

ANNUAL REPORT

2001 – 2002

of the
Commissioner for Equal Opportunity
Of Western Australia

August 2002

To the Hon Jim McGinty, Attorney General

I have pleasure in presenting this Annual Report for the year ended 30 June 2002 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 key achievements of this financial period.

Moirá Rayner

Acting Commissioner for Equal Opportunity

30 August 2002

1. COMMISSIONER'S OVERVIEW	1
ABOUT THE COMMISSION	3
FINANCIAL OVERVIEW	3
ABOUT THIS REPORT	4
YOUR SAY	4
2. PROMOTE RECOGNITION, AWARENESS AND ACCEPTANCE	7
COMMUNICATING EQUALITY OF OPPORTUNITY TO POTENTIAL COMPLAINANTS AND ADVOCACY	
TRAINING FOR THE COMMUNITY SECTOR	8
3. HANDLING INQUIRIES AND COMPLAINTS	11
ANSWERING INQUIRIES	11
HANDLING COMPLAINTS	13
PROVISION OF LEGAL ASSISTANCE	22
4. CORPORATE GOVERNANCE AND COMPLIANCE	24
LEGISLATIVE COMPLIANCE	25
MEETING THE NEEDS OF WESTERN AUSTRALIANS	27
OUTPUT BASED MANAGEMENT	28
COMPLIANCE STATEMENT	29
5. PERFORMANCE INDICATORS	30
EFFECTIVENESS INDICATORS OF RECOGNITION, ACCEPTANCE AND PUBLIC AWARENESS	31
EFFECTIVENESS INDICATORS OF REDRESS FOR UNLAWFUL DISCRIMINATORY BEHAVIOUR	32
LEVELS OF SATISFACTION WITH REDRESS	32
CONCILIATION AND LEGAL ASSISTANCE AS A MEANS OF REDRESS	32
OUTPUT 1: PROVISION OF INFORMATION AND ADVICE REGARDING EQUAL OPPORTUNITY AND HUMAN RIGHTS	34
OUTPUT 2: AVENUES OF REDRESS FOR UNLAWFUL DISCRIMINATION AND UNREASONABLE TREATMENT	34
6. FINANCIAL STATEMENTS	36

1. COMMISSIONER'S OVERVIEW

On 26 April 2002 the first Commissioner for Equal Opportunity in Western Australia, June Williams, retired from office after a record-breaking 17-year term. It has been my privilege to act in her role while the government recruits a permanent appointee.

June Williams' stilettos will be a very hard pair to fill. She established the office in 1985, and during the longest term of any statutory equal opportunity officer in Australia was responsible for Western Australians' remarkable willingness to accept the value of the Equal Opportunity Act 1984, creating an impressive body of research, policy, publications and legal precedents as a major contribution to human rights throughout Australia.

It will be a different era for anti discrimination law in this State without either Commissioner Williams or the other senior and long-serving staff who have taken up challenges in other parts of the country during this year.

COMPLAINT-HANDLING

This year the Commissioner received a significantly larger number of complaints (634, up from 514 or an increase of nearly 19%). However it is important to identify that many individuals made multiple complaints against one or more respondents. The number of individuals making these complaints dropped slightly in fact, 349 this year compared to 380 last year. We also closed far more complaints this year - 577, compared with 391 in the previous year.

EDUCATION AND TRAINING

I am also very pleased that we have been able to conduct far more 'outreach' and informative education and training programs for community groups this year than in earlier years. If we are to build a human rights culture in which discrimination and prejudice is not tolerated, this requires working with both potential respondents and victims of discrimination in a positive way.

LEGAL ASSISTANCE

Closing far more complaints has resulted in a much higher number of referrals by the Commissioner to the Equal Opportunity Tribunal (41, compared with 18 in the previous year) and by complainants themselves (the proportion of referral of closed complaints has gone up from 5.7% to 9.5%).

This increased referral rate has had an effect on the Commissioner's capacity to provide assistance, as the Act requires, to the complainant. Though far more cases have settled this year (14, compared with 3 last year) the Senior Legal Officer was responsible for 64 Tribunal matters in the financial year, and there remain a large number of unresolved complaints, including 19 Aboriginal-housing complaints. It is not possible to provide full legal representation beyond the preliminary hearing and mediation process for all of these complainants.

