

ANNUAL REPORT
2000 – 2001

of the
Commissioner for Equal Opportunity
Of Western Australia

August 2001

To the Hon Jim McGinty, Attorney General

I have pleasure in presenting my Annual Report for the year ended 30 June 2001 for your information and presentation to Parliament.

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

I draw your attention to my overview that describes emerging trends and highlights of this financial period.

June Williams

Commissioner for Equal Opportunity

31 August 2001

1. COMMISSIONER'S OVERVIEW	1
HIGHLIGHTS OF THE YEAR.....	1
CURRENT ISSUES AND TRENDS.....	1
FINANCIAL OVERVIEW.....	2
DIRECTIONS FOR 2001/02.....	2
ABOUT THIS REPORT.....	3
YOUR SAY.....	3
2. PROMOTE RECOGNITION, AWARENESS AND ACCEPTANCE.....	5
EMPLOYERS AND SERVICE PROVIDERS.....	5
RAISING AWARENESS	6
ADVANCING EQUAL OPPORTUNITY THROUGH PARTNERSHIPS.....	7
PUBLICATIONS.....	8
3 HANDLING INQUIRIES AND COMPLAINTS.....	10
ANSWERING INQUIRIES.....	10
HANDLING COMPLAINTS.....	12
PROVISION OF LEGAL ASSISTANCE	23
CASE STUDIES OF COMPLAINTS AND TRIBUNAL DECISIONS.....	25
SETTLED AFTER REFERRAL BY THE COMMISSIONER AND BEFORE HEARING BY THE TRIBUNAL.....	28
SUMMARIES OF TRIBUNAL DECISIONS.....	30
4. CORPORATE GOVERNANCE AND COMPLIANCE	33
LEGISLATIVE COMPLIANCE.....	33
MEETING THE NEEDS OF WESTERN AUSTRALIANS	35
OUTCOME BASED MANAGEMENT	36
COMPLIANCE STATEMENT.....	37
5. PERFORMANCE INDICATORSERROR! BOOKMARK NOT DEFINED.
6 FINANCIAL STATEMENTS.....	...ERROR! BOOKMARK NOT DEFINED.

1. Commissioner's overview

In early August 2001 the Attorney General tabled the Report of the Ministerial Committee on Lesbian and Gay Law Reform in Parliament, and indicated that the Government intends to amend laws that discriminate against lesbians and gay men. Recommendations 1 – 13 of the Report of the Ministerial Committee propose that the *Equal Opportunity Act 1984 (WA)* be amended to provide that discrimination on the ground of sexual orientation be unlawful. I welcome the proposed amendments that will enable lesbians, gay men and bisexuals to seek the means of redress available under the Act, and make it clear to the wider community that such discrimination is unlawful.

This Annual Report summarises major activities, and identifies significant trends relating to complaint handling and the provision of presentations and training sessions. Even as an overview it demonstrates that Commission officers have continued to deliver services, within existing resources, despite an increase in the number of complaints handled, and an expansion in the types of presentations delivered, in a manner that remains responsive to the diverse needs of all West Australians

Highlights of the year

- ✍ "Youth Challenges" that enabled over 200 young people to consider human rights issues, and its impact on their lives and those of others at the local, national and international levels.
- ✍ A growing number of inquirers are obtaining information about the scope, operation and meaning of the Act, discrimination and harassment through the Commission's web-site. The web-site was revised and expanded during this year, whereby on-line service have improved service delivery, particularly to people resident in regional and rural Western Australia. The web-site now includes a section that addresses the most frequent queries made by the public.
- ✍ Release of publications in conjunction with other key agencies that address workplace issues and include *Age Limits*, *Aboriginal Participation in the Complaint Processes* and *Mature Employment: Issues, Options and Strategies*.

Current issues and trends

- ✍ Significant proportions of training participants continued to state that they would be able to use what they have learnt in their work or daily life (94.5%) and would recommend the course to others (95.9%).
- ✍ The number of new complaints has increased by approximately 22%, up from 421 last year to 514 during 2000/01. This indicates that awareness of the Act is growing, and that more people are prepared to seek redress when they believe that they have encountered discrimination.
- ✍ The demand for community workers' forums held across the State, has increased from 5 during 1999/00 to 20 this financial period.
- ✍ The proportion of complaints that concern the public sector either as employers or as service providers has increased from accounting for about a quarter of complaints (25%) to over a third (36%) during 2000/01.

Commissioner's Overview

- Over three-quarters of complainants (76%) and respondents (81%) believed that complaints handling processes are reasonable.
- The proportion of matters settled by Legal Officers after referral to the Equal Opportunity Tribunal and before hearing increased from 38% last year to 73% during 2000/01.

Financial overview

The Commission's operating costs for 2000/01 financial year totalled \$2,421,742, including expenditure on capital items. This expenditure was within budget estimates, and compares to the total operating costs of \$2,236,040 for 1999/00 financial year.

The Commission's net cost of services increased by 24.8%, up from \$1,834,203 in 1999/00 to \$2,289,371 this year. This was a result of the Commission's operating revenue decreasing by 203% from the previous financial period. The change in operating revenue is largely due to the withdrawal of Commonwealth funding based on a cooperative arrangement between the Commonwealth and State Attorneys-General in order for the State Equal Opportunity Commission to handle complaints under Commonwealth anti-discrimination laws.

A decrease in the Commission's user charges and fees (43.6%) was a result of an increased number of rights based presentations delivered during the year instead of fee-for service training. The emphasis on rights presentations reflects the Commission's commitment to enhancing community access to the means of redress provided by the Act.

During the year we responded to the financial reforms implemented on a whole of Government Basis. A review of the Commission's expenditure was undertaken and resources reallocated to the delivery of new or expanded services and to meet Government's priorities.

For full details please refer to the 2000/01 Financial Statements contained in the Corporate Governance and Compliance section of this report.

Directions for 2001/02

- A Working Party that examines whether the Act should be amended to expand the definition of transgender to include coverage on avenues of redress for persons with gender identity issues will be convened. A report containing recommendations will be submitted to the Attorney General by December 2001.
- Conduct community consultations in metropolitan, regional and remote Western Australia to determine whether the Act should be amended to include racial vilification as a ground of unlawful discrimination.
- Expand collaborative relationships with peak bodies to develop tailored training packages utilising new technologies.
- Evaluate complaint-handling processes, particularly in light of the proposed inclusion of sexual orientation and the increasing number of complaints made under the Act, to ensure that processes are timely and responsive.

About this Report

This report provides a succinct overview of our activities during 2000/01. Chapter 2 summarises educative initiatives including the delivery of training programs, partnerships and publications that were undertaken this year. Chapter 3 analyses trends in inquiries and complaints, and gives summaries of case studies and decisions of the Equal Opportunity Tribunal. Compliance with laws, organisational issues and structure are outlined in Chapter 4, while Chapter 5 gives Performance Indicators and Financial Statements.

Annual reports serve many functions, and to meet the interests of human resource and equal opportunity practitioners, employers and students an extract of the Annual Report that covers complaints, case studies of conciliated complaints, and summaries of Tribunal decisions will be published.

Copies of the Annual Report are available on the Commission's web page.

Your say



We are constantly striving to improve our services and welcome your suggestions. Please contact us with you queries, suggestions and criticisms. Our address, telephone and e-mail address are on the back cover of this Annual Report.

Our Mission

To ensure that people in the Western Australian community are treated on their merits,

free from assumptions based on prejudice or unlawful discriminatory behaviour.

Our main roles and functions are to:

-  Promote recognition, awareness and acceptance of the principles of equal opportunity through a broad range of diverse activities including publications, educative initiatives, training courses and events.
-  Provide accessible avenues of redress for unlawful discriminatory practices, policies and behaviour through handling complaints.

2. Promote recognition, awareness and acceptance

Through a range of comprehensive and varied initiatives and activities we continued to enhance general community awareness and acceptance of the *Equal Opportunity Act*. As has been noted in previous annual reports all people need to know and understand the meaning of equal opportunity, the responsibilities that come with those rights, and the means of redress that exist to protect the rights underscored by anti-discrimination laws. Recognition of equal opportunity principles, reflected in alterations to the policies of recruitment, selection, and promotion has also occurred through complaints that have challenged discriminatory practices or behaviour.

Employers and service providers

Training programs that offer large organisations, business and service providers with proactive, preventative strategies on discrimination and harassment in workplaces were conducted on a cost recovery basis. Such training:

- ✍ Assists employers, equity and human resource practitioners develop workplace cultures that promote diversity and prevent discrimination and harassment.
- ✍ Enables employers to deal with enquiries and complaints internally through Contact and Equity-Grievance officer training. Refresher programs to update skills and knowledge for officers specialising in these roles will commence in the next financial year.
- ✍ Facilitates the integration of equal opportunity principles into organisational strategic planning.
- ✍ Enhances employees' awareness and exercise of their rights.

Customised and general training sessions

Over 60 customised training programs that reflected and incorporated specific organisational requirements and needs were developed and presented. These comprise 1 and 2-day sessions to workplaces across a range of industries. Over 800 human resource and equal opportunity practitioners, senior managers and employees of the organisations attended training sessions. A small proportion of sessions were given in regional centres.

In addition, over 200 people from different organisations including employers, employee relations, human resource or equal opportunity managers, and grievance officers attended sessions. General training courses consisted of half, one day or two-day courses on:

- ✍ Equal Opportunity Law – An Introduction
- ✍ Equity – Complaint Handling
- ✍ Training for Trainers
- ✍ Role of Contact Officer

Training participants made these comments about the Commission's general and customised training program:

“Feel this session would benefit a lot of HR colleagues who tend to forget some of these issues when caught up in heavy workloads”.

“Found the case studies very interesting in demonstrating what constitutes discrimination”.

Promote Recognition, Awareness and Acceptance

“ Found the course to be very interesting – not boring as anticipated. One of the most beneficial courses I’ve attended” .

“It promotes communication between all ethnic/gender etc groups – which will assist in the demolition of prejudice” .

“Maybe a publication of cases in each area would be useful, especially in the teaching area” .

“ Examples of problems help you relate to potential problems in your own workplace” .

“ Exceeded expectations and proved to be an important learning experience as a person and a supervisor” .

