.0	634	100.0	649	100.0

Of the 649 new complaints, the most significant change was the relative decline in employment related complaints, reversing a long term trend.

Accommodation complaints increased markedly. As can be seen in the Table 9, most of these were in the grounds of race and impairment.

Employment complaints, however, were more evenly spread across the grounds of discrimination.

Table 9: Complaints by ground and area
2009-10

Ground	Employment	Access to Places and Vehicles	Accommodation	Education	Clubs	Goods, Services and Facilities	Sport	Not specified	Total
Age	28	2	2	2	0	4	1	0	39
Family Responsibility	18	0	0	1	0	0	0	0	19
Family Status	7	0	0	1	0	0	0	0	8
Gender History	1	0	0	0	0	0	0	0	1
Impairment	71	7	61	9	0	26	0	0	174
Marital Status	3	0	2	0	0	2	0	0	7
Political Conviction	2	0	1	0	0	1	0	0	4
Pregnancy	25	0	1	0	0	0	0	0	26
Race	36	8	40	3	1	44	0	0	132
Racial Harassment	24	0	3	1	0	0	0	0	28
Religious Conviction	6	2	1	4	0	8	0	0	21
Sex	21	0	1	2	0	4	0	0	28
Sexual Harassment	61	1	1	5	0	0	0	0	68
Sexual Orientation	7	3	0	0	0	4	0	0	14
Spent Conviction	0	0	0	0	0	0	0	0	0
Victimisation	62	4	3	4	1	4	0	1	79
Victimisation - Public Interest Disclosure	0	0	0	0	0	0	0	1	1
Total	372	27	116	32	2	97	1	2	649

Figure 4 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 two groups are made up of complaints on the grounds of race and impairment.

The most frequently cited grounds of discrimination in employment were:




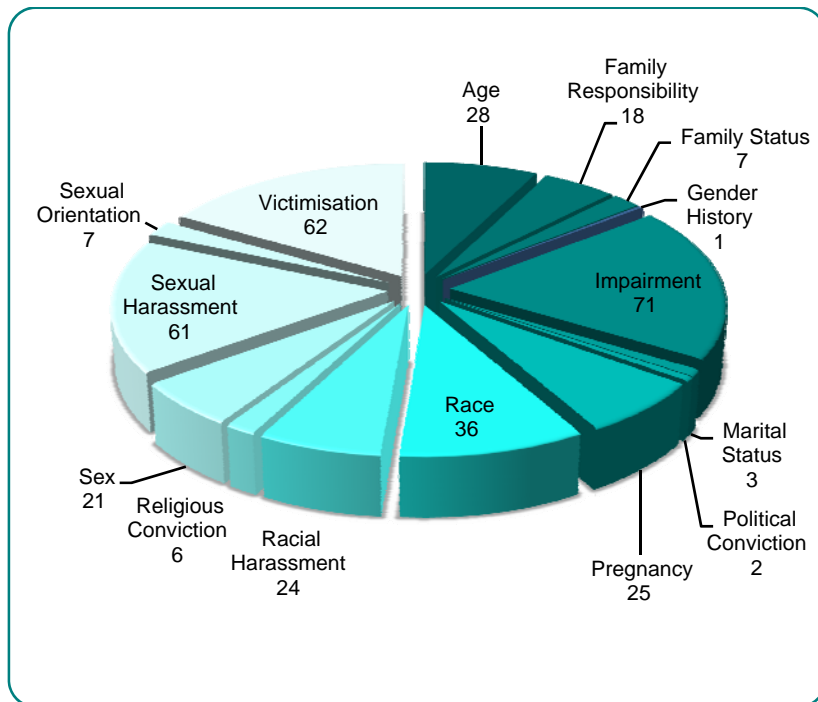
-  impairment
-  victimisation
-  sexual harassment

Figure 4: Grounds of employment complaints 2009-10



Complaints of victimisation

As well as receiving complaints on the various grounds under the *Equal Opportunity Act 1984*, the Commission receives complaints of victimisation lodged under s67 of the *Act*. This section of the *Act* renders it unlawful to threaten or subject a person to any detriment because they have made a complaint of discrimination, or propose to make a complaint of discrimination.

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

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

The number of complaints received which cited the ground of victimisation showed a decline from the previous year, 87 to 79 in this financial year. Of these, 62 involved the area of employment.

One complaint of victimisation was lodged under the *Public Interest Disclosure Act 2003* in 2009-10.

Who lodged complaints?

The Commission collects demographic information from complainants on a voluntary basis. Of the 649 complainants who were surveyed in 2009-10, 566 returned completed questionnaires, representing a response rate of 87.2%.

The tables which follow show the breakdown and trends in the demographics of complainants based on sex, birthplace and ethnicity.

Gender of complainants

As in previous years, the majority of complaints received by the Commission in 2009-10 were from women (55.3%).

**Table 10: Complaints by gender of complainants
2007-08 to 2009-10**

Gender	2007-08		2008-09		2009-10	
	No.	%	No.	%	No.	%
Female	308	56.4%	371	58.5%	359	55.3%
Male	231	42.3%	255	40.2%	283	43.6%
Mixed Group	7	1.3%	6	0.9%	5	0.8%
Not applicable	0	0.0%	2	0.3%	2	0.3%
Total	546	100.0	634	100.0	649	100.0

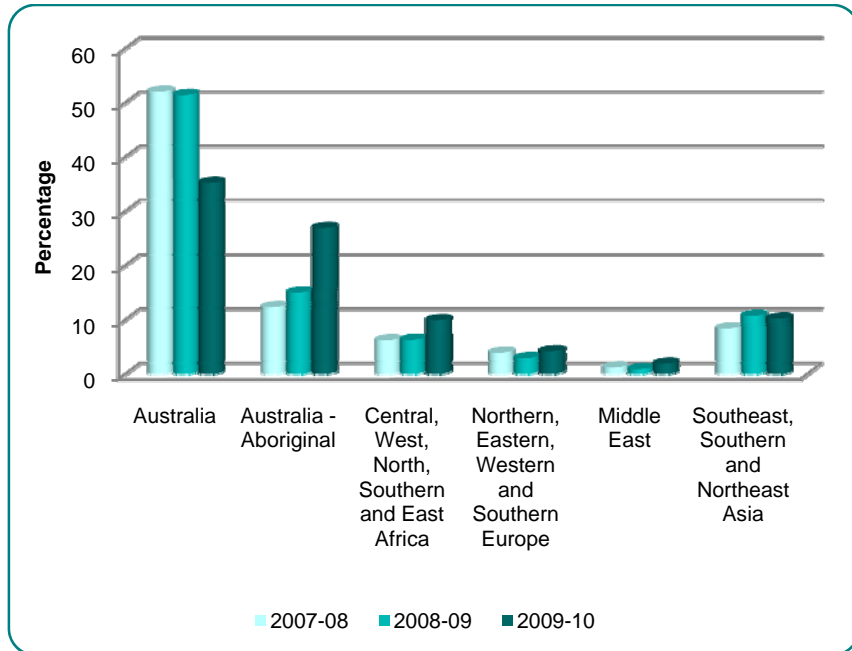
Table 11 shows that women also lodged a higher number of complaints than men in most grounds. However there were more complaints from men on the grounds of age, family status, racial harassment, sexual orientation, religious conviction and political conviction.

**Table 11: Complaints by ground and gender of complainants
2009-10**

Ground	Female	Male	Mixed Group	Not applic	Total	%
Age	15	23	1	0	39	6.0%
Family Responsibility	13	6	0	0	19	2.9%
Family Status	3	5	0	0	8	1.2%
Gender History	1	0	0	0	1	0.2%
Impairment	96	76	2	0	174	26.8%
Marital Status	5	2	0	0	7	1.1%
Political Conviction	0	4	0	0	4	0.6%
Pregnancy	25	1	0	0	26	4.0%
Race	69	61	2	0	132	20.3%
Racial Harassment	6	22	0	0	28	4.3%
Religious Conviction	7	14	0	0	21	3.2%
Sex	21	5	0	2	28	4.3%
Sexual Harassment	56	12	0	0	68	10.5%
Sexual Orientation	1	13	0	0	14	2.2%
Victimisation	41	38	0	0	79	12.2%
Victimisation - Public Interest Disclosure Act	0	1	0	0	1	0.2%
Total	359	283	5	2	649	100.0

Birthplace and ethnicity of complainants

Figure 5: Birthplace of complainants
2007-08 to 2009-10



In 2009-10, of the 566 complainants who were surveyed and provided information about their birthplace:

351 (62.1%) indicated they were born in Australia, compared with 367 (66.4%) the previous year.

There was also an increase in complaints from people born in Africa. This reflects the increase in intake of humanitarian refugees from these countries.

Aboriginal complainants

While overall the proportion of complainants born in Australia decreased this year, those identifying as Aboriginal showed a large increase from 15% to 26.9%. These complaints were largely in relation to the area of accommodation.

Aboriginal Australians are disproportionately represented in the number of complaints received by the Commission, compared with 2.5% in the population as a whole (ABS 2007).

As can be seen in Table 13, complaints made by Aboriginal people are more likely in the areas of goods, service and facilities, and accommodation than in the overall complaints.

Employment related complaints from Aboriginal people comprise 13.2%, compared with 57.3 % (see Table 8) of total complaints.

Table 12: Complaints from Aboriginal people by ground
2007-08 to 2009-10

Ground	2007-08		2008-09		2009-10	
	No.	%	No.	%	No.	%
Age	3	5.0%	1	1.2%	2	1.3%
Family Responsibility	0	0.0%	3	3.6%	0	0.0%
Family Status	1	1.7%	1	1.2%	0	0.0%
Gender History	0	0.0%	0	0.0%	0	0.0%
Impairment	8	13.3%	14	16.9%	57	37.5%
Marital Status	0	0.0%	0	0.0%	0	0.0%
Political Conviction	0	0.0%	0	0.0%	0	0.0%
Pregnancy	0	0.0%	0	0.0%	1	0.7%
Race	37	61.7%	43	51.8%	74	48.7%
Racial Harassment	4	6.7%	10	12.0%	7	4.6%
Religious Conviction	0	0.0%	1	1.2%	0	0.0%
Sex	2	3.3%	4	4.8%	1	0.7%
Sexual Harassment	0	0.0%	0	0.0%	2	1.3%
Sexual Orientation	1	1.7%	0	0.0%	2	1.3%
Victimisation	4	6.7%	6	7.2%	6	3.9%
Total	60	100.0	83	100.0	152	100.0

Table 13: Complaints from Aboriginal people by area
2007-08 to 2009-10

Area	2007-08		2008-09		2009-10	
	No.	%	No.	%	No.	%
Employment	8	13.3%	28	33.7%	20	13.2%
Access to Places and Vehicles	2	3.3%	2	2.4%	10	6.6%
Accommodation	11	18.3%	21	25.3%	92	60.5%
Education	3	5.0%	5	6.0%	0	0.0%
Clubs	0	0.0%	2	2.4%	1	0.7%
Goods, Services and Facilities	36	60.0%	25	30.1%	29	19.1%
Sport	0	0.0%	0	0.0%	0	0.0%
Victimisation	0	0.0%	0	0.0%	0	0.0%
Total	60	100.0	83	100.0	152	100.0

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 details the industries from which the respondents came in 2009-10. While the largest number of complaints still are from the property and business services sector, there has been an increase in complaints relating to education, and health and community services.





-  property and business services - 135 (20.8%)
-  personal and other services including corrective and police services - 100 (15.4%)
-  education - 60 (9.2%)
-  health and community services - 51 (7.9%)

Table 14: Complaints by industry
2007-08 to 2009-10

Industry Type	2007-08		2008-09		2009-10	
	No.	%	No.	%	No.	%
Accommodation/Cafes/ Restaurants	45	8.4%	25	3.9%	29	4.5%
Agriculture/Forestry/Fishing	7	1.3%	4	0.6%	17	2.6%
Communication Services	16	3.0%	12	1.9%	17	2.6%
Construction	20	3.7%	26	4.1%	20	3.1%
Cultural and Recreational Services	20	3.7%	28	4.4%	14	2.2%
Education - Pre, School and Post	37	6.9%	61	9.6%	60	9.2%
Finance and Insurance	6	1.1%	13	2.1%	11	1.7%
Health and Community Services	44	8.2%	41	6.5%	51	7.9%
Manufacturing	17	3.2%	16	2.5%	18	2.8%
Mining	54	10.1%	63	9.9%	36	5.5%
Personal and Other Services including corrective and police services	55	10.3%	49	7.7%	100	15.4%
Property and Business Services	85	15.9%	107	16.9%	135	20.8%
Retail Trade	57	10.6%	68	10.7%	45	6.9%
Transport and Storage	34	6.3%	64	10.1%	39	6.0%
Wholesale Trade	10	1.9%	3	0.5%	8	1.2%
Other Industry	29	5.4%	54	8.5%	49	7.6%
Total	536	100.0	634	100.0	649	100.0

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
2007-08 to 2009-10

Outcome of Complaint	2007-08		2008-09		2009-10	
	No.	%	No.	%	No.	%
Dismissed	137	20.3%	121	19.8%	133	21.0%
Lapsed	110	16.3%	59	9.6%	73	11.6%
Withdrawn	100	14.8%	124	20.3%	146	23.1%
Conciliated	240	35.6%	231	37.7%	205	32.4%
Referred to State Administrative Tribunal	88	13.0%	77	12.6%	75	11.9%
Complaints Closed	675	100.0	612	100.0	632	100.0

Conciliated and withdrawn 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.

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 2009-10, 205 (32.4%) complaints were resolved through conciliation, compared to 231 (37.7%) the previous year.

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.

An increasing number of complaints have been withdrawn by the complainant.

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
- 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 to be negotiated in conciliation.