I have accordingly entered into arrangements with some of Perth's leading law firms and barristers who have generously agreed to provide Pro Bono (free of charge) representation. Though the Supreme Court this year upheld the Commissioner's absolute right to decide whether or not a legal practitioner may attend a conciliation conference, I am very willing for the legal profession to become involved at an early stage with the Commissioner's process. A well-informed lawyer is likely to improve respondents' awareness of their responsibilities and to encourage and facilitate early resolution.

NEW DEVELOPMENTS IN ABORIGINAL HOUSING

The complaints that are the most difficult to deal with satisfactorily this year, as they have been for many years now, are persistent complaints of discrimination by Aboriginal people against one government service provider.

It has never been the practice of the Commissioner to identify parties to complaints. However it has long been common knowledge that for at least 14 years Aboriginal people in large numbers have complained to the Commissioner that they are unable to access public housing on equal terms. Commissioner Williams first noted this, and the fact that a very large proportion of such complainants walked away from their complaints without any resolution, as a major problem in 1988.

Since 1988 the Commissioner for Equal Opportunity has continued to receive a constant flow of complaints by Aboriginal people. Last year nearly 40% of the total workload of conciliators, including complaints received in earlier years and closed during 2001/2002 was made up of Aboriginal people's complaints against the Department of Housing and Works. In that year, 238 of the 634 total complaints received were against that one Department. To put this into perspective, the next largest number of complaints against a single respondent was 12.

The intractability of the issues and the effect of the workload on staff have affected my capacity to operate effectively. Historically complaints by Aboriginal people seem to be resolved informally without addressing systemic issues yet further complaints on similar grounds are repeatedly brought to the Commissioner's attention. There has been only one judicial determination – and that overturned on appeal – establishing that discrimination had occurred.

I have therefore instituted changes in the way such complaints against the Department are to be handled in the hope that it will benefit both the Department and promote the purposes of the Equal Opportunity Act. A simplified notification will be sent to the Department enabling it to deal with

Commissioner's Overview

any administrative matters while the Commissioner's much more intensive investigation process will address systemic issues or themes across individual complaints by Aboriginal people. This will enable us to identify systemic issues, which may or may not be discriminatory, rather than the unsatisfactory practice of evaluating individual tenancy histories.

I also advised the Department and the Attorney General that it was proposed to use the Commissioner's powers under Section 80 of the Act to investigate whether any of the Department of Housing and Work's policies or programs, practices, guidelines and/or directions, training, decisions and/or decision-making processes might be directly or indirectly discriminatory treatment of Indigenous persons in Western Australia in the provision of accommodation and/or services, because of their race or characteristics of their race, or because of any other ground of unlawful discrimination under the Equal Opportunity Act 1984. This investigation will be conducted in the forthcoming financial year.

NEW GROUNDS

There will be new demand for our services because new grounds have been added to the Act. 'Gender history' became a new ground on 19 December, and sexual orientation will be added when amendments passed with much discussion during the year, are proclaimed next financial year. It is already unlawful to treat gender-reassigned persons (who have formal certification acknowledging that they have a different gender identity from that with which they were born) less favourably in public life. When the sexual orientation ground is proclaimed next year, it will be unlawful to discriminate against anyone on the ground of their sexual orientation, including bisexuals, gays, lesbians and heterosexuals.

NEW CHALLENGES

Staff have now taken responsibility for the development of a new strategic plan, which will include a greater emphasis on working with marginalised groups, working in partnership with commercial service providers where it would be inappropriate for the Commissioner (for example, 'tailoring' training to be delivered in an organisation which is or is likely to be respondent to complaints to which the training relates), and proactive use of the Equal Opportunity Act. We have updated and improved our website, which will be our principal means of communicating our message. We have also begun to simplify and shorten the complaint-handling process, focusing on identifying systemic issues and complaints of major significance to large groups in the community, as well as matters that should be tackled early.