Raising awareness

Presentations on your rights

Over 1200 people attended rights based presentations and community worker forums. These are presented free of charge, to advocates of groups most likely to experience discrimination. Community workers or advocates are generally considered to be anyone who is the “ first point of contact” for members of communities. These forums assist advocates to understand the scope of the law and thereby develop relevant localised initiatives whereby members of different communities can more easily obtain information about their rights on a personal basis, and thus may be more prepared to lodge complaints.

During the year we gave 67 presentations and community worker forums. Participants made these observations:

“I have learnt so much, and would recommend this to others. If I had known some of this over the past 5 years, I would possibly have had a few cases myself” .

“ The workshop provided me with greater insight into my rights and the rights of fellow community members” .

“It is really good to know...how to go about complaints to the EOC. Employers should be made to attend this course when taking over any sort of business” .

“Workshops for Boards...urgently needed” .

“ This course made me aware that treatment I have received from co-workers in the past was a form of harassment. I feel relieved that I now know the treatment I received was not my fault” .

Indigenous outreach

Indigenous people face discrimination on a daily basis in many areas including employment, tenancy applications and services offered to the general public. Through Outreach culturally appropriate services to Indigenous people and communities and representative organisations and associations in rural and remote Western Australia were provided.

Over 300 people attended rights-based workshops, and officers also held meetings with peak bodies, and answered questions on media talkback shows in a range of regional centres and towns including Albany, Port Hedland, Esperance, Nullagine and Marble Bar.

Promote Recognition, Awareness and Acceptance

Youth Challenges

In conjunction with the Commonwealth Human Rights and Equal Opportunity Commission we held two “ Human Rights, Human Values – Youth Challenges” , in Mandurah and Subiaco. The purpose of the Challenges was to bring together young people so that they could explore human rights principles, and its impact upon their lives, and the lives of others at the local, national and international levels. About 230 students from a number of secondary schools attended the Youth Challenges.

Communicating online

Our website was revised and expanded during 2001. The site now includes ‘Highlights’ a section containing Commission news updated on a quarterly basis and ‘Frequently Asked Questions’, which is proving to be a particularly useful tool for teachers and students. The ‘Training’ section now includes details of forthcoming outreach programs and all back copies of *Discrimination Matters* can now be downloaded from the site.

Since April 2001 we started collecting statistics on the number of people who visited our site, and over 16,000 hits were made. The sections that were of most interest related to an overview of the Act (1536), Frequently Asked Questions (1529), and summaries of case studies and decisions (1180).

Christmas and Cocos Island

Under a Service Delivery Arrangement between the State and Commonwealth the Equal Opportunity Act of Western Australia covers Christmas and Cocos Islands. We handled inquiries from the Islands, and training calendars, posters and information briefs are sent on a regular basis. Other culturally appropriate educative initiatives are being formulated in consultation with people resident on the Islands.

Advancing equal opportunity through partnerships

We continued working in consultation and partnership with community groups, peak bodies, unions and other government agencies to ensure that initiatives, services and presentations meet the needs of a diverse population with varied and disparate concerns about discrimination and harassment.

Specific collaborations included:

- ?? Member of a Ministerial Committee on Pay Equity convened by the then Minister for Industrial Relations, Ms Cheryl Edwardes. A report was submitted by the Committee to the Minister on initiatives to reduce the pay gap in November 2000.
- ?? Member of a departmental and community working group convened by the Department of Training and Employment for the purpose of increasing the recruitment of people from culturally and linguistically diverse backgrounds to the public sector. A report containing recommendations will be publicly available later in 2001.
- ?? Participated in a joint research project with the Department of Employment and Training in Western Australia, and the equal opportunity agencies of Victoria and

Promote Recognition, Awareness and Acceptance

South Australia on the employment experiences of mature workers. The results of the research have been published in the booklet *Age Limits*.







- ?? Member of an interdepartmental committee convened by the Office of Seniors Interests to examine issues relevant to the employment of mature workers in the Western Australian public sector. The Commission published the Guide *Mature Employment Issues Options and Strategies* developed in collaboration with the Office of Seniors' Interests, the Department of Premier and Cabinet, the Department of Consumer and Employment Protection, the Office of Equal Employment Opportunity and the Department of Training and Employment.
- ?? On behalf of the Commonwealth Social Justice Commissioner held semi-structured meetings with representatives of the community to ascertain their views about racism, its impact on their lives, and possible solutions to produce a paper to be presented at the UN World Conference on Racism, Racial Discrimination, Xenophobia, and Related Intolerance in Durban, South Africa in August 2001.

Publications

Publications serve as a source of current information about equal opportunity to employers, service-providers and the public about their rights and responsibilities. Publications continue to be evaluated and revised, and are an important component of the Commission's overall communication strategy.

Over three quarters (79.4%) of customers, including training and presentation participants, complainants and respondents stated that they found the Commission's publications "very useful" or "useful".

Current Commission publications include:

-  A quarterly newsletter *Discrimination Matters* that gives summaries of recent decisions across Australia and overseas, outlines amendments to anti-discrimination laws and covers topical issues.
-  *Information Briefs* targeting specific subjects such as the individual grounds of discrimination, the role of the Commission and the complaint handling processes. The *Information Briefs* are widely used by people who believe they may have grounds for making a complaint and students.
-  A *Reference Guide to the Act*, which summarises in an easy to read format the various provisions of the Act.
-  Posters identifying the grounds and areas of unlawful discrimination covered by the Act. The poster is available in two versions, one of which specifically targets the Indigenous population.
-  Annual Aboriginal calendar. The current calendar is decorated with artwork by students from St Mary's College in Broome. Each year the calendar is widely distributed, particularly to Indigenous organisations and communities.
-  General publications such as the Annual Report, investigative reviews, and the Customer Service Charter summarise the activities of the Commission, delineate performance measures that enable the public to assess the services provided and outline the emphasis placed on serving the people of Western Australia.

Promote Recognition, Awareness and ——— Acceptance

New Publications






- Review of Aboriginal participation within the complaint handling process*
- Mature Employment: Issues Options and Strategies*
- Age Limits*

3 Handling inquiries and complaints

Seeking information about the meaning and possible application of the *Equal Opportunity Act* at work, education or when receiving services are some of the many reasons that people contact us.

We handle general inquiries as well as provide explanations about the Act and the range of services we deliver. We investigate allegations of discrimination and harassment that fall within the jurisdiction of the Act, and where possible, these complaints are conciliated. The Commissioner refers complaints that appear to have substance under the Act and are not conciliated to the Equal Opportunity Tribunal for hearing.




This chapter:

-  Describes the number and nature of inquiries and complaints handled by the Commission
-  Gives the demographic profiles of complainants and respondents
-  Details how quickly complaints were finalised and resolved
-  Lists the factors and arrangements that can occur as part of the conciliation of complaints
-  Gives case studies of conciliated complaints, and summaries of the decisions of the Tribunal

Answering inquiries





We deal with general concerns or matters, and queries that do not fall within the scope of laws administered by the Commissioner are referred to the appropriate agency. Over 6000 inquiries were received during 2000/01 via the telephone, in writing or in person.

People who contacted us:

-  Alleged or reported an incident or matter of discrimination – 2259 people or 36.1%
-  Sought advice on their rights as potential complaints - 2156 people or 34.5%
-  Requested a publications, a speaker, or training information – 561 people or 8.8%

We received inquiries from individuals, employers and service providers in the private, public and community sectors, members of Parliament, human resource managers, equal opportunity and industrial relations practitioners. Women continue to account for over half (53.6%) the inquiries made.

Consistent with trends in previous years the most common grounds of unlawful discrimination that people raised were:

-  impairment – 701 inquiries or 11.2%
-  race – 679 inquiries or 10.9%
-  sex – 462 inquiries or 7.4%
-  sexual harassment – 440 inquiries or 7%

Inquiries relating to sexual orientation increased dramatically from 44 in 1999/00 to 138 in 2000/01. This increase may be attributed to media coverage of gay and lesbian law reform initiated by the Attorney General.

Handling Inquiries and Complaints —

Inquiries by ground

[illegible]

Over half the inquiries we received were about employment (55.6%), and in many instances inquirers sought clarification on a number of grounds of discrimination in many areas of public life.

Handling Inquiries and Complaints

Inquiries by area

Area	1999/00		2000/01	
	NO	%	NO	%
Employment	3543	55.0	3478	55.6
Access to places and vehicles	45	0.7	45	0.7
Accommodation	195	3.0	183	2.9
Education	192	3.0	208	3.3
Clubs	61	0.9	84	1.3
Goods, services and facilities	597	9.3	677	10.8
Sport	18	0.3	30	0.5
Land	4	0.1	6	0.1
All areas	1077	16.7	648	10.4
Other	707	11	898	14.3
Total	6439	100	6257	100

Handling complaints




Number of complaints handled

The number of complaints that we received increased significantly from 421 in 1999/00 to 514 in 2000/01 representing an increase of 22.1%.

During the course of this year we handled a total of 789 complaints, which is almost a 100 complaints more than were handled last year. These 789 complaints consisted of the 275 complaints that were still being investigated at the end of the 1999/00 financial period, and the 514 new complaints that we received this year.

Grounds of complaints

During 2000/01 the most commonly cited grounds in complaints were:

-  race – 120 complaints or 23.3%
-  impairment – 114 or 22.2%
-  sexual harassment – 88 or 17.1%

This is consistent with trends in previous years. Complaints of race discrimination have increased from 91 complaints in 1999/00 to 120 this year. This is attributed to the increase in complaints of race discrimination in the provision of accommodation lodged by Aboriginal people. Complaints about discrimination on the ground of family responsibilities have also increased from 11 last year to 21 during 2000/01.

Unlike the previous two financial periods, this year we received complaints on the grounds of political conviction (2) and spent conviction (2).

Complaints by grounds

Ground	1999/00		2000/01	
	NO	%	NO	%
Age	34	8.1	41	8.0
Family responsibilities	11	2.6	21	4.1
Family status	11	2.6	7	1.4
Impairment	85	20.2	114	22.2
Marital status	6	1.4	14	2.7
Political conviction	-	-	2	0.4
Pregnancy	19	4.5	19	3.7
Race	91	21.6	120	23.3
Racial harassment	15	3.6	5	1.0
Religious conviction	5	1.2	6	1.2
Sex	45	10.7	51	9.9
Sexual harassment	75	17.8	88	17.1
Spent conviction	-	-	2	0.4
Victimisation	24	5.7	24	4.7
Total by ground				

Areas of complaints

As has been the trend in previous years, a high proportion of complaints continued to concern the workplace or employment (55.3%). A growing number of complaints related to discrimination in the provision of goods, services and facilities where complaints increased from 55 in 1999/00 to 90 in 2000/01, and now account for almost a fifth of all complaints (17.5%).