In 2009-10 the most common types of outcomes negotiated during the conciliation of complaints included:

- apology
- monetary settlement
- respondent's explanation satisfactory to complainant
- equal opportunity law program/education
- policy change within the organisation.

Case studies of complaints handled

As part of the Commission's community education focus, some 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.

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*.

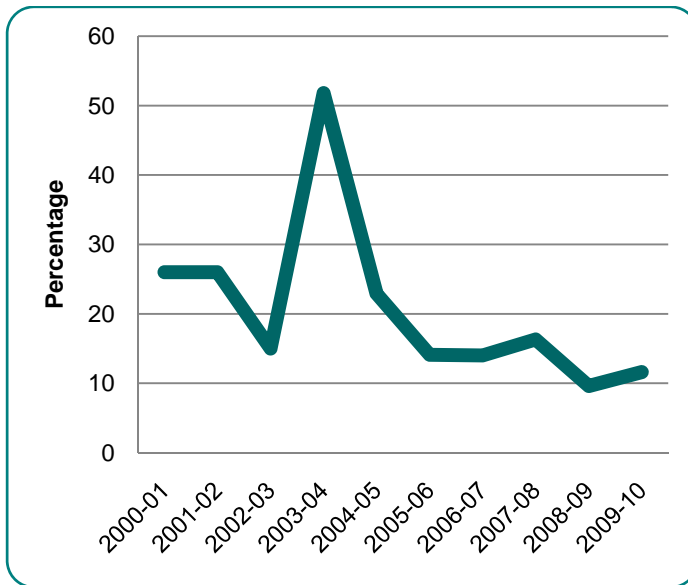
In some instances the Commission has been unable to maintain contact with the complainant and after a period of time the complaint lapses. In other cases complainants do not wish to continue but do not formally withdraw their complaint. Some complainants are disheartened by their onus of proof which requires complainants to support their allegations with evidence such as witness statements and documents.

Since 2005 the Commission implemented a range of strategies to attempt to reduce the number of complaints which lapse. Figure 6 demonstrates that these strategies have been effective, reducing the proportion of lapsed complaints from 26% in 2000-01 to 11.6% in 2009-10. The spike in 2003-04 resulted from a policy decision to lapse complaints which had been kept active for long periods of time with little expectation of resolution.

The strategies implemented included:

- attempts to make contact with the complainant either by letter or telephone, email or fax, or a combination of all of these
- a streamlined approach to complaint handling to reduce the time taken to finalise complaints. The effectiveness of this strategy is illustrated in Figure 7 which shows the proportion of complaints finalised with six (6) months has increased from 51.0% in 2000-01 to 72.3% in 2009-10.

Figure 6: Percentage of complaints lapsed
2000-01 to 2009-10



Time taken to close complaints

Figure 7: Percentage of complaints closed within 6 months
2000-01 to 2009-10

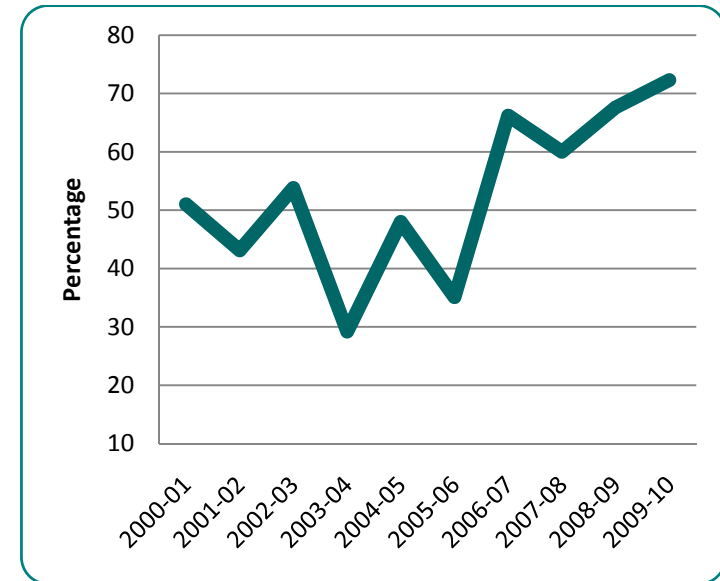


Table 16: Time taken to close complaints
2007-08 to 2009-10

Time taken to close complaints	2007-08		2008-09		2009-10	
	No.	%	No.	%	No.	%
0 - 6 months	405	60.0%	414	67.6%	457	72.3%
7 - 12 months	210	31.1%	153	25.0%	125	19.8%
13 - 18 months	48	7.1%	31	5.1%	41	6.5%
19 - 24 months	12	1.8%	10	1.6%	2	0.3%
2 years or more	0	0.0%	4	0.7%	7	1.1%
Total	675	100.0	612	100.0	632	100.0

Of the 632 complaints closed in 2009-10, 457 (72.3%) were closed within 6 months, Another 125 (19.8%) were closed by 12 months. This maintains the improvement achieved in the previous year with over 582 (92.1%) 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.

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 2009-10, 133 (21.0%) complaints were dismissed, compared with the previous year when 121 (19.8%) were dismissed.

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.

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)

Under Section 93 of the *Act* the Commissioner may refer a complaint to the SAT where she is of the view the complaint:

- cannot be resolved by conciliation, or
- the attempt to resolve the complaint by conciliation but has been unsuccessful, or
- the Commissioner is of the opinion the nature of the complaint is such the matter should be referred to the SAT.

The Commissioner provides legal assistance to complainants whose matters she has referred, however, the level and extent of that assistance is determined by the Commissioner. Complainants whose matters have been dismissed by the Commissioner are not provided with any assistance.

The Table 17 shows the number of matters referred to the SAT, while Table 18 summarises the number of matters for which, having been referred to the SAT, legal assistance was provided.

Of the 62 matters handled by legal officers in 2009-10, 41 were new matters referred to the SAT.

A total of 45 matters were finalised in the SAT during the year, 33 (73.3%) of which were settled, with the assistance of Commission legal officers. This compares with the previous year when 50% of matters closed were settled by mediation.

Table 17: Number of matters referred to SAT
2007-08 to 2009-10

	2007-08		2008-09		2009-10	
	No.	%	No.	%	No.	%
Legal Assistance						
Number of matters referred by the Commissioner and carried over from previous financial years	28	33.3%	37	44.6%	18	29.0%
Number of appeals to the Supreme Court or Exemption Orders carried over from previous financial years	3	3.6%	3	3.6%	1	1.6%
Number of matters referred by the Commissioner this financial year	51	60.7%	42	50.6%	41	66.1%
Number of appeals to the Supreme Court or Exemption Orders received each financial years	2	2.4%	1	1.2%	2	3.2%
Total number of matters handled each financial year	84	100.0	83	100.0	62	100.0

**Table 18: Outcome of matters referred to SAT
2007-08 to 2009-10**

Outcome of Matters	2007-08		2008-09		2009-10	
	No.	%	No.	%	No.	%
Withdrawn	5	11.4%	6	9.4%	1	2.2%
Settled before hearing by Legal Officers	7	15.9%	7	10.9%	6	13.3%
Settled at Tribunal mediation by Legal Officers	19	43.2%	25	39.1%	27	60.0%
Upheld by the Tribunal	0	0.0%	3	4.7%	2	4.4%
Dismissed by the Tribunal	0	0.0%	6	9.4%	1	2.2%
Discontinued Assistance	11	25.0%	14	21.9%	5	11.1%
Number of matters heard and decided by the Supreme Court	0	0.0%	1	1.6%	0	0.0%
Number of Writ of Summons, Interim Appeals, and Exemption Orders finalised	2	4.5%	2	3.1%	3	6.7%
Total number of matters finalised	44	100.0	64	100.0	45	100.0

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 SAT consider are at the core of the *Act's* objects.

In fact, the proportion of matters that settled with the assistance of legal officers, increased considerably, from 50% in 2008-09 to 73.3% in 2009-10. Legal Officers will 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.

The three projects reported on for 2009-10 year are:

- Narrogin race relations project
- *Accommodating Everyone*: an inquiry into the private rental housing market in Western Australia – launch of final report
- *Finding a Place*: Investigation into discrimination in the provision of public housing for Aboriginal people – implementation of recommendations

Narrogin race relations project

The Commission has been working with the Narrogin community since October 2008. The Narrogin Community Relations Strategy was developed by the Commission in response to a request from local Aboriginal community members for support to address issues of alleged experiences of racism.

The strategy takes a community development approach and involves monthly contact visits to attend the Narrogin Inter Agency Committee, taking enquiries and complaints, provision for community advocacy training and support and anti-discrimination training.

The project aims to:

- raise awareness of human rights among members of the Aboriginal community by the provision to the community of information on human rights, unlawful discrimination, and the roles and obligations of key agencies

- develop the capacity for Aboriginal community members to act as first points of contact and advocate (where necessary) for Aboriginal residents of Narrogin by the provision of intensive Advocacy training to nominated Aboriginal people
- develop greater awareness of issues around discrimination and human rights through the provision of training on anti-discrimination and racial vilification laws to government and private sector service provider.

Key objectives of this strategy are:

- to arrange, coordinate, and conduct meetings, consultations, and discussions in order to identify measures to improve services and conditions affecting Aboriginal people who allege discrimination on the grounds of race and other unlawful grounds under the *Equal Opportunity Act 1984*
- to carry out investigations, research and inquiries relating to discrimination and harassment affecting Aboriginal people;

Outcomes achieved

- Commission officers attended eight (8) meetings as members of the Narrogin Inter Agency Group (NIAG) that comprises members of the Aboriginal community and representatives of both government and non-government service providers. The Commission supported the NIAG by facilitating the development of an action plan which included the review and rewrite of the NIAG Agreement.
- The Commission conducted consultative workshops with the Narrogin District High School and District Education Office and the Narrogin Police.
- Consultations were also held with the Aboriginal Training Council and the West Australian Department of Education in relation to the review of the DET Anti-Racism policy.
- Training in the Play by the Rules website was delivered to Aboriginal parents in liaison with the Noongar Sports Association.

- Anti-discrimination training has been offered to all government and non-government NIAG members.
- Anti-Racism training was provided to the Narrogin District High School staff (70 participants).
- Support has been provided to Narrogin Senior High School for the development of a school anti-racism policy and complaint procedure and terms of reference for a NSHS Equity Committee.
- Two workshops were presented to senior public sector representatives of government service providers in relation to preventing discrimination in service delivery and substantive equality.
- Relationships have been developed with the local Narrogin Aboriginal community resulting in a number of complaints being received and lodged at the EOC and ongoing enquiries, phone calls and emails.
- A submission was prepared for the Senate Select Committee on Regional and Remote Indigenous Communities (November 2009).
- Narrogin Senior High School has been nominated by Commission to run a poster competition for the production of the Commission's 2011 Calendar with the theme "Working together for Reconciliation". This will be launched in August 2010.

Narrogin Senior High School is in the process of establishing an Equity Committee comprising staff, students and parents. Once membership has been finalized training will be provided to members of this committee regarding their role and Grievance Officers appointed by the school will also receive Commission training.

A further strategy which the Commission will take into 2010-11 is to establish and train a group of Aboriginal community members to act as first points of contact and advocates (where necessary) for Aboriginal residents of Narrogin.

Accommodating Everyone: a report of an inquiry into the private rental market in Western Australia

The Commissioner for Equal Opportunity launched the report of the inquiry into whether persons from Aboriginal and ethnic minority groups experienced direct or indirect discrimination on the basis of their race in the private rental housing market in June 2009.

This inquiry into the experiences of Aboriginal and Culturally and Linguistically Diverse (CaLD) people in the private housing rental market was prompted by concerns that these groups are unfairly treated, due to their racial characteristics, when they attempt to secure and maintain accommodation. The concern about less favourable treatment has been highlighted over the last five years because of the economic boom experienced in Western Australia which has prompted a rapid influx of workers and their families to the state. This influx put significant pressure on the available housing for rent, as well as for purchase.

The inquiry concluded that there was substantial evidence of racial discrimination in the private housing rental market and this was discussed within the context of the inquiry's Terms of Reference.

The Report made 15 recommendations which covered training and guidelines for industry operators, legislative regulation of tenancy databases, national consistency of legislation and support for CaLD and Aboriginal people to access and maintain a tenancy.

The Commission has pursued a number of the recommendations of the report throughout the year.

July 2009 – conveyed the Report to the industry bodies to promote the recommendation which sought better communication between the industry and the community sector.

November 2009 – produced two brochures on discrimination in the provision of accommodation – these were jointly badged with the Department of Commerce. One brochure was for tenants and the other for owners and agents. These have been distributed widely to a range of government and non-government agencies as well as private land owner associations.

December 2009 – made a written submission to the Inquiry into National Standards for Residential Tenancy Databases.

September 2009 - joined the Monitoring Committee on the Implementation of the recommendations of Accommodating Everyone which was jointly convened by the Office of Multicultural Interests and Dept of Indigenous Affairs. This Committee has a broad representation of relevant State and Commonwealth Government agencies, non-government organizations and real estate industry representation.

May 2010 - presented to the Real Estate and Business Agents Supervisory Board for the compulsory anti-discrimination training of Agents and Property Managers and has been advised there will be an expansion of the training to include anti-discrimination training.

The complete report is available on the Commission's website at www.eoc.wa.gov.au

Finding a Place: a report of an investigation into discrimination in the provision of public housing for Aboriginal people

In the period 2003-2004, the Commissioner for Equal Opportunity conducted an extensive investigation into discrimination in public housing against Aboriginal people.

The investigation found there were many areas where the policy and practice of the then Department of Housing and Works tended to provide greater difficulties for Aboriginal people in either gaining or maintaining tenancies characterised by large families, family violence, and parents and grandparents in poor health, poverty and previous Homeswest tenancies. For some Aboriginal people regular periods of upheaval due to premature death of relatives, chronic disease and disability, and neighbourhood disputes about cultural issues and obligations unknown to most Australians, added to the above difficulties.