ABOUT THE COMMISSION

KEY ACHIEVEMENTS

- Coordinated the drafting of the Acts Amendment (Lesbian and Gay Law Reform) Bill 2002 and its passage through Parliament.
- Established and chaired the Gender Identity Working Party to develop recommendations relating to the proposed inclusion of gender identity as a ground of unlawful discrimination.
- Maintained high levels of customer satisfaction with complaint handling processes.
- Conducted a review of the Corporate Services branch to ensure the changing demands and expectations within the agency are met.
- Responded to a substantial increase in the number of Reviews and Advice answered during the year. This was largely due to requests made by the Attorney General for advice associated with the ground of sexual orientation.
- Translated the publication 'Discrimination and Your Rights' into Chinese Mandarin and Malaysian languages for the delivery of Community Education services to the communities on Christmas and Cocos Islands.
- Significantly increased the total number of "Outreach" training sessions delivered to rural, regional and remote communities.
- Provided legal assistance to complainants in an unprecedented number of matters that were referred to the Equal Opportunity Tribunal.
- Developed an Equal Opportunity intranet program for CALM.

FUTURE DIRECTIONS

- Identify, examine and report on systemic discrimination within the community to provide relief to those groups disadvantaged.
- Raise the profile of the Commissioner for Equal Opportunity particularly amongst indigenous groups, people from culturally and linguistically diverse backgrounds, people with disabilities and young people.
- Develop, implement and expand education and redress services to Aboriginal and Torres Strait Islander communities.
- Improve work practices to ensure continuous improvement and refinement of organisational processes. This will include simplifying complaint-handling processes, establishing a new staff development and performance assessment package and expanding staff participation in internal working parties.
- Disseminate information to the people of Western Australia about their rights and responsibilities in respect to the amendment of the *Equal Opportunity Act 1984* to include the ground of sexual orientation.
- Consult with the community on the need to amend the Act to make racial vilification unlawful.

FINANCIAL OVERVIEW

The Commission's total cost of services for the 2001-02 financial year was \$2,318,034 a decrease of 4.4% from the previous financial period. This was the result of a reduction in employee expenses due to a delay in appointing candidates to vacant positions as well as a number of activities being performed in-house rather than being outsourced.

The Commission's user charges and fees increased by almost 19% during the 2001-02 financial year. This related to an increased number of customised training presentations to various employer groups. Revenue received from the Commonwealth, for the provision of services to the Indian Ocean Territories, decreased by approximately 52%, down from \$32,436 in 2000-01 to \$15,642 in 2001-02.

Appropriations from Government increased from \$1,852,000 in 2000-01 to \$2,127,000 in 2001-02, an increase of 14.8% to accommodate the Commission's superannuation contributions and depreciation/leave liability.

The agency's leave liability decreased by \$80,114 or 21.6% during 2001-02, down from \$449,833 in 2000-01 to \$369,719 in 2001-02 as a result of staff movements and the effective management of staff leave.

For full details please refer to the 2001-02 Financial Statements contained in the Corporate Governance and Compliance section of this report.

ABOUT THIS REPORT

This report aims to provide a concise overview of our activities during 2001/02. Chapter 2 describes educative and policy initiatives and services that were undertaken this year. Statistical information and analysis of trends relating to inquiries and complaints is contained in Chapter 3. Compliance with laws, organisational issues and structure are outlined in Chapter 4. Chapter 5 details Performance Indicators and Financial Statements are in Chapter 6.

The Annual Report is available from the publications section of the Commission's web page www.equalopportunity.wa.gov.au. Printed copies may be requested from the Commission where necessary.

YOUR SAY

We are constantly striving to improve our services and I look forward to receiving any comments, observations or queries you may have about the activities and initiatives described.

We can be contacted by email directly from our website or by our alternate contact details printed at the end of this Annual Report.

OUR VISION

*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

The Commission promotes the objects of the Equal Opportunity Act through a range of education initiatives. Our approach to promoting recognition, awareness and acceptance of the Act directs educational programs towards those groups likely to experience discrimination or unfair treatment and to assist those groups about whom we receive the most complaints. The range of strategies used over the last financial year include:

- Delivery of talks, information and training sessions across Western Australia including the presentation of papers and workshops at major conferences.
- Consultation, networking, and expansion of 'Outreach' projects.
- Assistance to employer organisations by providing pro-active, preventative strategies to meet their policy objectives on equal opportunity law.
- Development of specialised materials to support education initiatives.