Complaints by areas

Area	1999/00		2000/01	
	NO	%	NO	%
Access to places and vehicles	2	0.5	3	0.6
Employment	257	61.0	284	55.3
Accommodation	73	17.3	102	19.8
Education	9	2.1	8	1.6
Clubs	1	0.2	3	0.6
Goods, services and facilities	55	13.1	90	17.5
Victimisation	24	5.7	24	4.7





Handling Inquiries and Complaints

Total	421	100	514	100
--------------	------------	------------	------------	------------

Who lodged complaints

Women lodged almost two thirds (67.9%) of complaints, while men lodged about a third (30.5%). A few complaints were lodged by unions or organisations.

Women lodged a high proportion of complaints relating to:

-  sexual harassment – 81 complaints or 92% of all sexual harassment complaints
-  race – 85 complaints of 70.8% of all race complaints
-  sex discrimination – 38 complaints or 74.5% of all sex complaints
-  victimisation – 17 complaints or 70.8% of all victimisation complaints.

Almost two thirds of all age complaints (63.4%) were lodged by men.

Grounds by the gender of complainants 2000/01

				Total NO by ground	Total % of ground
Age	14	26	1	41	8.0
Family responsibilities	19	2	0	21	4.1
Family status	4	3	0	7	1.4
Impairment	60	53	1	114	22.2
Marital status	7	7	0	14	2.7
Political Conviction	1	1	0	2	0.4
Pregnancy	19	-	0	19	3.7
Race	85	30	5	120	23.3
Racial harassment	2	3	0	5	1.0
Religious conviction	2	4	0	6	1.2
Sex	38	13	0	51	9.9
Sexual harassment	81	7	0	88	17.1
Spent Conviction	0	2	0	2	0.4
Victimisation	17	6	1	24	4.7
Total NO by gender					
Total % by gender	67.9	30.5	1.6	100	

We also collect information from complainants, on a voluntary basis, about their age, ethnicity, whether they have a disability and their occupation. Of 514 complainants, 349 returned completed questionnaires. This is a response rate of 67.8%.

About a third (34%) stated that they were aged between 20 – 39 years.

Handling Inquiries and Complaints

Complainants by age

Age	1999/00		2000/01	
	NO	%	NO	%
0 – 14	3	0.7	4	0.8
15 – 19	25	5.9	13	2.5
20 – 39	107	25.4	175	34.0
40 – 64	83	19.7	110	21.4
65+	4	1.0	9	1.8
No survey returned or did not respond to question				
Total	421	100	514	100

Over a tenth (15.6%) stated that they had a disability, while a greater proportion of complainants selected impairment as a ground of discrimination in their complaints (22.2%).

Over a quarter of complainants stated that they were born in Australia (27%), while a further quarter stated that they were Indigenous Australians (25.1%). The figure below shows the three most commonly cited birthplaces of complainants for 2000/01.

Complainants by birthplace

	1999/00		2000/01	
	NO	%	NO	%
Australia	104	24.7	139	27.0
Indigenous Australians	85	20.2	129	25.1
Southeast Asia	20	4.8	15	2.9
UK & Ireland	15	3.6	30	5.8
Other	23	5.4	34	6.7
No survey returned or did not respond to question				
Total	421	100	514	100

About a quarter of complaints (24.2%) stated that they were in paid employment while a tenth (10.7%) stated that they were looking for work. We note that in addition to those complainants who did not return the questionnaire, a high proportion of complainants who returned the questionnaire did not answer this question, as was the case in previous years.

Complainants by occupation

Occupation	1998/99		1999/00	
	NO	%	NO	%
Looking for work	72	17.1	55	10.7
Student	7	1.7	14	2.7
Retired	0	0.0	1	0.2
Pensioner	13	3.1	28	5.4
Homemaker	7	1.7	16	3.1
In paid employment	67	16.1	124	24.2
No survey returned or did not respond to question Not known				
Total	421	100	514	100

As has been the case in previous years over three-quarters of complainants were resident in the Perth Metropolitan Area (80%), and a significantly small proportion of complainants (17.9%) resided in regional and rural Western Australia.

Industry and sector of respondent organisations

Using classifications developed by the Australian Bureau of Statistics we also collect information on the industry of organisations about which complaints are lodged. This information enables us to produce industry specific publications, conduct seminars, and develop relevant training programs. The figure below shows the main industries from which complaints received during 2000/01.

Complaints by industry

Industry	1999/00		2000/01	
	NO	%	NO	%
Accommodation/Cafes/Restaurants	33	7.8	51	9.9
Education – pre, post and school	17	4.1	40	7.8
Health and Community Services	21	5.0	34	6.6
Manufacturing	34	8.1	25	4.9
Personal and other services including corrective and police services				
Property and Business Services	116	27.6	123	23.9
Retail Trade	58	13.8	61	11.9
Transport storage	20	4.8	24	4.7
Other industry	96	22.6	103	20.0
Total	421	100	514	100

Handling Inquiries and Complaints

Consistent with the previous financial period about a quarter of complaints concerned “Property and Business Services” (23.9%). The classification includes finance, insurance and other business services such as real estate, legal and accounting services. The number of complaints in “Personal and other services, including corrective and police services doubled from 26 in 1999/00 to 53 in 2000/01.

The number of complaints about discrimination or harassment in the workplace or in the delivery of goods, facilities and services by the public sector increased from a 105 in 1999/00 to 183 during 2000/01. This represents an increase of 74.2%.

Complaints by sector and type of organisation

Sector	1999/00		2000/01	
	NO	%	NO	%
Private sector	226	53.7	242	47.1
Public Sector (State Government dept/authority/agency)				
Individual	54	12.8	47	9.1
Non-government organisation	24	5.7	16	3.1
Other	12	2.9	26	5.1
Total	421	100	514	100

Statistical information on the size of respondent organisations is still inadequate. While almost half the respondent organisations (43%) had 500 or more employees, a similar proportion is “not known”. An audit of files suggests that in many of these complaints the respondent organisation employed between 20-99 employees, and again means of obtaining this information are being devised.

How complaints were resolved

Only matters that fall within the jurisdiction of the Act are accepted as complaints of unlawful discrimination.

Of the 789 complaints that we handled, 396 complaints (or 50.2%) were closed during 2000/01. The remaining 393 (49.8%) complaints are still being investigated. The outcomes of all complaints is shown in the figure below.

Outcomes of complaints

	1999/00		2000/01	
	NO	%	NO	%
Dismissed	42	6.1	48	6.1
Lapsed	87	12.6	103	13.1
Withdrawn	76	10.8	84	10.7
Conciliated	158	22.8	116	14.7
Referred to the EOT & HREOC	55	8.0	45	5.7

Handling Inquiries and Complaints

Complaints still under investigation				
Total complaints handled	693	100	789	100

Complaints are considered to have “lapsed” when complainants do not contact the Commission after being told that their complaints will lapse if they do not re-establish contact within 21 days. Analysis of files that lapsed indicate that some complainants do not continue with their complaints once they are able to resolve the dispute within their workplaces. Others are satisfied with the Commissioner’s correspondence to the respondent, and some complainants are disheartened by the onus of proof. This means that complainants must support their allegations with evidence such as witnesses, and documents. A number of complaints are lapsed each year.

Consistent with previous years, a tenth of complaints were withdrawn. As has been stated in previous annual reports, complainants may choose to withdraw their complaints for a number of reasons. In some instances, complainants find it difficult to support their allegations of discrimination. In others, complainants withdraw their complaints where they have been satisfied by actions taken in their workplaces.

The Commissioner dismisses complaints that are found to lack substance after preliminary investigation. Each year a relatively small proportion of complaints are dismissed.

Analysis of the outcomes of the 396 complaints that were finalised this year show that rates of conciliation for complaints of sex and race decreased during 2000/01. Hence in 1999/00 22 sex complaints (13.9%) were conciliated, while this year only 10 sex complaints (8.6%) were conciliated.

Outcomes of complaints by ground

2000/01												
Ground	Conciliation	%	Dismissed	%	Referred EOI & Referred (Fed) Referred to HREOC	%	Withdrawn	%	Lapsed	%	Total	%
Family Responsibilities												
Family Status	4	3.4	1	2.1	0	-	1	1.2	2	1.9	8	2.0
Impairment	24	20.7	12	25.0	9	20.0	19	22.6	22	21.4	86	21.7
Marital Status	3	2.6	1	2.1	1	2.2	3	3.6	3	2.9	11	2.8
Political Conviction												
Pregnancy	2	1.7	1	2.1	4	8.9	5	6.0	4	3.9	16	4.0
Race	23	19.8	10	20.8	12	26.7	5	6.0	43	41.7	93	23.5
Racial	4	3.4	-	-	-	-	-	-	2	1.9	6	1.5

Handling Inquiries and Complaints

Harassment												
Religious Conviction												
Sex	10	8.6	6	12.5	3	6.7	15	17.9	6	5.8	40	10.1
Sexual Harassment												
Spent Conviction	0	-	-	-	-	-	1	1.2	-	-	1	0.3
Victimisation	5	4.3	6	12.5	2	4.4	1	1.2	2	1.9	16	4.0
Total	116	100	48	100	45	100	84	100	103	100	396	100

The number of race complaints that were conciliated also decreased, and during 2000/01 only 23 (19.8%) were conciliated. At the same time the number of race complaints that lapsed increased from 29 in 1999/00 to 43 during this financial period. Complaints of race discrimination now account for almost half all complaints lapsed (41.7%), and this remains an issue that is being addressed. As has been the case in previous years, over three-quarters of complaints from Aboriginal people relate to the provision of accommodation.

The number of impairment complaints that lapsed decreased from accounting for about a third of all lapsed complaints (34.5%) in 1999/00 to less than a quarter (21.4%) during this financial period.

Terms of conciliated complaints

Complainants and respondents use a number of different factors and arrangements, including an apology, transfer, and monetary settlement to conciliate their complaints. Conciliation is generally an informal process that seeks to assist both complainants and respondents reach an agreement or settlement.

The terms by which complaints were conciliated are shown in the figure below.