The report of this investigation, *Finding a Place*, made far reaching recommendations which in the more than five years since its release have been progressively implemented by the Department of Housing, in partnership with the Equal Opportunity Commission.

The first recommendation of *Finding a Place* was the establishment of a committee to oversee the implementation of the recommendations of the Report. The inaugural meeting of the Committee was held in 2005. The Committee had a broad membership from government agencies such as Department of Indigenous Affairs, Department of Child Protection,

Strong Families, as well as community organisations who deal with the issues of housing and tenancy such as Aboriginal Legal Service, Tenants' Advice Service, Shelter, WACOSS and advocate organisations such as Jacaranda and more recently Day Dawn. There were also individual community advocates who represent Aboriginal clients.

This Monitoring Committee has overseen the implementation of the recommendations and also has responded to new initiatives or changes in policy or legislation which may have a bearing on the provision of housing for Aboriginal people. The Committee formally ended on 12 July 2010, however it was agreed that six monthly forums would continue.

The challenge for EOC and the Department was, and remains, to ensure the Department's policies, procedures and practices do not have unintended adverse effects for Aboriginal people who have one or more of the needs outlined above and therefore the effect of them being treated less favourably in gaining housing or whilst as a tenant.

A copy of the *Finding a Place*, as well as reports of its implementation can be found on the Commission's website: www.eoc.wa.gov.au

Substantive Equality

The Substantive Equality Unit (SEU) has been operating for four 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.

During 2009-10 the SEU continued to work towards a role to support and monitor agencies to undertake Needs and Impact Assessments rather than taking the primary responsibility for driving implementation of the Policy Framework within departments, which had been the focus of the program in its first phase.

The SEU developed a range of operational changes which have been put in place during the year. These changes will:

- ensure that services selected by participating departments are of the highest relevance. For example the Commission considers the services delivered by particular departments and the significance (including the effect) it has on the lives of people from marginalised groups.
- continue the SEU transition to provide concentrated support to all departments identified as high priority.
- Provide all other departments with instruction and support through training that is provided by the SEU and the Commission's Training and Education section.
- group departments with similar charters so that the SEU can provide a more efficient level of support and greater capacity to identify across government opportunities and timely input on inter-agencies and related services.
- provide continued support to all departments on how to undertake the impact assessment including assistance to act on the results from undertaking the impact assessment and measure progress against them.

The shift to direct attention to highly relevant services is to ensure that the focus of the impact assessment is aimed at those areas of public sector service delivery that has the greatest impact on the lives of the public and where there is evidence to show that marginalised groups including Indigenous Australians either face barriers, are further marginalised or are required or forced to fit into a one-size fits all system.

New policies and major new initiatives

One of the requirements of the Policy Framework is to assess how a new policy or major new initiative may impact negatively on particular groups. This provides agencies with vital information to identify the issues before a new policy or major new initiative is introduced.

In the latter part of 2010 the SEU plans to commence a 12 month pilot project to first find out the status quo with regard to assessing new policies and major new initiatives within government departments and second, to develop a common framework for which learning and training of policy developers will become a major feature.

Monitoring framework

Departments report their progress each year in their own annual reports and report to the Commission on key areas of the service selected. More importantly, they are required to report on the service they have selected and the extent of progress they have made.

Understanding equal opportunity and substantive equality

A training course was developed by the SEU to be delivered by the Commission's Community training and education section on the meaning of equal opportunity and substantive equality as part of its calendar of training courses.

The SEU has developed and has delivered specialist courses to the departments with which it works, as part of undertaking Needs and Impact Assessments.

Community forums

As part of the Equal Opportunity Commission's ongoing consultation with communities about their experiences in accessing services provided by the state government, the SEU has commenced a series of forums aimed at informing Aboriginal and other clients of Government services, as well as government employees of what is happening in this area.

These follow a period of rolling out Substantive Equality within the public sector, and the Commission is now taking the results of this work out into the community to assess what is working and what still needs to be done.

Representatives from the State Government Departments of Indigenous Affairs, Health, Housing and Police presented reports on their progress to date on Substantive Equality at a public forum.

A Forum for Aboriginal organisations and community workers was held on 25 February, 2010.

The first community forum took place in the Langford area on 25 March 2010.

The Commissioner for Equal Opportunity also attended and conducted a session for the 2010 Pilbara Indigenous Women's Gathering.

These forums have been very well received by the communities, and the government representatives involved have also provided positive comments about receiving community feedback on their efforts.

Case study - WA Police

As part of achieving substantive Equality, the WA Police has removed ethnic descriptors under Person of Interest and has revised their media guidelines to ensure that descriptions issued to the media regarding 'persons' of interest, contain only factual and verifiable information.

The manual states that "the use of ethnic descriptors (based on perceived ethnicity) is subjective and in many cases inaccurate. Physical descriptors improve contemporary police investigation practices by employ more accurate and objective description of people;

The new guidelines include such descriptors as: gender, height, build eye colour, hair colour, hair type, skin tone, clothing, tattoos and other distinguishing physical features.







Use of national or regional religious ethnic or cultural factors are not to be used.

While the police cannot control the way in which the media describe such people, the new guidelines are already evident in much reporting.

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 Commission has undertaken, an initial screening Needs and Impact assessment on its service defined as "How the EOC reaches Indigenous and ethnic minority groups," and including the following services which were reviewed for potential adverse impacts:

-  community education and training
-  website
-  special events
-  publications
-  media
-  enquiries

The final report and recommendations are in the process of being approved by the Corporate Executive.

The next service area to be screened is the complaints handling process and a project brief has been prepared.

Significant issues impacting the Equal Opportunity Commission

Current and emerging issues and trends

Provision of information about equal opportunity:

- restructure and amalgamation of core training courses
- enhanced focus and delivery of Rights Based training to identified community groups through consultation and targeted marketing.

Provision of accessible means of redress for complaints of discrimination:

- continuous improvement of the timeliness of dealing with complaints as the object of redress is often contingent on prompt responsiveness.

Substantive equality:

- The requirement to train all policy officers across the public sector, including managers so that new policies and major new initiatives (as they relate to service delivery) are assessed for their impact on diverse groups within the community.
- The commencement of a pilot with a select few departments to capture the extent to which new policies and major new initiatives are assessed for their impact on Indigenous and minority ethnic groups.
- The impact on the Substantive Equality Unit of an increased number of departments implementing substantive equality further necessitating the need for a dedicated Training and Research positions.
- The need to consider further strategies so that the SEU can begin to provide a support and monitoring role as soon as substantive equality is routinely embedded within organisational policy and practice.

Changes in written law

- Test cases in State Administrative Tribunal which will further define a number of aspects of the *Equal Opportunity Act 1984* include: provision of services viz police, application for accommodation and pregnancy in employment with relation to contract workers.
- Amendment to *Equal Opportunity Act 1984* to include the ground of breast feeding and bottle feeding in public places.

Likely developments and forecast results of operations

- Government has announced its intention to introduce the new grounds of racially offensive behaviour and bullying.

Disclosure and legal compliance

Financial Statements

Certification of Financial Statements for the Year Ended 30 June 2010


The accompanying financial statements of the Equal Opportunity Commission have been prepared in compliance with the provision of the Financial Management Act 2006 from proper accounts and records to present fairly the financial transactions for the financial year ended 30 June 2010.

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.



Z. Milambo
Chief Finance Officer

Date: 5 August 2010



Y. Henderson
Accountable Authority

Date: 5 August 2010



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 2010

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

The financial statements comprise the Statement of Financial Position as at 30 June 2010, and the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, Schedule of Income and Expenses by Service, Schedule of Assets and Liabilities by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, 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 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. This document is available on the OAG website under "How We Audit".

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 2010

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 2010 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards 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 2010.

COLIN MURPHY
AUDITOR GENERAL
10 August 2010

Commissioner for Equal Opportunity
Statement of Comprehensive Income for the year ended 30 June 2010

	Note	2010 \$	2009 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	6	2,565,477	2,904,846
Supplies and services	7	492,606	909,029
Depreciation and amortisation expense	8	47,762	42,202
Accommodation expenses	9	541,161	459,455
Other expenses	10	73,908	29,872
Loss on disposal of non-current assets	14	-	9,738
Total cost of services		3,720,914	4,355,752
Income			
<i>Revenue</i>			
User charges and fees	11	206,289	185,980
Commonwealth grants and contributions	12	14,401	38,657
Other revenue	13	437,902	400,023
Total revenue		658,592	624,660
Total income other than income from State Government		658,592	624,660
NET COST OF SERVICES			
Income from State Government			
Service Appropriation	15	3,205,000	3,135,000
Resources received free of charge	15	5,411	99,047
Total income from State Government		3,210,411	3,234,047
SURPLUS/(DEFICIT) FOR THE PERIOD		148,089	(497,045)
Total other comprehensive income			
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		148,089	(497,045)

Refer to the 'Schedule of Income and Expenses by Service'.

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

Commissioner for Equal Opportunity
Statement of Financial Position as at 30 June 2010

	Note	2010 \$	2009 \$
ASSETS			
Current Assets			
Cash and cash equivalents	26	329,144	160,331
Receivables	17	113,243	164,526
Amounts receivable for services	18	34,000	30,000
Other assets	19	14,453	11,922
Total Current Assets		490,840	366,779
Non-Current Assets			
Restricted cash and cash equivalents	16,26	38,426	32,000
Amounts receivable for services	18	144,000	95,000
Property, plant and equipment	20	256,937	304,699
Intangible assets	21	31,380	-
Total Non-Current Assets		470,743	431,699
TOTAL ASSETS		961,583	798,478
LIABILITIES			
Current Liabilities			
Payables	23	120,359	280,852
Provisions	24	540,960	334,759
Total Current Liabilities		661,319	615,611
Non-Current Liabilities			
Provisions	24	82,221	151,913
Total Non-Current Liabilities		82,221	151,913
TOTAL LIABILITIES		743,540	767,524
NET ASSETS		218,043	30,954

Commissioner for Equal Opportunity
Statement of Financial Position as at 30 June 2010

	Note	2010 \$	2009 \$
EQUITY			
Contributed Equity	25	479,000	440,000
Accumulated surplus/(deficiency)		(260,957)	(409,046)
TOTAL EQUITY		218,043	30,954

Refer to the 'Schedule of Assets and Liabilities by Service'.

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

Commissioner for Equal Opportunity
Statement of Changes in Equity for the year ended 30 June 2010

	Note	Contributed equity	Reserves	Accumulated Surplus/(deficit)	Total equity
Balance at 1 July 2008	25	384,000	-	87,999	471,999
Total comprehensive income for the year		-	-	(497,045)	(497,045)
Transactions with owners in their capacity as owners:					
Capital appropriations		56,000	-	-	56,000
Total		56,000	-	-	56,000
Balance at 30 June 2009		440,000	-	(409,046)	30,954
Balance at 1 July 2009		440,000	-	(409,046)	30,954
Total comprehensive income for the year		-	-	148,089	148,089
Transactions with owners in their capacity as owners:					
Capital appropriations		39,000	-	-	39,000
Total		39,000	-	-	39,000
Balance at 30 June 2010		479,000	-	(260,957)	218,043

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

Commissioner for Equal Opportunity
Statement of Cash Flows for the year ended 30 June 2010

	Note	2010 \$	2009 \$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriations		3,122,000	3,052,000
Capital appropriations		39,000	56,000
Holding account drawdowns		30,000	36,000
Net Cash provided by State Government		3,191,000	3,144,000
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(2,407,592)	(2,901,561)
Supplies and services		(1,275,426)	(1,142,470)
GST payments on purchases		(136,912)	(152,706)
GST payments to taxation authority		-	-
Receipts			
Receipts from services		703,152	774,299
GST receipts on sales		63,822	60,449
GST receipts from taxation authority		68,575	75,021
Net cash provided by/(used in) operating activities	26	(2,984,381)	(3,286,968)
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchase of non-current intangible assets		(31,380)	(52,010)
Net cash provided by/(used in) investing activities		(31,380)	(52,010)
Net increase/(decrease) in cash and cash equivalents		175,239	(194,978)
Cash and cash equivalents at the beginning of period		192,331	387,309
CASH AND CASH EQUIVALENTS AT THE END OF PERIOD	26	367,570	192,331

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

Commissioner for Equal Opportunity
Schedule of Income and Expense by Service for the year ended 30 June 2010

	Provision of Information		Avenue of Redress		Total	
	2010 \$	2009 \$	2010 \$	2009 \$	2010 \$	2009 \$
COST OF SERVICES						
<u>Expenses</u>						
Employee benefit expense	1,564,941	1,729,545	1,000,536	1,175,301	2,565,477	2,904,846
Supplies and Services	274,724	507,299	217,882	402,340	492,606	909,639
Depreciation and amortisation expense	26,636	23,536	21,126	18,666	47,762	42,202
Accommodation expenses	301,801	256,235	239,360	203,220	541,161	459,455
Other expenses	41,218	16,659	32,690	13,213	73,908	29,872
Loss on disposal of non-current assets	-	5,431	-	4,307	-	9,738
Total cost of services	2,209,320	2,538,705	1,511,594	1,817,047	3,720,914	4,355,752
<u>Income</u>						
User charges and fees	206,289	185,980	-	-	206,289	185,980
Commonwealth grants and contributions	14,401	26,480	-	12,177	14,401	38,657
Other revenue	437,902	-	-	400,023	437,902	400,023
Total income other than income from State Government	658,592	212,460	-	412,200	658,592	624,660
NET COST OF SERVICES	1,550,728	2,326,245	1,511,594	1,404,847	3,062,322	3,731,092
<u>Income from State Government</u>						
Service appropriation	1,787,428	1,661,550	1,417,572	1,473,450	3,205,000	3,135,000
Resources received free of charge	3,018	59,710	2,393	39,337	5,411	99,047
Total income from State Government	1,790,446	1,721,260	1,419,965	1,512,787	3,210,411	3,234,047
SURPLUS/(DEFICIT) FOR THE PERIOD	239,718	(604,985)	(91,629)	107,940	148,089	(497,045)