TRAINING PROGRAMS FOR EMPLOYERS AND SERVICE PROVIDERS

Training programs that offer large organisations, business and service providers with pro-active, preventative strategies are conducted on a fee for service basis. Such training involves:

- Responding to requests for specialised training at organisational workplaces.
- Delivering a calendar of generic courses to assist employers and service providers to identify discriminatory behaviour, policies and procedures within their organisations.
- Assisting employers, equity and human resource practitioners develop workplace cultures that prevent discrimination, harassment and victimisation.
- Facilitating the integration of equal opportunity principles into organisational programs, procedures and planning.
- Enabling employers to deal with enquiries and complaints at their organisation through Contact and Equity or Grievance officer training.
- Preparation of summary reports of training evaluations to measure the effectiveness of training, its content, learning methodology and facilitation style.

CUSTOM DESIGNED AND SPECIALIST TRAINING

Communicating Equal Opportunity Online

In partnership with the Department of Conservation and Land Management (CALM) the Commission designed an intranet program on the provisions of the *Act* for all CALM employees. The comprehensive program provides information on the roles of designated officers responsible for handling enquiries and investigating complaints as well interactive case examples and frequently asked questions appropriate to the roles of Contact Officers, Investigating Officers and Managers. In addition to linking employees with the organisation's policies and procedures the program helps raise the awareness of discrimination, harassment and victimisation and assists the organisation to meet its policy objectives.

Anti-Racism Training

In addition to training on the role of the Contact Officer and provisions of the *Equal Opportunity Act*, Commission officers designed and delivered a series of training on anti-racism for the Department of Housing and Works over a period of eight months. The program covered the features and concepts of power, its parallels, intersections and distinctions among all forms of discrimination and the ways in which it is manifested.

Sexual Harassment-A Code of Practise

The Commission collaborated with the Education Committee of the Law Society of Western Australia to design a program presented to members. The program served to support the Society's professional code and included guidelines to identify, prevent and mediate complaints of sexual harassment.

Promote Recognition, Awareness and Acceptance

CALENDAR SERIES OF COURSES

The calendar series of courses continued to build on our previous year's program. Over the year a number of half-day, one and two-day courses were offered to employees, managers, employee relations professionals and equal opportunity practitioners. Courses included:

- An introduction to Equal Opportunity Law.
- The roles of those who are the first point of contact for enquiries and investigating complaints about discrimination, harassment and victimisation.
- Preventing harassment and the implications of offensive Internet usage.
- A Train the Trainer program enabling employers to deliver presentations within their organisations.

In 2001/02 we conducted over 180 education sessions of which 89 were training sessions for employers and service providers. In 2000/01 nearly 1000 people attended 60 such training sessions. The Commission increased the number of training sessions by nearly 50% in this reporting period.

Of the total number of participants attending training and educational sessions over 1280 (36%) were from employees in the private, public and local government organisations who were trained across a range of subjects on equal opportunity law. This represents a 28% increase in the number of people who attended training conducted by officers of the Commission in this financial period.

Feedback obtained from the Training Assessment Questionnaire carried out after the conduct of the training sessions indicates that these programs have proved to be an invaluable way of making ongoing contact with employers dealing with discrimination matters in their workplace and have resulted in a large number of significant and positive changes to policies and procedures in many organisations.

COMMUNICATING EQUALITY OF OPPORTUNITY TO POTENTIAL COMPLAINANTS AND ADVOCACY TRAINING FOR THE COMMUNITY SECTOR

Of the total number of participants attending training and educational sessions over 2260 (64%) were community members and representatives of non-government community organisations who participated in a range of presentations and community forums in metropolitan and regional centres.

These sessions are delivered free of charge to those most likely to experience discrimination and their advocates to assist their understanding of the scope of the law, their rights and the Commission's complaint process. The number of participants who attended these sessions represents an eighty-eight (88%) increase in this reporting period.

Future directions include broadening the profile of community workers in advocacy training, particularly those located in geographically isolated communities.

Six specialised community worker forums comprising one and two-day sessions were delivered for service organisations whose primary role assists people with intellectual disabilities, youth and the unemployed. A series of two-day sessions for Activ Foundation Inc across the State continued in this financial period with four sessions held to complete the program.

Of the total number of education sessions during the year, we gave 92 presentations, guest speaker engagements and community worker forums to potential complainants and their advocates. In 2000/01 sixty-seven (67) such education sessions were delivered, this represents an increase of 37% in this financial period.