Terms of conciliated complaints

	Ground and Area				Non Monetary Outcome
			Complainant did not receive anticipated redundancy package.		
					Refund of membership fees. Playing conditions and fess available to women granted.
			Employer failed to adequately address allegations by the complainant against her supervisor.	Ex-gratia payment of \$10,000	
			Complainant abused by publican and denied service. Banned from the pub after a dispute with the publican.		

Handling Inquiries and Complaints —

	Race, Racial harassment in employment		Complainant alleged abuse and verbal harassment by another employee	Private settlement.	
			Bank refused to allow complainant to collect replacement Card without letter from spouse.		
			Company policy only allowed married staff to wear wedding rings. Single women not permitted to wear “friendship ring” from boy friend.		Accepted respondent's explanation of policy regarding 'removal or cover' of jewellery in food preparation areas
	Race and Impairment in accommodation				
				Waived water charges of \$1950 and reduced tenant liability by \$200	

— Handling Inquiries and Complaints

	Ground and Area				Non Monetary Outcome
			Services provided in the local store less favourable in comparison with others of a different race.		Dialogue with the owner, and services from to complainant and others improved.
					Apology for misunderstanding caused by information given by a junior employee.
					Agreement included an apology to the children for any comments that may have caused offence or been hurtful.
Cultural & recreation services	Impairment in goods and services				
					Reinstatement at substantive level, and respondent to discuss any proposed roster changes.
	Sexual harassment & victimisation in employment				

How quickly were complaints finalised






Of the 789 complaints that we handled this year, 396 were finalised within the year. About half of these complaints (51%) were finalised within six months. The number of complaints that were finalised within 12 months continues to increase, while the proportion of complaints over 24 months continues to decrease.

Time taken to finalise complaints

	1999/00		2000/01	
	NO	%	NO	%
0 – 6 months	207	49.5	202	51.0
7 – 12 months	134	32.1	149	37.6
13 – 18 months	57	13.6	34	8.6
19 – 24 months	5	1.2	9	2.3
2 years or more	15	3.6	2	0.5
Total	418	100	396	100

What complainants and respondents said

Each year we ask a random sample of complainants and respondents to rate their levels of satisfaction with the way in which their complaints were handled and their views of the process. The Survey of Services found that:

-  75% of complainants and 70% of respondents were either satisfied or very satisfied that they were kept well informed in writing during the processes.
-  76% of complainants and 81% of respondents stated that the Commission's complaint handling process is reasonable.
-  71% of complainants and 81% of respondents stated that they were treated impartially.
-  51% of complainants and 48% of respondents were satisfied with the time that it took to resolve their complaints.
-  71% of complainants and 73% of respondents stated that the Act provides a good way of resolving cases of discrimination.

Provision of legal assistance

Legal assistance was provided to complainants when the Commissioner had referred their complaints to the Equal Opportunity Tribunal. The Commissioner only provides assistance in relation to matters that she considers as having substance under the provisions of the Act. The number of matters where legal assistance was provided increased during this financial period, and includes matters carried over from previous financial period, and those that had been appealed to the Supreme Court. The status of these matters is shown below.

Number of matters by legal assistance

	1999/00		2000/01	
	NO	%	NO	%
Number of matters referred by the Commissioner and carried over from previous financial years				
Number of appeals to the Supreme Court and carried over from previous financial years				
Number of matters referred by the Commissioner each financial year				
Number of interim appeals and writ of summons each financial year				
Total number of matters handled each financial year				

In many instances matters referred to the Tribunal for determination are settled by Legal Officers before hearing by the Tribunal as shown in the figure below. This attests to the effectiveness of providing assistance on matters referred to the Tribunal since respondents may be less likely to settle complaints if they were of the view that complainants would be

—— Handling Inquiries and Complaints

unable to pursue their complaint before the Tribunal because of a lack of resources and assistance. It also affirms the objects of the Act which are to eliminate discrimination.

Status of matters by financial assistance

	1999/00		2000/01	
	NO	%	NO	%
Number of matters finalised each year by being:				
	0	0	2	5
	1	3	8	21
	2	7	3	8
	3	10	2	10
	2	7	0	0
Number of matters heard and decided by the Supreme Court				
Number of Interim Appeals heard and decided by Supreme Court				
	9	31	16	41
Number of matters at Supreme Court outstanding				
	0	0	1	3
Number of matters referred by the Commissioner outstanding at the Tribunal				
	20	69	23	59
Number of matters where assistance was provided				

Case studies of complaints and Tribunal decisions

Case studies of complaints and summaries of decisions given by the Equal Opportunity Tribunal enable members of the community, as well as those involved in providing a service, managing and employing staff to appreciate the operation of the Act in practice.

Case studies of conciliated complaints

Case studies of complaints show how complainants and respondents are able to conciliate allegations or incidents of discrimination within the parameters of the Act.

— Handling Inquiries and Complaints

Family status discrimination in employment

An experienced accountant sought employment through a recruitment agency, and was advised that a short-term contract of up to 6 months was available with the respondent, a multinational company.

When provided with the contract details the complainant discovered the prospective employer was the company at which her husband was an executive. In view of this family relationship the complainant asked that her CV be sent to the company to clarify if there was a conflict of interest.

Later the recruitment agency advised that the respondent did not believe there was a conflict of interest, and arranged for the complainant to be interviewed for the position. At the interview the complainant again raised her concerns about a possible conflict, and was reassured that the issue had been reviewed and cleared by the respondent's personnel department. She was offered the job, which she accepted and signed a contract of employment.

The complainant arrived for work on the designated day and commenced her induction. During the morning, however, her manager informed her that a mistake had been made in offering her the contract, and despite her objections, her employment was terminated less than 4 hours into her contract.

The complainant lodged a complaint alleging discrimination on the ground of family status.

At the conciliation conference the respondent did not offer any explanation as to why the complainant's contract had been abruptly terminated. The respondent accepted that the complainant had incurred a financial loss and had been embarrassed and humiliated by the termination of her employment in front of her husband's colleagues. In conciliating the complaint, the respondent agreed to provide the complainant with a letter of apology and financial compensation of \$20,000.

Sex discrimination and victimisation in employment

A woman who worked in the mining industry complained about the sexist behaviour of her manager and male co-workers. Over a long period she had complained to her employer about her colleagues making belittling comments, calling her the 'tea and coffee girl', and making remarks she found threatening as one of the few females working at an isolated site. After her manager made a sexual remark about her during a meeting, the complainant felt she could no longer work at that location, so she left the mine site and returned to Perth.

Once in Perth the woman was pressured by the respondent to return to her position in the field, however, she felt too stressed to do so. Instead was placed in a newly created position with low pay and status, and told that no other position was available. The complainant felt that her complaint had been trivialised and that her employer saw her, rather than the sexist behaviour, as the problem.

When advised of the complaint, the respondent sought an early meeting with the complainant to discuss the issues and attempt to resolve her complaint. At the meeting the respondent acknowledged the complainant's value to the company, although her complaint of discrimination and victimisation remain unresolved.

At a later date the respondent offered the complainant a position of equal pay and status to her original position at another location. The complainant declined the offer

and resigned from the company after the respondent agreed to pay out her entitlements plus an ex gratia payment of \$12,000.

Sexual harassment in employment

The complainant, who was employed as a waitress at local café, alleged that another employee sexually harassed her.

The complainant stated that soon after she started work the respondent commented on the size of her breasts, and suggested that she may not be able to reach forward easily to clean the counter because she was "*so top heavy*". She alleged that the respondent often rubbed up against her and brushed past her with the full weight of his body behind her as he passed her behind the counter.

On one occasion the respondent sprayed a cleaning product at her, aiming at her chest. She was wearing a white silk shirt that became transparent when wet. On another occasion the respondent informed her that he had been "*wanking*," and later that same day when he called out to her she noticed that he had his zipper undone and was holding his penis. He asked her a short time later to "*pull down his fly and to suck on it.*"

The respondent rejected her allegations of sexual harassment. He denied spraying the complainant with cleaning fluid and holding on to his penis with his fly undone. He admitted telling the complainant that he had been "*wanking*" and stated that he had put a banana down his trousers and called out to the complainant to show her. The respondent alleged that the complainant had made sexually charged comments to him, such as she enjoyed motor bike riding because it made "*her legs tingle*".

The complaint was conciliated with complainant receiving an ex gratia payment of \$3,000 and a letter of apology from the respondent.

Family status discrimination in education

In September 2000 a mother and daughter attended an interview at a school where the child was wait-listed for enrolment. Following the interview, the school staff gave a verbal offer of admission to the child to the kindergarten in 2001.

Later, however, the school principal wrote to the family withdrawing the offer of admission, because a member of the school staff was the mother of the child's half sister. The half sister was also enrolled at the school. The school principal believed that enrolling both girls at the same school would place each child in a stressful and difficult position, and that they would be better educated in separate environments.

The mother of the child denied enrolment argued that it was not the responsibility of the school to make such decisions, and alleged discrimination on the basis of family status.

An early meeting between the parties was arranged to try to achieve a swift resolution to the complaint so that the child could be enrolled either at that school or gain admittance to another school. At the meeting the school principal and the head of the school council agreed to provide the complainant with an apology, an offer of admission to the school, and an ex gratia payment of \$6850 for the family's humiliation and emotional distress and to cover the cost of the child having had to enrol at another school. The parent agreed to defer the child's date of commencement at the school for a year, to allow the child's half sister and her teacher mother time to adjust to the prospect of the child attending the school.

— Handling Inquiries and Complaints

Sex discrimination in employment

The complainant was the only female manager in a male dominated construction organisation. Reviews undertaken by her general manager over a two-year period indicated that she was a satisfactory performer.

In her complaint, the complainant alleged that following a restructure of the organisation she was the only manager to be demoted. When she confronted the general manager he reacted in an off-hand manner and indicated that he would make an amendment to the structure at some time in the future.

During the same period the complainant discovered that she was being paid significantly less than the male who had previously occupied her position and she was undertaking greater responsibilities, with fewer resources, than her predecessor. When she raised the restructure and salary comparison with the general manager he angrily dismissed both issues, and she subsequently resigned.

Following the Commission's investigation of the complaint the new general manager and the complainant attended a conciliation conference. In conciliating the complaint the respondent agreed to make an ex gratia payment of \$12,000 plus pay \$38,611, to cover six month's diminished earnings from the time she resigned until the complaint was resolved.