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

Commissioner for Equal Opportunity
Schedule of Assets and Liabilities by Service as at 30 June 2010

	Provision of Information		Avenue of Redress		Total	
	2010 \$	2009 \$	2010 \$	2009 \$	2010 \$	2009 \$
ASSETS						
Current assets	335,282	193,540	155,558	173,239	490,840	366,779
Non-current assets	321,554	238,127	149,189	193,572	470,743	431,699
Total assets	656,836	431,667	304,747	366,811	961,583	798,478
LIABILITIES						
Current liabilities	451,733	356,850	209,586	258,761	661,319	615,611
Total non-current liabilities	56,163	90,449	26,058	61,464	82,221	151,913
Total liabilities	507,896	447,299	235,644	320,225	743,540	767,524
NET ASSETS	148,940	(15,632)	69,103	46,586	218,043	30,954

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

Summary of Consolidated Account Appropriations and Income Estimates for the year ended 30 June 2010

	2010 Estimate \$	2010 Actual \$	Variance \$	2010 Actual \$	2009 Actual \$	Variance \$
<u>Delivery Services</u>						
Item 91 Net amount appropriated to deliver services	2,989,000	2,989,000	-	2,989,000	2,926,000	63,000
Amount Authorised by Other Statutes						
-Salaries and Allowances Act 1975	216,000	216,000	-	216,000	209,000	7,000
Total appropriations provided to deliver services	3,205,000	3,205,000	-	3,205,000	3,135,000	70,000
<u>Capital</u>						
Item 164 Capital appropriations	39,000	39,000	-	39,000	56,000	(17,000)
GRAND TOTAL	3,244,000	3,244,000	-	3,244,000	3,191,000	53,000
<u>Details of Expenses by Services</u>						
Provision of Information	2,214,000	2,209,320	(4,680)	2,209,320	2,538,705	(329,385)
Avenue of Redress	1,495,000	1,511,594	16,594	1,511,594	1,817,047	(305,453)
Total Cost of Services	3,709,000	3,720,914	11,914	3,720,914	4,355,752	(634,838)
Less total income	(481,000)	(658,592)	(177,592)	(658,592)	(624,660)	(33,932)
Net Cost of Services	3,228,000	3,062,322	(165,678)	3,062,322	3,731,092	(668,770)
Adjustment	(23,000)	142,678	165,678	142,678	(596,092)	738,770
Total appropriations provided to deliver services	3,205,000	3,205,000	-	3,205,000	3,135,000	70,000
<u>Capital Expenditure</u>						
Purchase on non-current intangible assets	69,000	31,380	(37,620)	31,380	52,010	(20,630)
Adjustments for other funding sources	(30,000)	7,620	37,620	7,620	3,990	3,630
Capital appropriations	39,000	39,000	-	39,000	56,000	(17,000)

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

Note 30 'Explanatory statement' provides details of any significant variations between estimates and actual results for 2010 and between the actual results for 2009 and 2010.

1 Australian Accounting Standards

General

The Commission's financial statements for the year ended 30 June 2010 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' refer to Standards and Interpretations issued by the Australian Accounting Standard Board (AASB).

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

Early adoption of standards

The Commission cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 '*Application of Australian Accounting Standards and Other Pronouncements*'. No Australian Accounting Standards that have been issued or amended but are not operative have been early adopted by the Commission for the annual reporting period ended 30 June 2010.

2 Summary of significant accounting policies

(a) General Statement

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

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

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

(b) Basis of Preparation

The financial statements have been prepared 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 values are rounded to the nearest dollar.

The judgements that have been made in the process of applying the Commission's accounting policies that have the most significant effect on the amounts recognised in the financial statements are disclosed at note 3 ('Judgements made by management in applying accounting policies').

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

(c) Reporting entity

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

Mission

The Commission's mission 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.

Services

The Commission provides the following services:

Service 1: Provision of Information

Comprises information and advice regarding equal opportunity and human rights.

Service 2: Avenue of Redress

Comprises avenue of redress for unlawful discrimination and unreasonable treatment.

(d) Contributed equity

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

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

(e) Income

Revenue recognition

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

Sale of goods

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

Provision of services

Revenue is recognised on 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 to the bank account or credited to the 'Amounts receivable for services' (holding account) held at Treasury.

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 2009 2010 Budget Statements, the Commission retained \$658,592 in 2010 (\$624,660 in 2009) from the following:

- proceeds from the provision of Community Education Services;
- proceeds from the provision of services to the Indian Ocean Territories;
- Housing funding from the Department of Indigenous Affairs

Grants, donations, gifts and other non-reciprocal contributions

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

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

The Commission 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.

(f) Plant and equipment

Capitalisation/expensing of assets

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

Initial recognition and measurement

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

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

Subsequent measurement

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

Depreciation

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

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

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

(g) Intangible assets

Capitalisation/expensing of assets

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

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

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

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

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

Website Cost 3 years

Website costs

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

(h) Impairment of assets

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

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

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

(i) Leases

The Commission has not entered into any finance leases.

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

(j) Financial instruments

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

- Loans and receivables; and
- Financial liabilities measured at amortised cost.

Financial instruments have been disaggregated into the following classes:

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

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

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

(k) Cash and cash equivalents

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

(l) Accrued salaries

Accrued salaries represent the amount due to staff but unpaid at the end of the financial year, 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 accrued salaries suspense account consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur instead of the normal 26. No interest is received on this account.

(m) Amounts receivable for services (holding account)

The Commission receives funding on an accrual basis 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 leave entitlements and asset replacement.

(n) 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 against the allowance account. 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.

(o) Payables

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

(p) Provisions

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

Provisions - employee benefits

Annual leave and long service leave

The liability for annual and long service leave expected to be settled within 12 months after the reporting period 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 reporting period 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 end of the reporting period.

When assessing expected future payments consideration is given to expected future wage and salary levels including non salary components such as employer superannuation contributions. In addition, the long service leave liability also considers the experience of employee departures and periods of service.

Commissioner for Equal Opportunity
Notes to the Financial Statements for the year ended 30 June 2010

The expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

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

Deferred leave

The provision for deferred leave relates to Public Service employees who have entered into an agreement to self-fund an additional twelve months leave in the fifth year of the agreement. The provision recognises the value of salary set aside for employees to be used in the fifth year. This liability is measured on the same basis as annual leave. Deferred leave is reported as a non-current provision until the fifth year.

Superannuation

The Government Employees Superannuation Board (GESB) in accordance with legislative requirements administers public sector superannuation arrangements in Western Australia.

Employees may contribute to the Pension Scheme, a defined benefit pension scheme now closed to new members or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme also closed to new members.

The Commission has no liabilities under the Pension Scheme or the GSS. The liabilities for the unfunded Pension Scheme and the unfunded GSS transfer benefits due to members who transferred from the Pension Scheme, are assumed by the Treasurer. All other GSS obligations are funded by concurrent contributions made by the Commission to the GESB. The concurrently funded part of the GSS is a defined contribution scheme as these contributions extinguish all liabilities in respect of the concurrently funded GSS obligations.

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

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

Provisions – other

Employment on-costs

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

(q) Superannuation expense

The superannuation expense in the Statement of Comprehensive Income comprises employer contributions paid to the GSS (concurrent contributions), the WSS, and the GESBS.

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

(r) 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.

Where assets or services are received from another State Government agency, these are separately disclosed under Income from State Government in the Statement of Comprehensive Income.

(s) Comparative figures

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

3 Judgements made by management in applying accounting policies

The judgements that have been used in the process of applying accounting policies have had no material effect on amounts recognised in the financial statements.

4 Key sources of estimation uncertainty

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

Long Service Leave

In calculating the Commission's long service leave provision, several estimations and assumptions have been made. These include expected future salary rates, salary inflation, discount rates, employee retention rates and expected future payments. Any changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision.

5 Disclosure of changes in accounting policy and estimates

Initial application of an Australian Accounting Standard

The Commission has applied the following Australian Accounting Standards effective for annual reporting periods beginning on or after 1 July 2009 that impacted on the Commission.

AASB 101 *Presentation of Financial Statements* (September 2007). This Standard has been revised and introduces a number of terminology changes as well as changes to the structure of the Statement of Changes in Equity and the Statement of Comprehensive Income. It is now a requirement that owner changes in equity be presented separately from non-owner changes in equity. There is no financial impact resulting from the application of this revised Standard.

AASB 2007-10 *Further Amendments to Australian Accounting Standards arising from AASB 101*. This Standard changes the term 'general purpose financial report' to 'general purpose financial statements', where appropriate in Australian Accounting Standards and the Framework to better align with IFRS terminology. There is no financial impact resulting from the application of this Standard.

AASB 2009-2 *Amendments to Australian Accounting Standards – Improving Disclosures about Financial Instruments AASB 4, AASB 7, AASB 1023 & AASB 1038*. This Standard amends AASB 7 and will require enhanced disclosures about fair value measurements and liquidity risk with respect to financial instruments. There is no financial impact resulting from the application of this Standard.

Future impact of Australian Accounting Standards not yet operative

The Commission cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 Application of Australian Accounting Standards and Other Pronouncements. Consequently, the Commission has not applied early any following Australian Accounting Standards that have been issued that may impact the Commission. Where applicable, the Commission plans to apply these Australian Accounting Standards from their application date.

AASB 2009-11

Amendments to Australian Accounting Standards arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 & 1038 and Interpretations 10 & 12].

The amendment to AASB 7 requires modification to the disclosure of categories of financial assets. The Commission does not expect any financial impact when the Standard is first applied. The disclosure of categories of financial assets in the notes will change.

**Operative
for
reporting
periods
beginning
on/after**

1 Jan 2013

AASB 1053

Application of Tiers of Australian Accounting Standards

1 July 2013

This Standard establishes a differential financial reporting framework consisting of two tiers of reporting requirements for preparing general purpose financial statements.

The Standard does not have any financial impact on the Commission. However it may affect disclosures in the financial statements of the Commission if the reduced disclosure requirements apply. DTF has not yet determined the application or the potential impact of the new Standard for agencies.

AASB 2010-2

Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements

1 July 2013

This Standard makes amendments to many Australian Accounting Standards, including Interpretations, to introduce reduced disclosure requirements into these pronouncements for application by certain types of entities.

The Standard is not expected to have any financial impact on the Commission. However this Standard may reduce some note disclosures in financial statements of the Commission. DTF has not yet determined the application or the potential impact of the amendments to these Standards for agencies.

Commissioner for Equal Opportunity
Notes to the Financial Statements for the year ended 30 June 2010

	2010 \$	2009 \$
6 Employee benefits expense		
Wages and salaries (a)	2,037,824	2,359,277
Superannuation – defined contribution plans (b)	203,227	215,705
Long service leave (c)	106,436	27,531
Annual leave (c)	202,190	240,713
Other related expenses	15,800	61,620
	2,565,477	2,904,846

- (a) Includes the value of the fringe benefits to the employee plus the fringe benefit tax component.
- (b) Defined contribution plans include West State and Gold State and GESB Super Scheme (contributions paid).
- (c) 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 in note 24 'Provisions'.

Fringe benefits tax expense of \$10,989 has been reclassified from 'Other related expenses' to 'Wages and salaries' in the 2008-09 financial year.

7 Supplies and services		
Communications	29,097	26,261
Consultants and contractors	237,355	417,721
Consumables	53,260	84,117
Materials	16,545	224,000
Travel	42,368	48,778
Other	113,981	108,762
	492,606	909,639

Workers compensation expense of \$3,890 and the external audit fees expense of \$18,500 in the 2008-09 financial year have been reclassified from 'Other' and 'Consultants and contractors' to 'Other expenses' under note 10 'Other expenses'.

Commissioner for Equal Opportunity
Notes to the Financial Statements for the year ended 30 June 2010

	2010 \$	2009 \$
8 Depreciation and amortisation expense		
<u>Depreciation</u>		
Office equipment	14,811	8,838
Computer hardware	4,208	6,910
Furniture fixtures and fittings	28,743	26,454
Total depreciation	47,762	42,202
9 Accommodation expenses		
Building rental operating lease expense	541,161	459,455
	541,161	459,455
10 Other expenses		
Doubtful debts expense	-	3,371
Bad Debts	6,723	-
Other expenses (a)	67,185	26,501
	73,908	29,872
11 User charges and fees		
Training course fees	194,700	164,163
Other services provided	11,589	21,817
	206,289	185,980

(a) Includes workers' compensation insurance and other employment on-costs. The on-costs liability associated with the recognition of annual and long service leave liability is included at note 24 'Provisions'. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.

Commissioner for Equal Opportunity
Notes to the Financial Statements for the year ended 30 June 2010

	2010 \$	2009 \$
12 Commonwealth grants and contributions		
Grant from Commonwealth - Indian Ocean Territories	14,401	38,657
	14,401	38,657
13 Other revenue		
Recoups	160,794	108,902
Other revenue	277,108	291,121
	437,902	400,023
14 Loss on disposal of non-current assets		
<u>Cost of Disposal of Non-Current Assets</u>		
Equipment	-	9,738
	-	9,738
15 Income from State Government		
Appropriation received during the year:		
Service appropriations (a)	3,205,000	3,135,000
	3,205,000	3,135,000
Resources received free of charge (b)		
Determined on the basis of the following estimates provided by agencies:		
Department of the Attorney General - Corporate Services	-	94,396
DTF - Building and Management Works	5,411	4,651
	5,411	99,047
	3,210,411	3,234,047

Commissioner for Equal Opportunity
Notes to the Financial Statements for the year ended 30 June 2010

(a) Service appropriations are accrual amounts reflecting the net 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 revenues equivalent to the fair value of the assets and/or the fair value of those services that can be reliably measured and which would have been purchased if they were not donated, and those fair values shall be recognised as assets or expenses, as applicable. Where the contribution of assets or services are in the nature of contributions by owners, the Commission makes an adjustment direct to equity.