ABORIGINAL AND TORRES STRAIT ISLANDER OUTREACH PROGRAM

Aboriginal and Torres Strait Islander people continue to face discrimination on a daily basis in many areas of public life including employment, tenancy applications and services offered to the general public. This program aims to deliver culturally appropriate education initiatives to Aboriginal people, communities, representative organisations and particular groups who face similar issues related to their geographic isolation. Through our Outreach program 436 people attended education and awareness sessions on the provisions of the Equal Opportunity Act. In this reporting period there was an increase of almost 45% in the number of participants in the outreach program.

Commission officers delivered 44 education and awareness sessions in a range of regional centres, towns and communities. There was an increase of nearly 70% in the number of sessions delivered in this reporting period compared to the reporting period 2000/01 where 26 such sessions were delivered.

Officers also participated in media activities, held meetings with peak bodies, handled enquiries and complaints and delivered education and training sessions in locations diverse as Bidiyadanga, Beagle Bay, Broome, Carnarvon, Cue, Derby, Fitzroy Crossing, Geraldton, Kalumburu, Kununurra, Lombardina, Meekatharra, Mullewa, Northampton, One Arm Point, Oombulgarri, Turkey Creek and Yalgoo.

CHRISTMAS AND COCOS ISLAND

Under a service delivery arrangement between the State and Commonwealth the Equal Opportunity Act of Western Australia covers the Indian Ocean Territories of Christmas and Cocos Island. We handle inquiries from the Islands, deliver a range of culturally appropriate education and awareness sessions in keeping with the needs of the diverse population. Officers also consulted widely with community representative organisations, employer organisations both public and private and the Union on matters unique to the Islands and its peoples.

Publications are disseminated including information on the meanings of discrimination, the types of unlawful discrimination administered by the Equal Opportunity Act and the complaint process. These publications were produced in Chinese and Cocos Malay languages for the first time this year.

Future plans include specialised education initiatives formulated in consultation with community members and organisations resident on the Islands who have varied and disparate concerns about equal opportunity generally and its application in workplace settings.

PUBLICATIONS

The Commissioner is increasingly using the internet as a source of information to the public about equal opportunity. All new Commission publications are available from the Commission's website. The Commissioner did not produce or update informative publications concerning the Act this year in anticipation of the requirement to vary such publications upon the proclamation of the *Acts Amendment (Lesbian and Gay Law Reform) Act 2002*.

The Commission newsletter, *Discrimination Matters* is published quarterly and covers topical issues as well as giving summaries of recent decisions across Australia and overseas.

Posters identifying the grounds and areas of unlawful discrimination covered by the Act are available in two versions, one of which specifically targets the Indigenous population.

The annual Aboriginal calendar, which is predominately distributed to Indigenous organisations and communities throughout the State, is available for the 2002 calendar year.

An occasional paper, *Sex and Race Damages* summarising awards in cases of sex and race discrimination over a five year period was published.

A high proportion of people (79.3%) including training and presentation participants, complainants and respondents stated that they found the Commission's publications to be "very effective" or "effective". Publications are to be revised and remain an important component of the Commission's overall communication strategy.

COMMUNICATING ONLINE

Our website continues to be increasingly used as a source of information about the Act and the Commission. All new publications of the Commission are available on the website. All requests for publications made to the Commission are now, where internet access is available, referred to the website. This has contributed to the number of hits to the Commission website more than doubling, with 7 932 hits received in 2000/01 and 18 861 in 2001/02.

ADVANCING EQUAL OPPORTUNITY THROUGH PARTNERSHIPS

- The Commissioner is a member of the Anti-Racism Strategy Steering Committee established by the Premier and coordinated by the Office of Multicultural Interests. A Commission officer is also on the Secretariat to the Steering Committee.
- The Attorney General asked the Commissioner to report on the necessity to amend the Act to include provisions relevant to people with gender identity issues. To assist her in an examination of the issues the Commissioner invited relevant members of the community to participate in a working party chaired by a Commission officer. A number of meetings have been held and a report is to be prepared for the Commissioner.

Promote Recognition, Awareness and Acceptance

3. HANDLING INQUIRIES AND COMPLAINTS

Seeking information about the meaning and possible application of the *Equal Opportunity Act* at work, IN 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 are not conciliated, but appear to have substance under the Act, 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

ANSWERING INQUIRIES

Nearly 7000 inquiries were received during 2001/02 via the telephone, in writing or in person. These included concerns about many matters, and queries that did not fall within the scope of laws administered by the Commissioner were referred to the appropriate agency.