Settled after referral by the Commissioner and before hearing by the Tribunal

Of the matters that were finalised during 2000/01 legal officers settled 8 complaints that had been referred by the Commissioner because she was of the opinion that these complaints had substance.

Impairment discrimination in the provision of goods, services and facilities

A man with Hepatitis C (HCV) lodged a complaint against a specialist doctor, whom he alleged had refused to be a member of a surgical team, when the specialist ascertained that the complainant he had HCV.

The complainant was to undergo spinal surgery in a private hospital for severe chronic back pain. The day before the operation the complainant met with the respondent in his rooms. The respondent told the complaint that he was aware that he had HCV and would take the necessary precautions during the operation to prevent infection, including wearing double gloves.

Later that same day, the complainant received a telephone call from one of the other doctors who was to operate on him. This doctor informed the complainant that the respondent refused to be involved in the operation because he had previously received a needle-stick injury from another patient with HCV. The doctor told the complainant that as the respondent would not participate in the operation, neither could he, and he subsequently wrote to the complainant's GP confirming that the respondent was concerned about the complainant's HCV status. The complainant was informed that he could proceed with the operation if he went on the waiting list at a public hospital.

The complainant claimed the respondent refused to provide him with medical services because he had HCV and, as a result, he continued to be in severe pain and reliant on strong pain killers. The respondent contended that he was not prepared to risk infection during surgery because he considered the complainant's HCV was still active. The Commissioner referred the complaint to the Equal Opportunity Tribunal and the parties agreed to attend a

mediation conference arranged by the Tribunal. A legal officer assisted the complainant at mediation and a settlement whereby the respondent agreed to pay the complainant compensation was reached.

Family responsibilities discrimination in employment

The complainant had been employed as a full-time nurse with the respondent, a public hospital, for 17 years prior to becoming pregnant with her first child. In October 1997, she informed the respondent of her intention to take 12 months parental leave. In February 1998, after the birth, the complainant wrote to the respondent requesting a part-time position, due to her family responsibilities as a sole parent, upon her return from parental leave.

The respondent informed the complainant that no part-time positions were available but that her name had been placed on a waiting list. A few weeks later the complainant discussed her request with her Nurse Manager, who suggested that she consider casual employment until a more suitable option became available. The complainant declined this offer.

In June 1998, the complainant again wrote to the respondent applying for a part-time position, or a job-share position. The respondent informed the complainant that it did not have any part-time or job-share positions available and, due to service needs, her request could not be met at that time. In August 1998, the respondent offered the complainant a temporary night-shift position at the hospital. The complainant refused the offer because of the difficulties of arranging child care whilst working on a night shift.

In December 1998, the complainant wrote to the respondent again, requesting a permanent part-time position with a preference for day shifts only, the respondent declined.

The complainant then lodged a complaint of family responsibility discrimination against the respondent with the Commissioner. After taking leave without pay, the complainant resumed working at the hospital on a part-time, day-shift basis, pursuant to an agreement to temporarily vary her contract.

Following an unsuccessful attempt at conciliation the Commissioner referred the complaint to the Tribunal. The parties entered into negotiations and a legal officer assisted the complainant. A settlement was reached whereby the respondent agreed to allocate the complainant a continuation of her part-time, day-shift roster until such time as the parties further agreed to a change in the complainant's roster. The respondent also agreed to pay compensation to the complainant for loss of earnings.

Race discrimination in accommodation

An Aboriginal man lodged a complaint against a real estate agency, which he alleged had refused to provide him with rental accommodation because it was assumed he was a troublemaker.

The complainant lived with his wife in public housing in a south-west town for nearly thirty years. He moved out of the house after separating from his wife and as a matter of urgency sought private rental accommodation in the town. The Property Manager informed him that a reference from the housing authority outlining his tenancy history was necessary. The housing authority's Area Manager in turn told the complainant that it was not its policy to provide references to tenants, but rang the Property Manager at the request of the complainant.

The complainant remained in the Area Manager's office during her telephone conversation with the respondent's Property Manager. After the conversation, the Area Manager informed

— Handling Inquiries and Complaints

the complainant that the respondent would not let any property to the complainant because he was “a troublemaker”.

In his complaint, the complainant stated that he had always paid his rent on time and had never been involved in any trouble, and did not know how the respondent held such an opinion about him.

At a mediation conference arranged by the Tribunal in the town the respondent agreed to pay the complainant compensation.

Age discrimination in employment

The complainant, a 38 year-old man, applied to the respondent for a position as an electrical apprentice. The respondent had advertised in the newspaper seeking applications for electrical apprenticeships and enrolments in a pre-apprenticeship course, to commence the following year.

A few days later, the respondent invited the complainant to sit a pre-selection test for the apprenticeship. Following the test, the respondent’s Senior Field Officer interviewed him.

The complainant alleged that the Officer informed him at that interview that the advertisement in the newspaper was incorrect and that interviews for enrolments in the pre-apprenticeship course only were being held, that the apprenticeship positions had already been filled by TAFE students, and that he considered the complainant “*a bit too old for an apprenticeship*”. The complainant discussed his previous experience as an electrical installer with the Officer.

The complainant subsequently received a letter from the respondent informing him that his application had not been successful. Four days later, the respondent again advertised in the newspaper for 30 electrical apprenticeships commencing the following year. The complainant applied to the respondent for an apprenticeship every year for the next three years, but on each occasion was informed by the respondent that his resume had been placed on file and that its position had not changed since his first application. During this time the complainant completed the theoretical component of the electrical apprenticeship course at TAFE.

The complainant alleged that the respondent had discriminated against him on the ground of his age. The respondent denied that its Field Officer had made any comment about the complainant’s age and stated that a number of adult applicants for apprenticeships had been accepted over successive intakes. Attempts at conciliation were unsuccessful, and the complaint was referred to the Tribunal where a mediation conference was arranged.

A settlement was reached at the mediation conference. The respondent agreed to pay the complainant compensation, allow him re-submit an application for an apprenticeship, and re-interview the complainant before a panel this did not include the original Senior Filed Officer. Subsequently the complainant was successful in his application for an apprenticeship.

Summaries of Tribunal decisions

Summaries of decisions of the Tribunal indicate how provisions of the Act are being interpreted and operate in practice.

Mastaglia – v – Ramsey Health Care Australia Pty Ltd

The Equal Opportunity Tribunal upheld a complaint of impairment discrimination against Ramsey Health Care Australia Pty Ltd, the operator of Hollywood Hospital.

In March 1998, the complainant, Barbara Mastaglia, who suffers from the visual impairment retinitis pigmentosa, responded to an advertisement placed by the hospital in *The West Australian* for a refresher course in acute care, for nurses who had either been out of the workforce for a time or had been working in non-acute areas. A fee of \$400 was to be charged to applicants who wished to participate in the course.

In completing the application, she responded to a question about her health by stating that she had retinitis pigmentosa, myopia, and could not work in dark or dimly lit areas. On the basis of this application, the hospital declined to accept her into the course.

In her complaint to the Commissioner, and before the Tribunal, Ms Mastaglia claimed that she had been discriminated against by the hospital on the ground of impairment, in the provision of goods, services and facilities. The hospital responded by stating that the course was, in fact, a recruitment exercise and not a service. The hospital claimed, further, that if the Tribunal were to find that the course had the characteristics of a service as well, then to provide the service to Ms Mastaglia would have involved “unjustifiable hardship”.

The Tribunal determined that the course was a service offered by the hospital. Ms Mastaglia gave evidence that her eye disorders had not impeded her from practising as a nurse in any of the jobs that she held previously. She had, in fact, gone on to complete a renewal of midwifery registration course after being refused a place on the course offered by the hospital. The Tribunal considered the hospital’s assertion that Ms Mastaglia would not be able to carry out all the components of the course as perfunctory and based only on the opinion of one of its managers, rather than on a more involved and reasonable inquiry. Consequently, the hospital failed to make out its defence of unjustifiable hardship under the *Equal Opportunity Act* and was liable for the discrimination against Ms Mastaglia.

Askey-Doran – v – Fremantle Women’s Health Centre

The complainant, a male midwife, complained that he had been discriminated against on the ground of his sex by the Fremantle Women’s Health Centre in relation to employment by the Centre with the Alternative Birthing Service.

In 1996, the Centre had an agreement with the Health Department of WA to provide a Commonwealth funded program, the Alternative Birthing Service (“ABS”). The Health Department paid the funds to the Centre, which then undertook to manage and provide the ABS for 1996. The Centre initially employed two accredited and two non-accredited midwives for the ABS. The Centre Coordinator, following interviews by a selection panel, made all of these appointments. None of them was made, approved nor ratified by the Centre Management Committee and or was there any suggestion they had to be.

Mr Askey-Doran responded to an advertisement for the positions of two non-accredited midwives at the Centre for a period of 6 months, commencing January and July 1997. The successful applicants would be working with accredited midwives and would be, on completion, eligible for appointment as a midwife accredited to attend home births. Mr Askey-Doran was interviewed in November 1996 by an interview panel, which included the ABS Coordinator, Ms Kate Cook, and a member of the Management Committee of the Centre. He was told on the same day that he had been successful, as had a female applicant, and would be commencing in July 1997.

— Handling Inquiries and Complaints

Mr Askey-Doran was subsequently contacted by Ms Cook who told him that the accredited midwives at the Centre were unhappy by the appointment of a man. In the meantime, Ms Cook wrote to Mr Askey-Doran confirming his appointment. In April 1997, however, he received a letter from the Centre, informing him that it would not continue to host the ABS Program as from July 1997. Whilst his particulars would be forwarded to the new host body of the ABS, the Centre was not his employer and would not provide him with future employment. In June 1997 the Centre advertised for a female midwife to be trained under the ABS Program, commencing July.

Mr Askey-Doran lodged a complaint of sex discrimination, alleging that if he had been a woman his appointment would not have been cancelled. The Commissioner referred the matter to the Tribunal after attempts at conciliation were not successful.

At the Tribunal, the Centre claimed that Ms Cook had no authority to employ Mr Askey-Doran and that there was no contract between the Centre and him that should have been honoured, as had occurred with other persons employed on the ABS project. Further the Centre claimed that it was entitled to refuse to employ Mr Askey-Doran under Section 31 of the *Equal Opportunity Act* as it was meeting the special needs of women by providing services to women by women.