	2010 \$	2009 \$
16 Restricted cash and cash equivalents		
<u>Non-current</u>		
Accrued salaries suspense account (a)	38,426	32,000
	38,426	32,000

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

17 Restricted cash and cash equivalents		
<u>Current</u>		
Receivables	103,658	166,660
Allowances for impairment of receivables	-	(8,363)
GST Receivable	9,585	6,229
Total Current	113,243	164,526
Reconciliation of changes in the allowance for impairment of receivables:		
Balance at start of year	8,363	30,203
Doubtful debts expense recognised in the statement of comprehensive income	-	3,371
Amounts written off during the year	(1,926)	(1,225)
Amount recovered during the year	(6,437)	(23,986)
Balance at end of year	-	8,363

The Commission does not hold any collateral as security or other credit enhancements relating to receivables.

Commissioner for Equal Opportunity
Notes to the Financial Statements for the year ended 30 June 2010

	2010 \$	2009 \$
18 Amounts receivable for services		
Current	34,000	30,000
Non-Current	144,000	95,000
	178,000	125,000

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

19 Other assets		
<u>Current</u>		
Prepayments	14,453	11,922
Total Current	14,453	11,922

20 Plant and equipment		
<u>Office equipment</u>		
At cost	61,448	61,448
Accumulated depreciation	(27,079)	(12,268)
	34,369	49,180
<u>Furniture fixtures and fittings</u>		
At cost	284,725	284,725
Accumulated depreciation	(65,769)	(37,026)
	218,956	247,699
<u>Computer Hardware (a)</u>		
At cost (b)	14,061	26,488
Accumulated depreciation	(10,449)	(18,668)
	3,612	7,820
	256,937	304,699

Commissioner for Equal Opportunity
Notes to the Financial Statements for the year ended 30 June 2010

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

	Office equipment	Furniture fixture and fittings	Computer hardware (a)	Total
2010	\$	\$	\$	\$
Carrying amount at start of year	49,180	247,699	7,820	304,699
Depreciation	(14,811)	(28,743)	(4,208)	(47,762)
Carrying amount at end of year	34,369	218,956	3,612	256,937
2009	\$	\$	\$	\$
Carrying amount at start of year	40,346	249,553	14,730	304,629
Additions	27,410	24,600	-	52,010
Disposals	(9,738)	-	-	(9,738)
Depreciation	(8,838)	(26,454)	(6,910)	(42,202)
Carrying amount at end of year	49,180	247,699	7,820	304,699

	2010 \$	2009 \$
21 Intangible Asset		
<u>Computer Software</u>		
Works in progress - website development	31,380	-
	31,380	-

22 Impairment of assets

There were no indications of impairment to plant and equipment, and intangible assets at 30 June 2010.

The Commission held no goodwill or intangible assets with an indefinite useful life during the reporting period. At the end of the reporting period the intangible asset consisting of the Commission's website development costs were not yet available for use.

All surplus assets at 30 June 2010 have either been classified as assets held for sale or written-off.

Commissioner for Equal Opportunity
Notes to the Financial Statements for the year ended 30 June 2010

	2010 \$	2009 \$
23 Payables		
<u>Current</u>		
Accrued Salaries	34,730	23,960
Accrued Expenses	43,990	240,753
Trade payables	41,639	16,139
Total current	120,359	280,852
24 Provisions		
<u>Current</u>		
<i>Employee benefits provision</i>		
Annual leave (a)	144,331	99,954
Long service leave (b)	393,131	232,631
	537,462	332,585
<i>Other provisions</i>	3,498	2,174
Employment on-costs (c)	3,498	2,174
	540,960	334,759
<u>Non-Current</u>		
<i>Employee benefits provision</i>		
Long service leave (b)	80,032	146,046
Deferred salary scheme	1,664	4,905
	81,696	150,951
<i>Other provisions</i>	525	962
Employment on-costs (c)	525	962
	82,221	151,913

Commissioner for Equal Opportunity
Notes to the Financial Statements for the year ended 30 June 2010

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

	2010 \$	2009 \$
Within 12 months of the end of the reporting period (a)	98,586	65,952
More than 12 months after the reporting period (a)	45,745	34,002
	144,331	99,954

(a) The annual leave liability amount of \$91,701 that was reported in the 2008-09 financial year as being the amount settled within and more than 12 months after the reporting period was incorrect. The correct figure should have been \$99,954.

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

Within 12 months of the end of the reporting period (a)	164,368	95,511
More than 12 months after the reporting period (a)	308,795	283,166
	473,163	378,677

(a) The long service leave liability amount of \$356,227 that was reported in the 2008-09 financial year as being the amount settled within and more than 12 months after the reporting period was incorrect. The correct figure should have been \$378,677.

(c) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including worker's compensation insurance. The provision is the present value of expected future payments. The associated expense, apart from unwinding of the discount (finance cost), is disclosed in note 10 'Other expenses'.

Movement in Other Provisions

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

Employment on-cost provision

Carrying amount at start of year	3,136	4,922
Additional provisions recognised	887	-
Payments/other sacrifices of economic benefits	-	(1,786)
Unwinding of discount	-	-
Carrying amount at end of year (a)	4,023	3,136

(a) The carrying amount of employment on-costs at the end of the 2008-09 financial year was incorrectly stated as being \$38,754. The correct figure should have been \$3,136.

Commissioner for Equal Opportunity
Notes to the Financial Statements for the year ended 30 June 2010

	2010 \$	2009 \$
25 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	440,000	384,000
<u>Contributions by owners</u>		
Capital appropriation	39,000	56,000
Total Contributions by owners	39,000	56,000
Balance at end of period	479,000	440,000
Accumulated surplus/(deficit)		
Balance at start of year	(409,046)	87,999
Result for the period	148,089	(497,045)
Balance at end of year	(260,957)	(409,046)

26 Notes to the Statement of Cash Flows

Reconciliation of cash

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

Cash and cash equivalents	329,144	160,331
Restricted cash and cash equivalents (refer to note 16 'Restricted cash and cash equivalents')	38,426	32,000
	367,570	192,331

Commissioner for Equal Opportunity
Notes to the Financial Statements for the year ended 30 June 2010

	2010 \$	2009 \$
Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities		
Net cost of services	(3,062,322)	(3,731,092)
<u>Non-cash items:</u>		
Depreciation and amortisation expense	47,762	42,202
Doubtful debts expense	-	-
Bad debts expense	6,723	-
Resources received free of charge	5,411	99,047
Net (gain)/loss on sale of plant and equipment	-	9,738
<u>(Increase)/decrease in assets:</u>		
Current receivables (c)	47,916	149,639
Other current assets	(2,531)	145
<u>Increase/(decrease) in liabilities:</u>		
Current payables (c)	(160,493)	160,730
Current provisions	206,201	61,694
Non-current provisions	(69,692)	(61,838)
Net GST receipts/(payments) (a)	(4,515)	-
Change in GST in receivables/payables (b)	1,159	(17,233)
Net cash provided by/(used in) operating activities	(2,984,381)	(3,286,968)

(a) This is the net GST paid/received, i.e. cash transaction.

(b) This reverses out the GST in receivables and payables.

(c) Note that the Australian Taxation Office (ATO) receivable/payable in respect of GST and the receivable/payable in respect of the sale/purchase of non-current assets are not included in these items as they do not form part of the reconciling items.

Commissioner for Equal Opportunity
Notes to the Financial Statements for the year ended 30 June 2010

	2010 \$	2009 \$
27 Commitments		
Capital expenditure commitments		
Capital expenditure commitments, being contracted capital expenditure additional to the amounts reported in the financial statements, are payable as follows:		
Within 1 year	85,990	-
Later than 1 year and not later than 5 years	-	-
Later than 5 years	-	-
	85,990	-
The capital commitments include amounts for:		
Computer hardware	43,523	-
Furniture fixtures and fittings	42,467	-
	85,990	-
Lease Commitments		
Commitments in relation to leases contracted for at the balance sheet date but not recognised in the financial statements are payable as follows:		
Within 1 year	450,332	426,662
Later than 1 year and not later than 5 years	1,554,265	1,987,313
Later than 5 years	1,437,427	3,839,869
	3,442,024	6,253,844
Representing:		
Non-cancellable operating leases	3,442,024	6,253,844
Non cancellable operating lease commitments		
Commitments for minimum lease payments are payable as follows:		
Within 1 year	450,332	426,662
Later than 1 year and not later than 5 years	1,554,265	1,987,313
Later than 5 years	1,437,427	3,839,869
	3,442,024	6,253,844
These commitments are all inclusive of GST.		

Commissioner for Equal Opportunity
Notes to the Financial Statements *for the year ended 30 June 2010*

28 Contingent liabilities and contingent assets

There are no contingent liabilities or contingent assets as at 30 June 2010.

29 Events occurring after the balance sheet date.

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

30 Explanatory Statement

Significant variations between estimates and actual results for income and expense as presented in the financial statement titled 'Summary of Consolidated Account Appropriations and Income Estimates' are shown below. Significant variations are considered to be those greater than 10% or \$20,000.

	2010 Estimate \$	2010 Actual \$	Variance \$
Total appropriation to deliver services			
<u>Significant variances between estimate and actual for 2010</u>			
Provision of Information	2,214,000	2,209,320	(4,680)
Avenue of Redress	1,495,000	1,511,594	16,594
<u>Significant variances between actual for 2009 and 2010</u>			
Total income provided to deliver service for the year	3,205,000	3,135,000	70,000
Total income	658,592	624,660	33,932
These variations relate to salary and general cost escalations.			
Service expenditure			
<u>Significant variances between actual results for 2009 and 2010</u>			
Provision of Information	2,209,320	2,538,705	(329,385)
Avenue of Redress	1,511,594	1,817,047	(305,453)
In the 2008/09 year the office was still in the process of completing minor works and this increased expenditure for that year, hence the decrease in expenditure in the 2009/10 year.			

	2010 Estimate \$	2010 Actual \$	Variance \$
Capital contribution			
<u>Significant variances between estimate and actual for 2010</u>			
No significant variance in Capital contribution.			
<u>Significant variances between actual results for 2009 and 2010</u>			
Capital contribution	39,000	56,000	(17,000)
The variations in capital related directly to the rolling replacement of assets and is dependant on what is scheduled to be replaced each year.			

31 Financial instruments

(a) Financial risk management objectives and policies

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

Credit risk

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

The maximum exposure to credit risk at the end of the reporting period in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment, as shown in the table at note 31 (c) 'Financial instrument disclosures' and Note 17 'Receivables'.

Credit risk associated with the Commission's financial assets is minimal because the main receivable is the amounts receivable for services (holding account). For receivables other than government, the Commission trades only with recognised, credit worthy third parties. In addition, receivable balances are monitored on an ongoing basis with the result that the Commission's exposure to bad debts is minimal. At the end of the reporting period there were no significant concentrations of credit risk.

Liquidity risk

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

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

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

Commissioner for Equal Opportunity
Notes to the Financial Statements for the year ended 30 June 2010

Market risk

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

(b) Categories of financial instruments

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

	2010 \$	2009 \$
<u>Financial Assets</u>		
Cash and cash equivalents	329,144	160,331
Restricted cash and cash equivalents	38,426	32,000
Receivables (a)	281,658	283,297
<u>Financial Liabilities</u>		
Financial liabilities measured at amortised cost	120,359	280,852

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

(c) Financial instrument disclosures

Credit risk and interest rate exposures

The following table disclose the Commission's maximum exposure to credit risk, interest rate exposures and the ageing analysis of financial assets. The Commission's maximum exposure to credit risk at the balance sheet date is the carrying amount of the financial assets as shown below. The table discloses the ageing of financial assets that are past due but not impaired and impaired in financial assets. The table is based on information provided to senior management of the Commission.

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.

Commissioner for Equal Opportunity
Notes to the Financial Statements for the year ended 30 June 2010

	Weighted Average Effective Interest Rate	Carrying amount	Interest rate exposure			Past due but not impaired					Impaired financial assets
			Fixed Interest Rate	Variable Interest Rate	Non- Interest Bearing	Up to 3 months	3-12 months	1-2 Years	2-5 Years	More than 5 Years	
	%	\$	\$	\$	\$			\$	\$	\$	\$
Financial assets											
2010											
Cash and cash equivalents		329,144	-	-	329,144	-	-	-	-	-	-
Restricted cash and cash equivalents		38,426	-	-	38,426	-	-	-	-	-	-
Receivables (a)		103,658	-	-	103,658	54	2,425	-	-	-	-
Amounts receivable for services		178,000	-	-	178,000	-	-	-	-	-	-
		649,228	-	-	649,228	54	2,425				
2009											
Cash and cash equivalents		160,331	-	-	160,331	-	-	-	-	-	-
Restricted cash and cash equivalents		32,000	-	-	32,000	-	-	-	-	-	-
Receivables (a)		158,297	-	-	158,297	41,403	8,541	3,883	-	-	-
Amounts receivable for services		125,000	-	-	125,000	-	-	-	-	-	-
		475,628	-	-	475,628	41,403	8,541	3,883			
(a) The amount of receivables excludes the GST recoverable from the ATO (statutory receivable).											

Commissioner for Equal Opportunity
Notes to the Financial Statements for the year ended 30 June 2010

Liquidity Risk

The following table details the contractual maturity analysis for financial liabilities. The contractual maturity amounts are representative of the undiscounted amounts at the end of the reporting period. The table includes both interest and principal cash flows. An adjustment has been made were material.