People who contacted us:

- Alleged or reported an incident or matter of discrimination - 2053 people or 30.3%
- Sought advice on their rights as potential complaints - 2109 people or 31.2%
- Requested a publications, a speaker, or training information - 450 people or 6.6%

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

- impairment - 606 inquiries or 9.0%
- race - 592 inquiries or 8.7%
- sex - 358 inquiries or 5.3%
- sexual harassment - 383 inquiries or 5.7%

Inquiries relating to sexual orientation increased dramatically from 138 in 2000/01 to 1115 in 2001/02. This increase was significantly due to requests received from the Attorney General's office to provide advice about gay and lesbian law reform.

Handling Inquiries and Complaints

Inquiries by ground

Ground	2000/01		2001/02	
	NO	%	NO	%
Age	376	6.0	378	5.6
Family responsibilities/status	271	4.3	244	3.6
Gender history	22	0.4	17	0.3
Human/Civil Rights	15	0.2	10	0.1
Impairment	701	11.2	606	9.0
Incitement to racial hatred	10	0.2	6	0.1
Marital status	36	0.6	40	0.6
Political Conviction	37	0.6	23	0.3
Pregnancy	203	3.2	259	3.8
Privacy/data collection	3	0.0	6	0.1
Race	679	10.9	592	8.7
Racial harassment	26	0.4	21	0.3
Religious conviction	61	1.0	59	0.9
Sex	462	7.4	358	5.3
Sexual harassment	440	7.0	383	5.7
Sexual orientation	138	2.2	1115	16.5
Spent conviction	40	0.6	44	0.7
All grounds	611	9.8	515	7.6
Other	2126	33.9	2092	30.9
Total by ground	6257	100	6768	100

Nearly half the inquiries we received were about employment (48.2%), and in many instances inquirers sought clarification on a number of grounds of discrimination in more than one area of public life.

Inquiries by area

Area	2000/01		2001/02	
	NO	%	NO	%
Employment	3478	55.6	3259	48.2
Access to places and vehicles	45	0.7	44	0.7
Accommodation	183	2.9	220	3.3
Education	208	3.3	158	2.3
Clubs	84	1.3	88	1.3
Goods, services and facilities	677	10.8	620	9.2
Sport	30	0.5	15	0.2
Land	6	0.1	3	0.0
All areas	648	10.4	1509	22.3
Other	898	14.3	852	12.5
Total	6257	100	6768	100

HANDLING COMPLAINTS

NUMBER OF COMPLAINTS HANDLED

The number of complaints that we received increased significantly from 514 in 2000/01 to 634 in 2001/02 representing an increase of 18.9%.

During the course of this year we handled a total of 1027 complaints, which is 238 complaints more than were handled last year. These 1027 complaints consisted of the 393 complaints that were still being investigated at the end of the 2000/01 financial period, and the 634 new complaints that we received this year.

GROUNDINGS OF COMPLAINTS

During 2001/02 the most commonly cited grounds in complaints were:

- race - 164 complaints or 25.9%
- impairment - 143 or 22.6%
- sexual harassment - 80 or 12.6%
- sex - 77 or 12.1%

This is consistent with trends in previous years. Complaints of race discrimination have increased from 120 complaints in 2000/01 to 164 this year. This is attributed to the increase in complaints of race discrimination in the provision of accommodation lodged by Aboriginal people. There have been significant increases in complaints in the following grounds. Complaints on the ground of marital status increased from 14 to 29; pregnancy from 19 to 28, racial harassment from 5 to 11 and sex from 51 to 77 during 2001/02.

Handling Inquiries and Complaints

Complaints by grounds

Ground	2000/01		2001/02	
	NO	%	NO	%
Age	41	8.0	36	5.7
Family responsibilities	21	4.1	20	3.2
Family status	7	1.4	9	1.4
Gender History	0	0.0	1	0.2
Impairment	114	22.2	143	22.6
Marital status	14	2.7	29	4.6
Political conviction	2	0.4	1	0.2
Pregnancy	19	3.7	28	4.4
Race	120	23.3	164	25.9
Racial harassment	5	1.0	11	1.7
Religious conviction	6	1.2	11	1.7
Sex	51	9.9	77	12.1
Sexual harassment	88	17.1	80	12.6
Spent conviction	2	0.4	0	0.0
Victimisation	24	4.7	24	3.8
Total by ground	514	100	634	100

AREAS OF COMPLAINTS

As has been the trend in previous years, a high proportion of complaints continued to concern the workplace or employment (42.9%). A growing number of complaints related to discrimination in the area of accommodation where complaints increased from 102 in 2000/01 to 190 in 2001/02, and now account for almost a third of all complaints (30.0%). Complaints in the area of the provision of goods and services remain significant with 20.5% of complaints relating to this area.