The Tribunal found on the evidence that Ms Cook had authority from the Management Committee of the Centre to employ non-accredited midwives and no ratification of the appointment was needed. Ms Cook, on behalf of the Centre's Management Committee employed Mr Askey-Doran. The Tribunal accepted the Centre's evidence that its core purpose was to provide health services to women by women, there was no aspect of the ABS Program itself, either in its practical operation or funding conditions, which required or justified that only women could be appointed midwives. The Tribunal found that the decision by the Centre to pass the ABS project to another host body (initially) was done to block Mr Askey-Doran's appointment.

The Tribunal awarded \$19,000 to Mr Askey-Doran, equivalent to the salary he would have received for the six month appointment.

4. Corporate governance and compliance

There are a number of Acts that govern or affect our operations. These, and compliance with specific laws are described in this chapter.

Legislative compliance

Legislative authority

The Commissioner and the Equal Opportunity Commission operate under the *Equal Opportunity Act 1984* (Parts I – VII & X) as amended 1988 & 1992 and under the provisions of the *Public Sector Management Act 1994*.

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

Organisational structure

Handing complaints and inquiries alleging discrimination	
Promoting equal opportunity through training, presentations and outreach	
Identifying discriminatory practices and developing strategic policy options	

Laws administered

The Commissioner administers the:

- ☞ *Equal Opportunity Act 1984* (as amended in 1988 and 1993)– Parts I – VII & X
- ☞ *Spent Convictions Act 1988* – Division 3

Inquiries concerning Commonwealth anti-discrimination laws are referred directly to the Commonwealth Human Rights and Equal Opportunity Commission located in Sydney, New South Wales.

Written laws that impact upon activities

- ✍ ✍ *Disability Discrimination Act 1992*
- ✍ ✍ *Electoral Act 1907*
- ✍ ✍ *Financial Administration and Audit Act 1985*
- ✍ ✍ *Freedom of Information Act 1992*
- ✍ ✍ *Government Employees Superannuation Act 1987*
- ✍ ✍ *Human Rights and Equal Opportunity Act 1986*
- ✍ ✍ *Industrial Relations Act 1979*
- ✍ ✍ *Minimum Conditions of Employment Act 1993*
- ✍ ✍ *Occupational, Health, Safety and Welfare Act 1984*
- ✍ ✍ *Public Sector Management Act 1994*
- ✍ ✍ *Salaries and Allowances Act 1975*
- ✍ ✍ *Workers Compensation and Rehabilitation Amendment Act 1992*

Freedom of Information Act

An Information Statement is readily available at the Commission. Details of the number of applications made under the Act are provided in the annual report of the Information Commissioner.

Public Sector Management Act

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

The Commission's human resource management principles have adequate checks in place to ensure compliance requirements are met, including adopting best practice guidelines in adherence with the public sector standards.

No applications for breach of standards were received during the reporting year.

Employee relations

All staff are employed under the provisions of the *Public Sector Management Act, 1994*. The Commission's Workplace and Enterprise Agreements prescribe the conditions of employment for all officers, apart from the Commissioner for Equal Opportunity. The Equal Opportunity Enterprise and Workplace Agreements 2000 were registered in October 2000. The second mile stone pay increase is due in October 2001.

Occupational health and safety

We continued to provide a safe and secure working environment for employees and no worker's compensation claims were lodged during the year. A staff member is designated as



an Occupational Health and Safety representative and two other staff members are nominated as First Aid Officers.

Recycling

Consistent with the Government's and the Commission's commitment to waste reduction and recycling the Commission's Code of Conduct stipulates that all staff follow the guidelines for recycling as delineated in the *WA Waste Reduction and Recycling Policy*.

Meeting the needs of Western Australians





The Act and the Commission's mission focus on the people of Western Australia, and specifically take account of the differing needs of people with disabilities, Aboriginal people, people from culturally and linguistically diverse backgrounds, and the impact of characteristics such as age, marital status, family responsibilities, family status. More specifically the Commission:

-  Actively supports the principles and practices of equal opportunity.
-  Is committed to ensuring that people with disabilities and their families and carers are able to fully access services provided by the Commission.

The Customer Service Charter states that it is:

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

To this end the Commission meets with the requirements of the:

-  Disability Services Plan Outcomes
-  Plan for Women Outcomes
-  Equal Employment Opportunity Outcomes
-  Language and Cultural Diversity Outcomes

In order to meet the needs of our diverse customers, key publications are available in audio formats, Translation Interpreter Services are used both in presentations and complaint handling and publications are designed in consultation with community representatives.

We employed 26 full time equivalent staff at 30 June 2000. Over a quarter of staff work part-time attesting to the availability and use of flexible working arrangements that enable workers to balance work and family responsibilities. We employ two Indigenous officers, another five are from culturally and linguistically diverse backgrounds. Women account for 80% of staff and almost half (45%) work part-time.

Surveys to ascertain the demographic profile of the individuals and agencies that use the services of the Commission, their expectations, preferred means of obtaining information about the Act and attendant issues are conducted each year. The findings provide valuable feedback about how our services can be improved, and these are incorporated into the way that we provide services to promote equal opportunity and resolve complaints of discrimination.

Corporate Governance and Compliance

On a needs basis, community consultative committees comprising representatives of many community organisations, including women, Indigenous people, people with disabilities, people from culturally and linguistically diverse backgrounds, young and mature people are convened. The purpose of such committees is to ensure that their diverse needs inform our initiatives.

Outcome Based Management

The Commission has two key outputs that relate to the provision of information and means of redress.

Output 1: Provision of information and advice regarding equal opportunity and human rights. This comprises the dissemination of relevant and appropriate information on the Equal Opportunity Act, other relevant laws, human rights issues generally, and the provision of accurate advice on equal opportunity matters and the identification of discriminatory policies and practices.

	2000/01 Target	2000/01 Estimates
Inquiries	7200	13,950
Presentations	150	185
Publications	12	13
Reviews and Advice	150	230
Quality		
Extent to which enquiries were answered and not referred		
Participants satisfied with presentations	90%	93%
Clients who found publications useful	80%	79%
Extent of community support for the Act and concern about equal opportunity and human rights issues		
Timeliness		
Proportion of written inquiries completed within 4 weeks		
Length of presentations met expectations of participants		
Average number of publications produced and distributed quarterly		
	76%	
	\$46.00	

	\$3010	\$2595
	\$12,000	\$13,339
	\$1635	\$1283

Effectiveness

81% of survey participants recognised all grounds of discrimination and believed that it is of benefit to have an Act that deals with discrimination.

Output 2: Avenue of redress for unlawful discrimination and unreasonable treatment. Investigating and attempting to conciliate complaints that fall within the jurisdiction of the Equal Opportunity Act and other legislation administered by the Commission, and providing assistance to complainants referred to the Equal Opportunity Tribunal.

	2000/01 Target	2000/01 Estimates
Number of complaints handled	800	790
Number of cases where legal assistance was provided		
Quality		
Complainants and respondents who were treated impartially		
Cases that were settled before hearing by the Tribunal		
Timeliness		
Proportion of complainants and respondents who were satisfied with the time taken to finalise their complaints		
Average time taken to finalise each case	11months	11.7 months
	\$989	
Average cost per case referred to the Tribunal		

Effectiveness

Complainants (76%) and respondents (81%) believed that the complaint handling process was reasonable. About three quarters of Complainants (71%) and respondents (73%) believed that the Act provides a good way of resolving cases of discrimination.

Compliance statement

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

Corporate Governance and Compliance

I have complied with the *Public Sector Standards in Human Resource Management*, the Western Australian 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.

June Williams

COMMISSIONER FOR EQUAL OPPORTUNITY

Commissioner for Equal Opportunity

Statement of Certification

The accompanying key performance indicators of the Equal Opportunity Commission provide measures of the effectiveness and efficiency with which outcomes have been met. I hereby certify that the key performance indicators are based on proper records and fairly represent the performance of the office of the Commissioner for Equal Opportunity for the twelve months to 30 June 2001.

Helen Versey

A/COMMISSIONER FOR EQUAL OPPORTUNITY

15 August 2001

Performance Indicators

The outcomes of the Equal Opportunity Commission are that:

The people of Western Australia are provided with information and advice about equal opportunity and human rights issues, and have accessible avenues of redress under relevant legislation.

Effectiveness Indicators of recognition, acceptance and public awareness

The extent to which equality of opportunity within the Western Australian community is recognised and accepted has been measured by conducting surveys of the community, and by ascertaining employers' attitudes to equal opportunity.

Indicators of general public awareness, recognition and acceptance

Between 16 May and 16 June 2000 Patterson Market Research undertook Surveys of Awareness in the Perth Metropolitan Area and the Kimberley Region to ascertain the public's levels of awareness and views of the Act and equal opportunity. The methodology comprised a telephone survey of a random sample of the adult population and 508 interviews were completed in Metropolitan Perth Area (population size of 1,244, 320) at an error rate of 4.35%. In the Kimberley Region 498 interviews were held (population size 33,028) at an error rate of 4.36%. A similar survey was conducted of a random sample of the community (500) resident in the Perth Metropolitan Area in 1997, and the table below gives the findings of both Surveys. The population was based on the 1996 ABS Census data for the Surveys of Awareness conducted in May and June 2000.

Proportion of the public:	1997 Survey Perth %	2000 Survey	
		Perth %	Kimberley %
Who had heard of the Act	71.6	73.0	68.0
Who recognised all grounds of discrimination	78.5	81.0	82.1
Who believed that people are generally very or quite concerned about equal opportunity issues	54.5	54.0	56.0
Who were generally very or quite concerned about equal opportunity issues	67.1	67.0	66.0
Who believe that it is of benefit to have an Act that deals with discrimination	90.2	92.0	87.0

Indicators of employers' acceptance

Over three-quarters of complaints concern work or employment, and increasing rates of awareness and acceptance in workplaces is a major focus of initiatives.

The proportion of respondents who implement equal opportunity programs, and/or revise policies as part of the conciliation of complaints is a measure of acceptance of equal opportunity. Proportion who implemented policies/programs are as follows:

1998/99: 22.3%

1999/00:

22.8%

2000/01:

7%

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

Training participants	1998/9 9¹ %	1999/0 0² %	2000/0 1³ %
Participants who would recommend the Commission's training courses.	93.6	93.2	95.9
Participants who stated that they would be able to use what they had learnt at the training course at work or their daily life	89.0	92.8	94.5

Effectiveness Indicators of redress for unlawful discriminatory behaviour

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

Levels of satisfaction with redress

A Survey of Services is conducted each year of a sample of complainants and respondents to ascertain their levels of satisfaction with the way in which their complaints were handled. The Survey also assesses their views of the time taken to resolve their complaints and of the Act.