Interest rate exposure and maturity analysis of financial liabilities												
	Weighted Average Effective Interest Rate	Carrying amount	Interest rate exposure				Total Nominal Amount	Maturity Dates				
			Fixed Interest Rate	Variable Interest Rate	Non-Interest Bearing	Adjustment for discounting		Up to 3 months	3-12 months	1-2 years	2-5 years	More than 5 years
	%	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<u>Financial Liabilities</u>												
2010												
Payables		120,359	-	-	120,359	-	-	120,359	-	-	-	-
		120,359	-	-	120,359	-	-	120,359	-	-	-	-
2009												
Payables		280,852	-	-	280,852	-	-	280,852	-	-	-	-
		280,852	-	-	280,852	-	-	280,852	-	-	-	-

Interest rate sensitivity analysis

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

Fair Values

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

	2010 \$	2009 \$
32 Remuneration of senior officers		
The number of senior officers whose total of fees, salaries, superannuation, non-monetary benefits and other benefits for the financial year, fall within the following bands are:		
\$		
30,001 - 40,000	-	1
70,001 - 80,000	-	1
90,001 - 100,000	1	1
100,001 - 110,000	3	1
110,001 - 120,000	-	2
120,001 - 130,000	1	-
140,001 - 150,000	1	1
220,001 - 230,000	1	1
Total remuneration of senior officers	917,016	910,659
The total remuneration includes the superannuation expense incurred by the Commission in respect of senior officers.		
33 Remuneration of Auditor		
Remuneration payable to the Auditor General in respect of the audit for the current financial year is as follows:		
Auditing the accounts, financial statements and performance indicators	26,900	20,800
	26,900	20,800

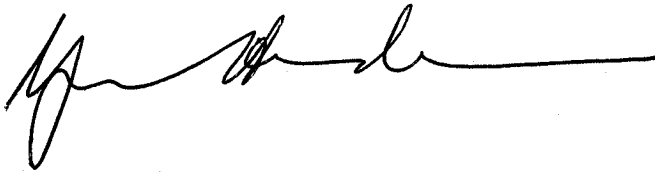
Commissioner for Equal Opportunity
Notes to the Financial Statements for the year ended 30 June 2010

	2010 \$	2009 \$
34 Indian Oceans Territories		
Balance at the start of the year	-	(9,735)
Receipts	14,401	38,658
Payments	(24,147)	(28,923)
Balance at the end of the year	(9,746)	-
35 Related Bodies		
The Commission has no related bodies.		
36 Affiliated Bodies		
The Commission has no affiliated bodies.		
37 Special Purpose Accounts		
The Commission has no special purpose accounts.		
38 Supplementary financial information		
(a) Write-offs		
During the financial year, \$6,723 (2009: \$0) was written off the Commission's asset register under the authority of:		
The accountable authority	6,723	-

Performance Indicators

Commissioner for Equal Opportunity Certification of Performance Indicators for the year ended 30 June 2010

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Equal Opportunity Commissioner's performance and fairly represent the performance of the Equal Opportunity Commission for the financial year ended 30 June 2010.

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

Yvonne Henderson
Commissioner

5 August 2010

Detailed information in support of key performance indicators

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



The Commission's effectiveness indicators demonstrate the extent to which the Commissioner for Equal Opportunity:

- raises awareness of the *Equal Opportunity Act 1984 (The Act)* within the Western Australian community and promotes equality of opportunity; and
- provides redress in respect to unlawful discrimination under relevant legislation.

The efficiency indicators measure the cost of providing services.

Key Effectiveness Indicators relating to desired outcome

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.

Information and education

The effectiveness of the Commission's information and education program is measured using indicators of community awareness, and client feedback.

Key effectiveness indicators

1. Community awareness of the Act and belief it is of benefit.
2. Employer respondents who have revised their policies and/or implemented equal opportunity programs.
3. Participants who would recommend the Commission's training courses to others.
4. Participants of Commission training courses who stated that they would be able to use what they have learnt at work or in their daily life.

1. *Community awareness of the Act and belief it is of benefit*

The extent to which the Western Australian community is aware of equality of opportunity, and recognises and accepts the Equal Opportunity Act 1984 is assessed by conducting a community-wide survey every three years to ascertain community attitudes to equal opportunity.

The first effectiveness indicator is assessed by combining the results of the questions relating to community awareness of the *Act* and belief by respondents in the benefit of having such legislation. These results are set out in Table 1, with a detailed breakdown in Table 2.

**Table 1: Awareness of the Equal Opportunity Act
2003 – 2009¹**

	2003 %	2006 %	2009 Target %	2009 Actual %
Community awareness of the Act and belief it is of benefit	82.6	84.3	80	81.4

Background and details of survey of community awareness

In June 2009, 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 fifth wave, previously conducted in 1997, 2000, 2003 and 2006.

Results of the surveys 2003 – 2009 are shown in Table 2 below.

The survey methodology comprised a telephone survey of a random sample of the adult population. In total 402 respondents were interviewed, with 300 from the Perth metro area and 102 from country WA. The resultant survey error for WA overall is $\pm 4.9\%$ at the 95% confidence level. Post data collection, the data was weighted according to the latest census data available from the Australian Bureau of Statistics (ABS).

The response rate of 17% is calculated as the number of interviews as a proportion of the calls made. A total of 2343 calls were made. In its final report PMR stated “The response rate of 17% is typical of research programmes of this nature. PMR often finds response rates

¹ This table has been included in this financial year to reflect the information in the Budget Papers 09-10 and amended to clearly show that the Survey of Community Awareness is conducted triennially. The results combine the answers to two questions in the Survey: Have you heard of the Equal Opportunity Act, and Do you think it is of any benefit to have a law that deals with discrimination? Budget Estimates have reported on the questions: Are you concerned about human rights and equal opportunity, and do you think it is of benefit to have a law that deals with discrimination?

as low as 11% in general population quota controlled random dial surveys. Yet provided the sample profile is carefully managed and weighted, it appears that the low response rates do not affect the accuracy or reliability of results.”

The table shows the results for the whole of Western Australia, as well as the Perth metropolitan region.

The survey conducted in 2009 found that 73.8% of the Western Australian community has heard of the *Equal Opportunity Act 1984*. 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.

The awareness of the Act is slightly lower in non-metropolitan Perth – 66%; and lower in those born overseas – 64% compared with 78% of those born in Australia.

Table 2: Community survey of public awareness, recognition and acceptance of the *Equal Opportunity Act 1984* 2003 – 2009

	2003 May Survey		2006 November Survey		2009 June Survey	
	Perth %	Whole Of WA %	Perth %	Whole Of WA %	Perth %	Whole Of WA %
Who had heard of the Act	84.1	82.2	77.5	76.8	76.7	73.8
Of those who had heard of the Act, who recognised one or more grounds of discrimination ²	100	100	99.6	99.1	100	100
Who believed that people are generally very or quite concerned about equal opportunity issues	57.7	56.2	43.1	46.1	48.4	47.5
Who were generally very or quite concerned about equal opportunity issues	71.4	70.5	64.7	63.4	63.6	62.6
Who believe that it is of benefit to have an Act that deals with discrimination	93.4	93.0	93.8	91.7	89.2	89.0

² This question was asked only of those who responded 'yes' to the previous question 'have you heard of the Act?' and was incorrectly reported in the 2003 and 2006 surveys.

2. Employer respondents who have revised their policies and/or implemented equal opportunity programs³

Of the complaints received by the Commission, a majority relate to work or employment. In 2009-10 57.3% of these complaints were employment related. Increasing the rate of awareness and acceptance of equal opportunity issues in the workplace continues to be a major focus of the Commission.

In the last year the proportion of conciliated complaints where the employer respondents to complaints who revised their policies and/or implemented equal opportunity programs as an outcome of their conciliated complaints has increased from the previous year, as shown in Table 3 below.

Table 3: Employers' acceptance of *The Act* 2005-06 to 2009-10

	2005-06 %	2006-07 %	2007-08 %	2008-09 %	2009-10 Target %	2009-10 Actual %
Employer respondents who have revised their policies and/or implemented equal opportunity programs	14.6	14.4	21.3	22.7	25	35.4

³ This table has been changed to reflect employer respondents only. In previous years all respondents were included..

3. Participants who would recommend the Commission's training courses to others

Employee's acceptance of the Act and equal opportunity is assessed by the extent to which participants who attended training courses state they would recommend the Commission's training to others.

Table 4 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.

The total number of participants who attended training in 2009-10 was 1488. Of these, 1327 or 89.2% completed evaluations.

4. Participants who stated that they would be able to use what they have learnt at work or their daily life.

The post-training evaluation also asks participants in training courses whether they would be able to utilise what they had learnt at their work or in their daily life. Almost all participants have indicated that not only would they recommend the courses, but that they have found them useful in their own work and lives. See Table 4 below.

The total number of participants who attended training in 2009-10 was 1488. Of these, 1327 or 89.2% completed evaluations.

Table 4: Employees' acceptance of The Act 2005-06 to 2009-10

	2005-06 %	2006-07 %	2007-08 %	2008-09 %	2009-10 Target %	2009-10 Actual %
Participants who would recommend the Commission's training courses	96.7	97.0	95.4	95.1	97	95.7
Participants who stated that they would be able to use what they have learnt at work or their daily life	98.0	98.1	97.8	96.7	98	97.9

Avenues of redress for unlawful discrimination

Key effectiveness indicators

1. Proportion of complainants and respondents who believe the Act is a good way to resolve acts of discrimination.
2. Proportion of closed complaints conciliated.
3. Proportion of closed complaints referred to the State Administrative Tribunal
4. Settlement rate of cases referred to the State Administrative Tribunal

The extent to which complaints are conciliated indicates the degree to which the complaint handling model is an effective means of resolving complaints of unlawful discrimination. During 2009-10 the Commission handled 916 complaints, of which 632 were closed. Table 6 below shows the proportion of complaints which are conciliated or referred. The outcomes of cases not resolved by conciliation or referral are detailed in Table 7.

1. Proportion of complainants and respondents who believe the Act is a good way to resolve acts of discrimination.

A survey is conducted of complainants and respondents to complaints in order to seek their views of the way their complaint was handled. Table 5 shows the proportion of complainants and respondents who believed that the Act is a good way to resolve acts of discrimination. In 2009-10 the proportion of clients who believe the Act is a good way to resolve acts of discrimination is slightly higher than in the previous year.

Surveys were sent to 184 complainants and respondents and 83 responses were received giving a 45.1% response rate.

Table 5: Effectiveness of conciliation as means of redress
2005-06 to 2009-10

	2005-06 %	2006-07 %	2007-08 %	2008-09 %	2009-10 Target %	2009-10 Actual %
Proportion of complainants and respondents who believe the Act is a good way to resolve acts of discrimination	69.6	68.4	64.2	70.1	70	72.3

2. Proportion of closed complaints conciliated

A complaint is conciliated when the parties agree on a range of outcomes, which can include monetary compensation, apologies, employment references, education and training. For more details about outcomes, see Report on Operations: Conciliation. Of the 632 complaints closed in this year, 205 or 32.4% were conciliated.

Table 6: Closed complaints which were conciliated
2005-06 to 2009-10

	2005-06 %	2006-07 %	2007-08 %	2008-09 %	2009-10 Target %	2009-10 Actual %
Proportion of closed complaints conciliated	32.9	33.4	35.6	37.7	37	32.4

3. Proportion of closed complaints referred to the State Administrative Tribunal

Where complaints cannot be conciliated, the Commissioner may, in certain circumstances refer the complaint to the State Administrative Tribunal under S93 of the Act. The number of complaints referred reflects the nature of complaints brought to the Commission each year and can fluctuate.

Table 7: Closed complaints referred to SAT
2005-06 to 2009-10

	2005-06 %	2006-07 %	2007-08 %	2008-09 %	2009-10 Target %	2009-10 Actual %
Proportion of closed complaints referred to the State Administrative Tribunal	29.2	24.8 ⁴	13.0	12.5	15	11.9

⁴ From 2006-07 only complaints referred to SAT by the Commissioner under S93 of the Act are included. Complainants who self referred under S90 were previously included.

4. Settlement rate of cases referred to the State Administrative Tribunal

Legal assistance is provided by the Commission to complainants whose matters are referred to the SAT by the Commissioner. The effectiveness of this assistance to the complainant is measured by the number of matters which are mediated prior to a court hearing. These are set out in Table 8.

Of the 42 matters handled and closed in 2009-10, 33 or 78.6% were settled by mediation with the assistance of Commission legal officers. These were then withdrawn under S107 of the Equal Opportunity Act 1984 or s52-54 of the SAT Act and did not proceed to a hearing.

Table 9 shows details of the outcomes of complaints which are not conciliated or referred to the SAT.

Table 8: Settlement rate of matters handled at SAT
2005-06 to 2009-10

	2005-06 %	2006-07 %	2007-08 %	2008-09 %	2009-10 Target %	2009-10 Actual %
Settlement rate of cases referred to the State Administrative Tribunal	70.7	79.2	61.9	52.4	70	78.6

Table 9: Outcomes of remaining closed complaints
2005-06 to 2009-10

Details of Remaining Complaints	2005-06 %	2006-07 %	2007-08 %	2008-09 %	2009-10 %
Lapsed	14.1	14.0	16.3	9.6	11.6
Dismissed	9.1	11.3	20.3	19.7	21.0
Withdrawn	14.7	16.6	14.8	20.2	23.1

Service 1

Provision of information and advice regarding equal opportunity and human rights

Key efficiency indicators

1. Average cost of presentations, seminars, workshops
2. Average cost per enquiry
3. Average cost per policy advice and review
4. Average cost per publication

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 public awareness and acceptance of equal opportunity.

Table 10 shows the average cost of presentations, enquiries, policy advice and review, and publications.

The number of presentations remained similar in this year – 229 compared with 264 in the previous reporting period. The decrease in the number of presentations was largely due to some individual courses being combined.

The average cost per enquiry decreased because of an increase in the number of enquiries dealt with from 2269 in 2008-09 to 2782 in 2009-10.

Policy Advice and Reviews undertaken increased from 411 in 2008-09, to 416 in 2009-10 with a consequent reduction in the average cost.

The Commission issued 28 new or updated publications during the year 2009-10. This compared with 25 in the previous year.

**Table 10: Average cost of information provision
2005-06 to 2009-10**

	2005-06 \$	2006-07 \$	2007-08 ⁵ \$	2008-09 \$	2009-10 Budget \$	2009-10 Actual \$
Average cost per presentation/seminar/workshop	2,025	1,690	2,704	3,340	3,200	3,484
Average cost per enquiry	105	130	196	185	168	151
Average cost per policy advice and review	1,056	956	1,132	2,226	1,736	1,858
Average cost per publication	7,279	1,026	8,683	9,715	8,506	7,839

⁵ 2007-08 average costs have been amended to reflect the audited accounts changed in 2008-09

Service 2

Avenues of redress for unlawful discrimination and unreasonable treatment

Key efficiency indicators

1. Average cost per complaint
2. Average cost per case referred by Commissioner to SAT

These indicators, set out in Table 11, measure the average cost of handling complaints and the average cost of matters referred to the Tribunal.

The average cost of matters referred to the Tribunal has exceeded the estimate for complaints handled due to a decline in number of matters referred during this year from 83 in 2008-09 to 62 in this financial year.

**Table 11: Average cost per complaint and per case referred by the Commissioner to the Tribunal
2005-06 to 2009-10**

	2005-06 \$	2006-07 \$	2007-08 ⁶ \$	2008-09 ⁷ \$	2009-10 Budget \$	2009-10 Actual \$
Average cost per complaint	1,364	1,257	1,235	1,574	1,103	1,239
Average cost per matter referred to the Tribunal by the Commissioner	3,177	3,934	4,305	5,224	3,191	6,071

⁶ 2007-08 average costs have been amended to reflect the audited accounts changed in 2008-09

⁷ Please refer to Note 27 of Explanatory Notes to Statements for general expenditure increase affecting all average costs

Ministerial directives

No Ministerial directives were received during the financial year.

Other financial disclosures

Pricing policies of services provided

The Commission charges for goods and services rendered on a full or partial cost recovery basis. These fees and charges were determined in accordance with the *Costing and Pricing Government Services: Guidelines for Use by Agencies* in the Western Australian Public Sector published by the Department of Treasury and Finance.

The current list of fees and charges are available on the Commission's website at www.eoc.wa.gov.au/communityeducationandtraining.

Capital works

The Commission continued with the rolling replacement of assets as per the approved Strategic Asset Management Plan and 10 year asset replacement schedule

Employment and industrial relations

Staff Profile

Employee Category	Number of Staff as at 30 June	
	2008-09	2009-10
Full-time permanent	17	17
Full-time contract	3	5
Part-time permanent (measured on FTE basis)	7.35	4.8
Part-time contract basis (measured on FTE basis)	0	0.6
TOTAL	27.35	27.4
Employees seconded out (not included in FTE's above)	0	0
Employees seconded in (not included in FTE's above)	3 staff not on Oracle payroll FTE	2 fulltime staff not on Oracle payroll

Staff Development

The Commission has a commitment to the development of its employees. Our strategies are to build a highly skilled, professional and fair workforce with the ability to adapt to changing business technology and the environment.

The Commission now provides for all Conciliation Officers to complete an internationally accredited course in alternate dispute resolution as part of our commitment to excellence.

During the financial year, our employees received external training for Grievance Officers, Ethics and Accountability, upgrade to Microsoft 2007 applications and Conciliation Officers and legal officers participated in professional development programs.

All Conciliation Officers are now fully trained in mediation.

In-house training was conducted for all staff during the roll-in to the Office of Shared Services.

Workers' Compensation

Two compensation claims of a minor nature were recorded during the financial year and have now been finalised.

Compliance with *Public Sector Management Act* Section 31(1)

In the administration of the Equal Opportunity Commission, I have complied with the Public Sector Standards in Human Resource Management, the Western Australian Public Sector Code of Ethics and our Code of Conduct.

I have put in place procedures designed to ensure such compliance and conducted appropriate internal assessments to satisfy myself that the statement made in 1. is correct.

The applications made for breach of standards review and the corresponding outcomes for the reporting period are:

- Number lodged: 1 but was withdrawn
- Number of breaches found, nil
- including details of multiple breaches nil
- Number still under review: nil

Governance disclosures

Contracts with senior officers

At the date of reporting, other than normal contracts of employment of service, no senior officers, or firms of which senior officers are members, or entities in which senior officer have substantial interests, had any interests in existing or proposed contracts with the Equal Opportunity Commission and senior officers.

Other legal requirements

Departments annual estimates

The Equal Opportunity Commission has submitted no special purpose accounts that are not reflected in the budget statements.

Advertising

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

Disability access and inclusion plan outcomes

The Commission has developed a plan in consultation with staff, which is available on the website: www.eoc.wa.gov.au.

Initiatives in the current financial year to address 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 in 2009-10:

 provision of deaf interpreters at Disability Rights Forum

- ☞ utilisation of Colour Contrast Analyser software to ensure that publications, as they are updated, are accessible to people with vision impairments
- ☞ 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.

Access to EOC services has been improved by:

- ☞ continuing upgrade of entrances – self opening doors.
- ☞ 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.

- ☞ consultation with Disability Services regarding access to written and website materials
- ☞ 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.

- ☞ EOC is a Companion Card participant
- ☞ The Commission refers enquirers and complainants to appropriate disability advocacy and support services where required.
- ☞ 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.

- ☞ Complaint information and forms are available in hard copy and on the website.
- ☞ The revised website will provide for electronic submission of Complaints.
- ☞ Redesign of the Commission's website, is nearly completed will include compliance with WC3 standards of access for people with disabilities.

Desired Outcome 6

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

- ☞ Venues, parking access, printed materials and presentations and any other special requirements of participants are addressed prior to any public consultation.

Compliance with public sector standards and ethical codes

Compliance Issues	Significant action taken to monitor and ensure compliance
Public Sector Standards (PSS) 1 breach claim was withdrawn	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.	<p>The Equal Opportunity Code of Conduct is accessible on the intranet and forms part of the formal induction process.</p> <p>The Code of Conduct was reviewed in 2008-09, in consultation with all staff, has been circulated to all staff and placed on the intranet.</p> <p>The Acceptable Use Policy for E-mail and Internet use is under revision in consultation with all staff. This also forms part of the induction process and is available on the intranet.</p>

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.

Recordkeeping systems

The efficiency and effectiveness of the recordkeeping system has been audited in 2009-10. Significant improvements in processes and applications have been made in tracking records in a timely and efficient manner.

During this year the Office has rolled out the electronic module to all staff. Information has been gathered to ensure that the training and development of procedures will benefit the Commission's ability to recover the information required effectively and efficiently. A major project which has commenced this year is the relocation of inactive records to offsite storage, this process has made significant savings and has allowed the Commission's staff to effectively track and retrieve files .

TRIM, the current records management application used at the Commission, will be upgraded to Version 7 in 2010-11 and staff will receive training in its use for streamlining day to day administrative functions. The Records Plan will be revised in 2010-11 to ensure current processes and procedures are properly documented.

Recordkeeping training program

The Commission has committed to training all staff 2009-11, which will be delivered in 2010-11.

The training will incorporate specific training for administrators as well as general training for all staff to adequately capture all types of records, specifically electronic records and related meta data.

Review of the recordkeeping training program

The Commission is planning to review the current Records Plan in 2010-11. This review will focus on the ability of the recordkeeping applications to deliver the information required in a timely and effective manner.

Induction program

The current induction program addresses the responsibilities and duties required from individuals to ensure compliance to the Commission's Record Plan.

Government policy requirements

Substantive equality

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

Services subject to Needs and Impact Assessment:

Service 1: How Aboriginal and people from minority groups access the Equal Opportunity Commission.

- Divisional area: All
- Progress: The initial screening is complete, and a report to the Commissioner is in final draft stage.
- Potential systemic issues found included provision of interpreting services for people of minority ethnic groups using the Enquiries Service, use of the interpreter symbol on written information materials and collection of data about participants of training courses.

Service 2: The complaints investigation in conciliation service

- Divisional area: Conciliation
- Progress: Scoping of the service area is being undertaken, including determining resources available.

Occupational health and safety and injury management

In accordance with the Public Sector Commissioner's Circular 2009-11: Code of practice: Occupational safety and health in the Western Australian public sector (the Circular), the Commission complies with

the requirements of the Occupational Safety and Health Act 1984, the Workers' Compensation and Injury Management Act 1981 and the Code of practice: Occupational safety and health in the Western Australian public sector.

Commitment to occupational safety and health and injury management

The Equal Opportunity Commission is committed to providing a safe and healthy environment for staff, contractors, clients and visitors. It is also committed to the continuous improvement of injury prevention and an injury management program.

To achieve this end the Commission acknowledges the importance of the active participation of employees and employer. The Commission is committed to raising the awareness of employees' safety and health obligations and to promote safe work practices.

It was agreed at Corporate Executive that all Managers would attend an accredited course run by the Office of Shared Services to be trained in their responsibilities in the Occupational Health and Safety area. Two Managers attended this year. Other managers are scheduled to complete training in 2010-11.

Staff are expected to comply with the Commission's occupational safety and health policies and practices, to conduct themselves in a safe manner and not put themselves or others at risk. Members of staff are responsible for the safety and health of staff and students working under their direction, and visitors to the Commission.

The Commission is committed to consulting with staff in an effective manner and to enabling all staff to contribute to decisions that may affect their safety and health at work.

Formal mechanisms for consultation with employees include:

- Two staff-elected Occupational Safety and Health Representatives, one of whom is a member of Corporate Executive. All representatives receive accredited training.
- Information about current representatives is posted in a number of locations, including staff room.
- Regular staff meetings at which OSH agenda items are raised

- ☞ All new staff, including student interns receive an OSH induction from one of the Representatives, which includes information about safe work practices, and availability of information
- ☞ All policies and other information relating to occupational safety and health is available to all staff on the intranet
- ☞ Any new developments are reported to staff at monthly meetings and through Managers, to team meetings.
- ☞ The documents available to staff include:
 - OSH Policy
 - OSH Representative - Role and duties of Representative
 - OSH Injury Management System
 - OSH Return to Work Program
 - Grievance Officers (Grievance Resolution Policy on HR Page)
 - First Aid Officers
 - Fire Wardens
 - I have a problem.. where should I go?
 - Gossip and Rumours at Work
 - Bullying Policy
 - Bullying, Harassment or Reasonable Management?
 - Security Procedures
 - After hours Air Conditioning Instructions

Compliance with injury management requirements of the Workers' Compensation and Injury Management Act 1981

The Commission ensures a systematic approach to injury management through its Injury Management System.

Audit of workplace

As an assessment of the Equal Opportunity Commissions occupational safety and health management systems has not been completed in the past three years, an external audit of the Commission's WorkSafe Plan, compliant with the Australian Standard AS4801:2000, is scheduled for 2010-11.

Our performance

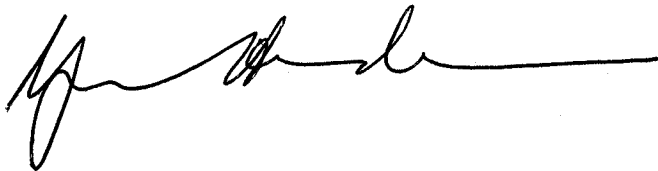
Indicator	Actual	Target 2009-10
Number of fatalities	0	0
Lost time injury/diseases (LT/D) incidence rate	0	0
Lost time injury severity rate	0	0
Percentage of injured workers returned to work within 28 weeks	100%	100%
Percentage of managers trained in occupational safety, health and injury management responsibilities	28.6%	Greater than or equal to 50%

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.

A handwritten signature in black ink, appearing to read 'Yvonne Henderson', written over a horizontal line.

Yvonne Henderson
Commissioner for Equal Opportunity

27 August 2010

Appendix A: Case studies

Conciliated Complaints

A complaint is conciliated when all parties agree on an outcome. Around 32% of complaints closed in 2009-10 were conciliated. See details in Chapter 2 of this report for details of how complaints are handled.

Sex, family responsibility discrimination in employment

A woman alleged indirect sex and family responsibility discrimination after returning to work after a five year break during which she had twins and home-raised them until primary school-age.

She found that she was not issued with full registration in her chosen career but rather with provisional registration. The industry qualifying body advised her that because she had taken five years off work she was now required to undergo what she considered to be an arduous and rigorous re-training schedule in order to receive her full registration.

A conciliation conference was held and the qualifying body apologised for an earlier breakdown in communication. It advised her if she now wrote to them seeking full registration, based on her previous working history and experience, it would be granted. The respondent also advised that its processes were being reviewed, including a possible amendment to their governing legislation.

Age discrimination and employment

A man in his 60's said he had been made fun of by his workmates and treated less favourably than younger workers by his employer. He was subjected to harassment on a daily basis which was repeatedly reported to and ignored by his supervisor. The man felt intimidated by younger co-workers resulting in lack of confidence and affecting his performance at work. He developed work related stress issues and was prescribed medication.

The man lodged a complaint of age discrimination and a conciliation conference was convened. As a result the employer apologised and a monetary settlement of \$5,000 was paid in compensation for loss of income and the anxiety suffered.