During 2000/01 the survey form was sent to 171 complainants, and 75 completed questionnaires. Of respondents 110 received questionnaires, and 70 completed it.

¹ 1998/99 survey results were based on the views of 516 people comprising a sample of those who had attended training sessions from the public, private and tertiary sectors.

² During 1999/00 1080 participants received a survey form and 816 completed it. Response rate is 75.5% at an error rate of 1.7%.

³ During 2000/01 1041 participants received a survey form and 729 completed it. Response rate is 70% at an error rate of 1.99%.

The response rates are 43.8% and 63.6% respectively. The sampling error to complainants is 8.48% and should be treated with caution. For respondents the sampling error is 7.06%.

Complainants	%		
	98/99	99/00	00/01
Complaint handling processes were reasonable	77	77	76
Treated impartially	65	66	71
Satisfied with time taken to resolve their complaints	34	55	51
Neither satisfied nor dissatisfied with time taken to resolve their complaints	22	15	17
Dissatisfied with time taken to resolve their complaints	38	28	23
Respondents			
Complaint handling processes were reasonable	86	83	81
Treated impartially	91	77	81
Satisfied with time taken to resolve their complaints	48	56	47
Neither satisfied nor dissatisfied with time taken to resolve their complaints	30	17	21
Dissatisfied with time taken to resolve their complaints	20	24	30

Conciliation and legal assistance as means of redress

Complainants and respondents were also asked in the Survey of Services (described above) about their views of conciliation as a means of resolving their disputes concerning discrimination.

The Act provides a good way of resolving cases of discrimination:	%		
	98/99	99/00	00/01
Complainants:	74	77	71
Respondents:	77	76	73

The extent to which complaints are conciliated, in comparison to those that are referred to the Tribunal indicates the degree to which the complaint handling model is seen to be and used as an effective means of resolving complaints of unlawful discrimination. During 2000/01 the Commission handled 787 complaints, and rates of referral and conciliation are shown in percentages below.

Rates of conciliation and referral to the Tribunal:	%		
	98/99	99/00	00/01
Proportion of complaints conciliated	17.0	23.0	15
Proportion of complaints referred to the Tribunal	11.2	8.0	5.7

Of the 787 complaints handled 116 were conciliated and 45 referred to the Tribunal. The status of the remaining 626 complaints (or 79.6%) that were handled during 2000/01 as follows. 48 (6.1%) complaints were dismissed; 102

(13%) lapsed; 84 (10.7%) were withdrawn; and 392 (49.8%) are still under investigation.

The extent to which legal officers settle complaints that have been referred to the Equal Opportunity Tribunal before the Tribunal hears the matter indicates the effectiveness of providing legal assistance to complainants, and thus the means of redress provided by the Act. During 2000/01 legal officers settled 73.3% of complaints that had been referred to the Tribunal. The rate of settlement for 1999/00 was 37.5% and in 1998/99 57%.

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

These indicators measure the average cost of giving training courses/seminars, answering enquiries, giving policy advice, conducting reviews and producing publications. It is calculated by dividing the total cost of presentations (enquiries/policy advice and reviews/publications) by the number of presentations (enquiries/policy advice and reviews/publications). Each initiative or service contributes and enhances the public's awareness and acceptance of equal opportunity.

	1998/99 \$	1999/00 \$	2000/01 \$
Average cost per presentation/seminar/workshop	2503.72	2477.00	2529.50
Average cost per enquiry	39.67	53.10	54.71
Average cost per policy advice and review	1249.67	1554.14	1298.07
Average cost per publication	13,700.61	10,143.00	14,806

Output 2: Avenues of redress for unlawful discrimination and unreasonable treatment

These indicators measure the average cost of resolving complaints and the average cost of cases referred to the Tribunal. It is calculated by dividing the total cost of complaints (cases) by the number of complaints (cases).

	98/99 \$	99/00 \$	00/01 \$
Average cost per complaint:	1171.41	1117.27	1101.01
Average cost per case referred to the Tribunal by the Commissioner	3108.79	8363.50	6450.43

COMMISSIONER FOR EQUAL OPPORTUNITY

Notes to the Financial Statements

for the year ended 30 June 2001

1 Commissioner for Equal Opportunity mission and funding

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

The Commission is predominantly funded by the Parliamentary appropriations from the Western Australian and the Commonwealth Governments, under a co-operative agreement between the Attorneys General. 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 Commissioner for Equal Opportunity controls resources to carry on its functions.

In the process of reporting on the Commissioner for Equal Opportunity, as a single entity, all intra-entity transactions and balances have been eliminated.

2 Significant accounting policies

(a) General Statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with Australian Accounting Standards and UIG Consensus Views as applied by the Treasurer's Instructions. Several of these are modified by the Treasurer's Instructions to vary the application, disclosure, format and wording. The Financial Administration and Audit Act and the Treasurer's Instructions are legislative provisions governing the preparation of financial statements and take precedence over Australian Accounting Standards and UIG Consensus Views. The modifications are intended to fulfil the requirements of general application to the public sector together with the need for greater disclosure and also satisfy accountability requirements.

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

(b) Basis of accounting

The financial statements have been prepared in accordance with Australian Accounting Standard AAS29.

The statements have been prepared on the accrual basis of accounting using historical cost accounting. Additions to non-current physical assets are stated at cost.

(c) Appropriations

Appropriations in the nature of revenue, whether recurrent or capital, are recognised as revenues in the period in which the Commissioner for Equal Opportunity gains control of the appropriated funds. The Commissioner for Equal Opportunity gains control of appropriated funds at the time those funds are deposited into the Commission's bank account.

(d) Net Appropriation Determination

Pursuant to section 23A of the Financial Administration and Audit Act, the net appropriation determination by the Treasurer provides for the retention of moneys received by the Department for community education services.

Retained revenues may only be applied to the outputs specified in the 2000-2001 Budget Statements.

Details of retained revenues are disclosed in the Summary of Consolidated Fund Appropriations and Revenue Estimates.

(e) Grants

Grants, donations, gifts and other non-reciprocal contributions are recognised as revenue when the Commission obtains control over the assets comprising the contributions. Control is normally obtained upon their receipt.

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

(f) Operating accounts

Amounts appropriated are deposited into the account and any revenues which are the subject of net appropriation determinations are also deposited into the account. All payments of the Commission are made from the operating account.

(g) Depreciation of non-current assets

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

The policy is to depreciate such assets if their purchase cost is \$1,000 or more. Amounts with a lower value are expensed.

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

Office equipment	10 years
Computers	5 years

(h) Employee entitlements

Annual and long service leave

The measurement of the liability is consistent with the requirements of Australian Accounting Standard AAS30 "Accounting for Employee Entitlements" and is comprised of the following elements:

Annual leave

This entitlement is recognised at current remuneration rates and is measured at the amount unpaid at the reporting date in respect to employees' service up to that date.

Long Service Leave

A liability for long service leave is recognised, and is measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date. Consideration is given, when assessing expected future payments, to expected future wage and salary levels including relevant on costs, experience of employee departures and periods of service. Expected future payments are discounted using interest rates to obtain the estimated future cash outflows. The long service leave liability is based on a shorthand factor provided by an Actuary.

Superannuation

Staff may contribute to the Superannuation and Family Benefits Act Scheme, a defined benefits pension scheme now closed to new members, or the Gold State Superannuation Scheme, a defined benefit and lump sum scheme now also closed to new members. All staff who do not contribute to either of these schemes become non-contributory members of the West State Superannuation Scheme, an accumulation fund complying with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. The employer's portion of liability under all these schemes is assumed by the Treasurer.

The superannuation expense is comprised of the following elements:

- (i) change in the unfunded employer's liability in respect of current employees who are members of the Superannuation and Family Benefits Act Scheme and current employees who accrued a benefit on transfer from that Scheme to the Gold State Superannuation Scheme; and
- (ii) notional employer contributions which would have been paid to the Gold State Superannuation Scheme and West State Superannuation Scheme if the Commission had made concurrent employer contributions to those Schemes.

The superannuation expense does not include payment of pensions to retirees as this does not constitute part of the cost of services provided by the Commission in the current year. The total unfunded liability for pensions and transfer benefits assumed by the Treasurer at 30 June 2001 in respect of current employees is \$132,567 (1999-00 - \$120,751).

(i) Leases

The Commissioner for Equal Opportunity has entered into a number of operating lease arrangements for buildings and motor vehicles where the lessors effectively retain all of the risks and benefits incident to ownership of the items held under the operating leases. Equal instalments of the lease payments are charged to the operating statement over the lease term as this is representative of the pattern of benefits to be derived from the leased property.

(j) Receivables, accrued salaries and payables

Receivables are recognised at the amounts receivable as they are due for settlement no more than 30 days from the date of recognition.

Collectability of receivables is reviewed on an ongoing basis. Debts which are known to be uncollectible are written off. A provision for doubtful debts is raised where some doubt as to collection exists.

COMMISSIONER FOR EQUAL OPPORTUNITY

Notes to the Financial Statements

for the year ended 30 June 2001

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

Accrued salaries represents the amount due to staff but unpaid at the end of the financial year, as the end of the last pay period for that financial year does not coincide with the end of the financial year.

Payables, including accruals not yet billed, are recognised when the Commission becomes obliged to make future payments as a result of purchasing assets or services. Payables are generally settled within 30 days.

(k) Resources received free of charge or for nominal value

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

(l) Comparative figures

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

3 Outputs of the Commissioner for Equal Opportunity

Information about the Commission's outputs and the expenses and revenues which are reliably attributable to those outputs is set out in the Output Schedule of Expenses and Revenues.

The outputs for the Equal Opportunity Commission are:

Output 1 - Provision of information and advice regarding equal opportunity and human rights

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

Output 2 - Avenue of redress for unlawful discrimination and unreasonable treatment

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

The Ministry of Justice provides overall corporate support in human resources and financial services (refer to note 12 for details of charge).