Race discrimination in the provision of goods and services

A Koori man was asked to show the contents of his bag whilst purchasing goods. He alleged that he was the only person asked to show their bag. An investigation of the complaint revealed that store security was alerted to perform a bag check of the man's backpack. Other customers nearby were not asked to reveal contents of their bags and the man felt singled out. He felt the treatment he received was motivated purely by race as he was the only Indigenous Australian in the presence of seven other customers. The man also felt the store had committed a minor deprivation of liberty in holding him against his will despite stating his willingness to cooperate with Police should they be called to the scene.

The company responded that it is store policy based on the size of the bag and the complainant was very obstructive in the store.

The matter was resolved in conciliation when the company signed an agreement which apologised for actions of the staff that may have been abrupt when following store policy of checking his bag. The man agreed not to pursue the discrimination complaint and did not make any other claim or take further action.

Race discrimination in clubs

An Aboriginal woman alleged race discrimination when she was not admitted to a fashion event at a race day.

The Club President apologised for the circumstances and agreed to publish clear selection procedures for the event in the future.

Sex and age discrimination in education

A student teacher was receiving distinction results in all units except one in which she claimed the tutor was treating her less favourably than younger students. She alleged the tutor made disparaging remarks about her performance based on her age, marked her down, and ultimately did not pass her. Consequently, she was unable to complete her diploma and was not allowed to repeat the course.

The institution denied the discrimination stating this was a personality clash. However, it gave the student the opportunity to have the matter reviewed under its internal grievance process as part of conciliation outcome and the explanation of the process was satisfactory to the student.

Lapsed Complaints

The Commissioner determines that a complaint lapses when the Commission is not able to make contact with the complainant. This could occur when a complainant loses interest in continuing the complaint, or resolves the complaint independently.

Family status and marital status discrimination and employment

A man and his partner were employed by the same private sector employer, and the man's partner was his line supervisor. He says it was made clear to them by the company that this was not an issue. When ownership of the company changed, the man was informed that due to his marital status, he could no longer remain in the same position because it was considered a 'conflict of interest'.

The man alleged discrimination on the grounds that he was removed from the position solely due to his marital status and not his work performance. Subsequently the couple resigned from the company believing pressure and stress were the reasons for their resignation. The man was advised that he had 21 days notice to provide written notification should he wish to pursue his complaint. The complaint lapsed when the man did not respond to requests for further information.

Race and pregnancy discrimination in employment

A woman who was working in Australia on a 457 visa alleged that after she had told her manager she was pregnant, she was dismissed. She also alleged that her employer was verbally abusive towards her. The employer denied these allegations of mistreatment saying it had documented a long history of written warnings about her performance and she was dismissed for documented industrial reasons. Her employer claimed the reasons for termination of her contract being poor work performance and theft. The employer further said the woman had lodged complaints in a number of other jurisdictions, which had been dismissed.

A conciliation conference was held after which the woman asked for time to consider all the paperwork associated with her complaint. She subsequently returned to her home country and did not respond to further correspondence.

Withdrawn Complaints

Complaints may be withdrawn by the complainant at any stage of the process. Often this is done because the complainant has resolved the issue themselves or otherwise decided to not continue.

Family responsibility discrimination in employment

A woman alleged sex discrimination based on family responsibility as her employer had foreshadowed that unless she increased her hours from part time to full time, she would lose her employment.

The woman had worked the past nine out of 23 years in a part time capacity including returning to work after maternity leave and post surgery from a work related injury. The woman alleged that she was faced with the ultimatum that if she chooses her family over her career, she will need to resign. Despite receiving high praise in each work performance review, her employer cited 'operational constraints' as the justification for presenting the woman with the option of 'full time or no time'. The employer believed that they fulfilled their obligations to the employee and were reasonable in their decision.

She was represented by a trade union which negotiated a suitable outcome. The matter was withdrawn from the Commission before an investigation was commenced.

Impairment discrimination in education

A father lodged a complaint on behalf of his 10 year old daughter, who has an impairment. Her school would not allow his daughter to attend a year six school camp, despite correspondence stating that she was required to do by the school. She was to be accompanied by her mother/carer on the excursion, who intended to provide ongoing medical management. Her mother, who considered herself an expert carer, felt as though the school implied that she could not safely manage her daughter's condition. Previously their daughter had participated in all sporting related activities with her mother in attendance.

The girl's parents appealed the decision to the Deputy Principal and requested that the policy be reviewed to enable their daughter to attend the school trip, however their request was denied.

The father had advised the school he would lodge a complaint with the Equal Opportunity Commission, and the school subsequently relented and gave his wife permission to accompany their daughter to the school camp as her carer. The father then withdrew his complaint from the Commission.

Age discrimination in employment

A man alleged age discrimination as he was not given a traineeship despite having a lot of practical experience in the area. Upon initially applying for the position he was told that he was well qualified and suspected the reason he was denied the job was because of his age as he was later told that the successful applicants were under 24 years of age. The employer strongly denied the alleged age discrimination and provided him with an explanation of their selection process as well as the ages of current trainees ranging from 26 to 46.

After receiving this information the man decided not to pursue his complaint.

Dismissed Complaints

The Commissioner may dismiss a complaint in a number of circumstances, including where the complaint is misconceived (after investigation it does not come within the jurisdiction of the Equal Opportunity Act 1984), or where the complaint is not substantiated or vexatious.

Impairment, Religious Conviction and Victimization in education

A tertiary student alleged discrimination on the grounds of impairment and victimisation because he was not able to continue enrolment in some courses due to his health issues. A medical report determined the student was experiencing difficulties in communication and interpersonal relations, qualities which were not conducive to the student's particular choice of study. It was found that although the individual did not pose a danger to colleagues, there was medically sound evidence to suggest that the student's ability to function well as a member of a multidisciplinary professional team was questionable. As a result of this report the educational institute disallowed the student's enrolment in certain courses.

After lodging the complaint with the Equal Opportunity Commission, it was dismissed as lacking in substance as the institution's actions were consistent with available medical advice.

Sexual harassment in accommodation

A prison inmate complained about the treatment she received from prison. The prisoner wrote a general letter to the Commission suggesting abusive practices took place in the institution. When a Conciliation Officer visited the institute to personally address the issue, the prisoner denied making allegations of sexual harassment and insisted her concerns were 'equal opportunity' issues. She alleged unfair treatment by prison officers however did not single out any particular officer. Following investigation, it was found that none of the incidents involved a ground of discrimination within the *Equal Opportunity Act 1984*.

The complaint was dismissed as misconceived prior to the respondent being contacted.

Impairment discrimination in employment

A former public servant alleged impairment discrimination when his part-time work hours were taken into account in the calculation of a redundancy payment. Prior to reducing his hours of work due to ill health, he had served more than the required number of full time years to qualify for the maximum payout. His argument was that having served a total of 37 years of service, 25 years full time employment entitled him to the maximum redundancy payment of 52 weeks. His employer responded that they had complied with *Public Sector Management Regulations 1994* and he was treated no less favourably than any other part time employee who accepted a voluntary redundancy. They felt that there was nothing to be gained from a conciliation conference as the payment was unable to be adjusted. The former employee felt he had suffered indirect discrimination.

As the redundancy payment was calculated in accordance with the relevant regulations, the complaint was dismissed as misconceived.

Age discrimination in employment

A man aged 60 years complained of age discrimination when he was not employed by a company although his younger friend aged 47 years was employed. Following a medical examination the man was found to be in perfect health. The company did not give a reason for declining his application but provided evidence of employing several persons ages 60 years and over in similar work. The company strongly denied that the applicant's age had a bearing on the recruitment decisions. They advertised five positions, two of which were filled. They also explained that they had made the cost effective decision to utilize more of their existing employees, and therefore less positions were available. The matter was not settled at a conciliation conference. It was concluded that there was a lack of information to substantiate the man's claim. The company offered the man a financial settlement to cover his time and expenses in applying for the position. As the complainant could not substantiate his complaint, it was dismissed.

Complaints referred to the State Administrative Tribunal by the Commissioner under S93 of the *Equal Opportunity Act 1984*

When a complaint cannot be conciliated, the Commissioner may, in certain circumstances, refer the matter to the State Administrative Tribunal for determination. The Commissioner may also provide legal assistance to the complainant.

Age discrimination in employment

A woman alleged age discrimination in the area of employment. She had been working as a casual employee for several years, working on the checkout counter for a small business. When the business changed ownership, the woman was told within several weeks she no longer had any shifts. During the time she worked at the store, she took regular, casual shifts. She provided pay slips and bank details as proof of this consistent roster. When she asked why she was no longer needed, she was told by the new owners that they only wanted to employ 'juniors' to save on wages. The new employers denied the accusations said that when taking over the business, they were not obliged to keep existing staff and that all staff were placed on a three month trial probation period. They said that due to business performance, cut backs needed to be made and casual workers were first to go.

The matter was investigated but unable to be resolved in conciliation and the Commissioner referred the matter to the SAT under S93(1)(b) of the *Equal Opportunity Act 1984*.

Pregnancy discrimination in employment

Complainant alleged discrimination on the ground of pregnancy when she was summarily dismissed two days after confidentially advising her employer of her pregnancy. She claimed that previous to her employer's knowledge of her pregnancy, he was entirely satisfied with her work performance and spoke about an upcoming bonus, and that he had booked her on a conference to further her progress within the company. She believed all feedback was positive and said her boss had given her a half day off work as a reward for her performance.

The employer denied any knowledge of her pregnancy and said that her employment was terminated due to poor work performance. He alleged occurrences of previous mistakes, stating that the employee had caused significant loss of revenue for the company and that she had been counselled about her errors. He also claimed that he only found out about her pregnancy after her employment was terminated. The former employee denied these allegations.

A conciliation conference was held, however both parties could not reach an agreement and the complaint remained unresolved. As the matter could not be conciliated, it was referred by the Commissioner to the SAT.

Race discrimination in accommodation

An Aboriginal woman alleged race discrimination when a real estate agency advised her that a property she wished to view was not available. The real estate company claimed they informed the applicant that the house was unofficially taken, however she could fill out the application forms as a matter of formality. She then asked two non-Aboriginal friends to enquire about the property's availability and discovered that the agency handed out application forms to both of these people.

The agency denied the allegation of race discrimination and claim they explained to the applicant that filling out the forms may be a waste of time as there was already a very good application pending, and tenants had already been recommended to the owner. Witness statements by both non-Aboriginal enquirers claimed that when asking for an application form, they were given forms but not advised that the house had already been taken. A conciliation conference was held.

The Respondent provided copies of a deposit paid by prospective tenants, as proof that the house was unavailable. The statements from witnesses were compliant with the Complainant's version of events.

The complaint was not resolved in conciliation and was referred to the State Administrative Tribunal by the Commissioner.

Sexual harassment in education

A student at a tertiary education institution alleged sexual harassment, race and victimisation by a lecturer. The student withdrew from the school alleging that the staff at the institute were unprofessional. The race allegation was withdrawn, as the Conciliator found the information provided was not sufficient to sustain this allegation. The complaint of victimisation was dismissed as it was recommended that this allegation was misconceived.

A conciliation conference was held regarding allegations and circumstances of sexual harassment in which the student accused his lecturer of suggesting a glass of wine under candlelight over the weekend, at her house.

The Commissioner referred the sexual harassment complaint of being invited to the lecturer's home to SAT.

Complaints referred to the State Administrative Tribunal by the Commissioner under S90 of the *Equal Opportunity Act 1984*

When a complaint has been dismissed by the Commissioner, the complainant has the right to request that the Commissioner refer the complaint to the State Administrative Tribunal.

Age discrimination in the area of accommodation

A family alleged they had been discriminated against by a hotel on the ground of age as the parents and children were not allowed early access to accommodation they had booked. They arrived at the hotel at 3am and were denied access to the hotel room prior to the check in time of 3pm. The Night Manager did not offer the family a place to rest and asked that the children be woken during the night while sleeping on lounges in the lobby. At 7am the Duty Manager provided the couple with a room for their children to rest. The complainants believe that the Night Manager of the hotel took advantage of their vulnerable situation in an attempt to gain the fee for an extra night's accommodation. The couple requested a formal apology and a full refund for their accommodation.

The Commissioner only has jurisdiction to consider family responsibilities discrimination in the area of employment. The complaint was dismissed as misconceived and the complainants requested that the matter be referred to SAT.

Sex, impairment, sexual harassment and victimisation discrimination in employment

A woman lodged a complaint of discrimination on the grounds of sex, impairment, sexual harassment and victimisation against her former employer after she had received a monetary settlement following a personal injury claim at her place of employment.

After discussing sexual harassment as defined under the *Equal Opportunity Act*, she withdrew her complaint of sexual harassment as

the allegations related to aggressive and intimidating behaviour by an individual. She claimed sex discrimination believing she was treated less favourably than males who received workers compensation and were placed in alternative positions. She said that she was persuaded by lawyers to settle her personal injury claim against her employer, and resigned on the grounds of ill health.

The complainant said she did not sign a deed and there was nothing to prevent her from pursuing the matter elsewhere. The complaint was dismissed as misconceived as the woman had already received compensation for the detriment in another jurisdiction. The matter was then referred to the Tribunal.

Political conviction and victimisation in provision of goods and services

This woman said that she went into a shop with a lot of bags with green political logos on them. As she was exiting the store she was asked to check one of these at the checkout and refused. A security guard was called to investigate the matter and she was detained suspected of stealing. The particular store has a policy whereby they have the right to check all bags over a certain size, and this policy is clearly stated on the shop doors.

The Respondent denies that she was treated less favourably due to her political beliefs and denies discrimination on the grounds of political conviction and victimisation. They also deny that she was treated less favourably when she went to the shop after lodging her complaint.

The complaint was dismissed as lacking in substance. Her allegations were not substantiated and she requested that her complaint be referred to the Tribunal.

Appendix B: Feedback Form



The Commission is interested in receiving your feedback regarding our 2009-10 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 2009-10 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:

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

THANK YOU FOR YOUR FEEDBACK