	2000-01 \$	1999-00 \$
4 Employee expenses		
Salaries and wages	1,296,531	1,325,939
Change in annual and long service leave entitlements	152,671	(23,374)
Superannuation expense	131,438	112,992
Other employee expenses	63,101	75,538
	<u>1,643,741</u>	<u>1,491,095</u>

COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
for the year ended 30 June 2001

	2000-01 \$	1999-00 \$
5 Supplies and services		
Goods and supplies	76,432	84,284
Services and contracts	186,269	164,735
Resources received free of charge (note 12)	85,983	88,137
	<u>348,684</u>	<u>337,156</u>
6 Depreciation expense		
Plant, equipment and vehicles	<u>21,236</u>	<u>46,064</u>
7 Accommodation expense		
Building rental operating lease expense	<u>220,568</u>	<u>207,558</u>
8 Other expenses from ordinary activities		
Building repairs and maintenance	2,206	3,460
Electricity and water	11,903	18,814
Plant, equipment and vehicles operating lease expense	19,666	16,680
Plant, equipment and vehicles repairs and maintenance	4,431	3,925
Communication expenses	57,062	50,985
Insurance	12,030	11,383
Other expenses	80,216	48,920
	<u>187,514</u>	<u>154,167</u>
9 User charges and fees		
Training course fees	<u>95,282</u>	<u>136,852</u>
10 Commonwealth grants		
Grant from Commonwealth - Human Rights Commission	-	260,000
Grant from Commonwealth - Indian Ocean Territories	33,792	-
	<u>33,792</u>	<u>260,000</u>
11 Other revenues from ordinary activities		
Other revenue	<u>3,291</u>	<u>4,985</u>
12 Revenues from Government		
Appropriation revenue received during the year:		
Recurrent	1,801,000	1,643,000
Capital	51,000	71,000
	<u>1,852,000</u>	<u>1,714,000</u>

COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
for the year ended 30 June 2001

	2000-01 \$	1999-00 \$
Resources received free of charge has been determined on the basis of the following estimates provided by agencies:		
Office of the Auditor General		
- audit services	8,000	7,000
Ministry of Justice		
- corporate services	75,234	78,270
Treasury (Government Property Office)		
- property management services (notional management fee based on lease payments)	2,749	2,867
	<u>85,983</u>	<u>88,137</u>
The following liabilities have been assumed by the Treasurer during the financial year:		
Superannuation (note 4)	<u>131,438</u>	<u>112,992</u>
13 Cash assets		
Cash on hand - petty cash	200	200
Operating Account	<u>121,864</u>	<u>192,972</u>
	<u>122,064</u>	<u>193,172</u>
14 Restricted cash assets		
Accrued salaries suspense account (amount at Treasury)	<u>35,118</u>	<u>30,483</u>
Accrued salaries suspense account is represented by a cash balance and is therefore equivalent to the net fair		
15 Receivables		
Trade debtors	12,174	11,218
GST receivable	<u>20,166</u>	<u>-</u>
	<u>32,340</u>	<u>11,218</u>
The Commission does not have any significant exposure to any individual customer or counterparty.		
The carrying amount of debtors approximates their net fair values.		
16 Other assets		
Prepayments	<u>35,029</u>	<u>18,419</u>

COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
for the year ended 30 June 2001

	2000-01 \$	1999-00 \$
17 Property, plant, equipment and vehicles		
Plant, equipment and vehicles		
At cost	242,433	239,037
Accumulated depreciation	(173,956)	(167,624)
	<u>68,477</u>	<u>71,413</u>
Carrying amount at beginning of year	71,413	74,728
Additions	18,300	42,749
Disposals	-	-
Depreciation	(21,236)	(46,064)
Carrying amount at end of year	<u>68,477</u>	<u>71,413</u>
18 Payables		
Trade and other creditors	<u>59,613</u>	<u>32,378</u>
The carrying amount of payables approximates their net fair values.		
19 Provisions		
<u>Current</u>		
Annual leave	147,813	84,294
Long service leave	138,929	97,920
	<u>286,742</u>	<u>182,214</u>
<u>Non-current</u>		
Long service leave	163,091	114,948
	<u>163,091</u>	<u>114,948</u>
Total provision for employee entitlements	<u>449,833</u>	<u>297,162</u>
The carrying amount of employee entitlements is equivalent to the net fair value.		
20 Other liabilities		
Advances		
Recoupment for petty cash	<u>200</u>	<u>200</u>
The carrying amount of petty cash is equivalent to the net fair value.		

COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
for the year ended 30 June 2001

	2000-01 \$	1999-00 \$
Accrued salaries		
Amounts owing for the 6 working days from 22 June to 30 June 2001 (2000, 6 working days).	28,906	17,169
Accrued salaries are settled within a few days of the financial year end. The carrying amount of accrued salaries is equivalent to the net fair value.		
Revenue received in advance		
Training revenue received in advance	1,135	4,498
Total other liabilities	30,241	21,867

21 Equity

Liabilities exceed assets for the Commission and therefore there is no residual interest in the assets of the Commission. This deficit arises through expenses such as depreciation and accrual of employee entitlements, for leave not involving the payment of cash in the current period, being recognised in the operating statement. Funding for the Commission is mainly through appropriation on a cash basis. This situation reverses when appropriated cash is used to purchase assets or to pay out accrued liabilities.

Accumulated surplus / (deficit)		
Balance at the beginning of the year	(26,702)	(107,628)
Change in net assets resulting from operations	(219,957)	80,926
Balance at end of the year	(246,659)	(26,702)
Total equity	(246,659)	(26,702)

22 Notes to the Statement of Cash Flows

(a) Reconciliation of cash

For the purpose of the Statement of Cash Flows, cash includes cash at bank, amounts in suspense and restricted 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 assets	122,064	193,172
Restricted cash assets	35,118	30,483
Total cash assets	157,182	223,655

COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
for the year ended 30 June 2001

	2000-01 \$	1999-00 \$
(b) Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities		
Net cost of services	(2,289,378)	(1,834,203)
Non cash items:		
Depreciation expense	21,236	46,064
Superannuation expense	131,438	112,992
Resources received free of charge	85,983	88,137
(Increase)/decrease in assets:		
Current receivables	(955)	(4,637)
Other current assets	(16,610)	17,939
Increase/(decrease) in liabilities:		
Payables	27,235	(19,439)
Other current liabilities	8,373	(5,291)
Current provisions	104,528	(20,731)
Non-current provisions	48,143	(2,643)
Change in GST receivables	(20,166)	-
Net cash provided by/(used in) operating activities	<u>(1,900,173)</u>	<u>(1,621,812)</u>

23 Remuneration and retirement benefits of Senior Officers

Remuneration

The number of Senior Officers whose total of fees, salaries and other benefits received during the financial year and who fall within the following bands are:

\$	2000-01	1999-00
40,001 - 50,000	-	1
50,001 - 60,000	2	-
60,001 - 70,000	1	2
90,001 - 100,000	2	1
120,001 - 130,000	-	1
130,001 - 140,000	1	-
Total remuneration of Senior Officers:	<u>509,985</u>	<u>400,981</u>

Retirement benefits

The following amounts in respect of retirement benefits for Senior Officers were paid or became payable for the

Total notional contributions for Senior Officers for:		
- Gold State Superannuation Scheme	35,475	30,157
- West State Superannuation Scheme	10,946	7,427
	<u>46,421</u>	<u>37,584</u>

There are no Senior Officers presently employed who are members of the Superannuation and Family Benefits Act

COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
for the year ended 30 June 2001

	2000-01 \$	1999-00 \$
24 Commitments for expenditure		
Lease commitments		
Commitments in relation to leases contracted for at the reported date but not recognised as liabilities:		
Within 1 year	260,779	224,599
Later than 1 year and not later than 5 years	1,232,967	1,055,708
Later than 5 years	187,280	464,919
	<u>1,681,026</u>	<u>1,745,226</u>

25 Explanatory statement

The Summary of Consolidated Fund Appropriation and Revenue Estimates discloses appropriations and other statutes expenditure estimates, the actual expenditures made and revenue estimates and payments into Consolidated Fund, all on a cash basis.

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

- (a) **There were no significant variations where actual expenditures exceeded or were less than estimates for the financial year.**
- (b) **Significant variations between actual outputs for the financial year and outputs for the immediately preceding financial year:**

- <u>Recurrent: Retained Revenue</u>	Decrease	\$205,423
--------------------------------------	-----------------	------------------

The variation in revenue is attributed to the withdrawal of Commonwealth funding that relates to complaints made under Commonwealth legislation (\$260,000 in 1999-2000) and the inclusion of recoups of Goods and Services Tax paid to the Australian Taxation Office.

26 Financial instruments

Interest rate risk exposure

The Commission does not have any interest bearing accounts and is therefore not subject to any interest rate risk exposure.

Credit risk exposure

All financial assets are unsecured.

Amounts owing by other government agencies are guaranteed, therefore no credit risk exists in respect of those amounts. In respect of other financial assets the carrying amounts represent the Commission's maximum exposure to credit risk.

COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
for the year ended 30 June 2001

27 Supplementary financial information

- . There were no gifts of public property by the Commissioner for Equal Opportunity during the financial year ending 30 June 2001 (1999-00, nil).
- . There were no losses of public moneys and other public property through theft or default during the financial year ending 30 June 2001 (1999-00, nil).
- . There were no revenue nor debts due to the state that were written off for the financial year ending 30 June 2001 (1999-00, nil).
- . The Commissioner for Equal Opportunity had no related bodies during the financial year ending 30 June 2001 (1999-00, nil).
- . The Commissioner for Equal Opportunity had no affiliated bodies during the financial year ending 30 June 2001 (1999-00, nil).
- . There were no fees paid, or due and payable to the Office of the Auditor General, but services provided free of charge by the Office of the Auditor General amounted to \$8,000 (1999-00 \$7,000). This amount has been reported in resources received free of charge note 12.
- . Monies received by the Commissioner for Equal Opportunity for Community Education Services are subject to net appropriation.

28 Commonwealth Grant - Indian Ocean Territories	2000-01	1999-00
	\$	\$
Balance as at 1 July	(321)	2,000
Adjustment to opening balance	(10,150)	
	(10,471)	2,000
Receipts		
Commonwealth Grants	32,436	-
Payments		
Operating Costs	(7,150)	(2,321)
Balance as at 30 June	14,815	(321)

The Indian Ocean Territories Commonwealth Grant does not include an amount of \$1,356 which is to be recouped from Goods and Services Tax paid to the Commonwealth.