Complaints by areas

Area	2000/01		2001/02	
	NO	%	NO	%
Access to places and vehicles	3	0.6	5	0.8
Employment	284	55.3	272	42.9
Accommodation	102	19.8	190	30.0
Education	8	1.6	15	2.4
Clubs	3	0.6	1	0.2
Goods, services and facilities	90	17.5	130	20.5
Victimisation	24	4.7	21	3.3
Total	514	100	634	100

WHO LODGED COMPLAINTS

Three quarters (75.7%) of complaints were lodged by women, while men lodged almost a quarter (21.8%) of all complaints. Few complaints were lodged by unions or organisations.

Women lodged a high proportion of complaints relating to:

- sexual harassment - 74 complaints or 92.5% of all sexual harassment complaints
- race - 125 complaints of 76.2% of all race complaints
- sex discrimination - 66 complaints or 85.7% of all sex complaints
- victimisation - 21 complaints or 87.5% of all victimisation complaints.

Almost seventy percent (69.4%) of all age complaints were lodged by men. Men also lodged almost 28.6% of all impairment complaints.

Grounds by the gender of complainants 2001/02

Ground	Female	Male	Other	Total number by ground	Total % of ground
Age	11	25	0	36	5.7
Family responsibilities	20	0	0	20	3.2
Family status	6	3	0	9	1.4
Gender History	1	0	0	1	0.2
Impairment	95	41	7	143	22.6
Marital status	27	2	0	29	4.6
Political Conviction	0	1	0	1	0.2
Pregnancy	28	0	0	28	4.4
Race	125	30	9	164	25.9
Racial harassment	3	8	0	11	1.7
Religious conviction	3	8	0	11	1.7
Sex	66	11	0	77	12.1
Sexual harassment	74	6	0	80	12.6
Spent Conviction	0	0	0	0	0.0
Victimisation	21	3	0	24	3.8
Total number by gender	480	138	16	634	100
Total % by gender	75.7	21.8	2.5	100	

We also collect information from complainants, on a voluntary basis, about their age, ethnicity, whether they have a disability and their occupation. Of 634 complainants, 555 returned completed questionnaires. This is a very high response rate of 87.5%.

About fifty percent (54.3%) stated that they were aged between 20 -39 years.

Handling Inquiries and Complaints

Complainants by age

Age	2000/01		2001/02	
	NO	%	NO	%
0 - 14	4	0.8	5	0.8
15 - 19	13	2.5	20	3.2
20 - 39	175	34.0	344	54.3
40 - 64	110	21.4	155	24.4
65+	9	1.8	17	2.7
No survey returned or did not respond to question	203	39.5	93	14.7
Total	514	100	634	100

A quarter (25.2%) stated that they had a disability, while a similar proportion of complainants selected impairment as a ground of discrimination in their complaints (22.6%).

Over a quarter of complainants stated that they were born in Australia (29.2%), whilst over forty percent stated that they were Indigenous Australians (44.21%). The rise in the number of Indigenous Australians lodging complaints is significant and is due to the increased number of complaints in the area of accommodation. The figure below shows the three most commonly cited birthplaces of complainants for 2001/02.

Complainants by birthplace

Birthplace	2000/01		2001/02	
	NO	%	NO	%
Australia	138	26.8	185	29.2
Indigenous Australians	130	25.3	280	44.2
Southeast Asia	15	2.9	12	1.9
UK & Ireland	30	5.8	39	6.2
Other	34	6.7	36	5.6
No survey returned or did not respond to question	167	32.5	82	12.9
Total	514	100	634	100

Less than a quarter of complaints (17.4%) stated that they were in paid employment while a tenth (13.6%) stated that they were looking for work. There was an increase in the number of complaints received from students from 14 (2.7%) in 2000/01 to 39 or (6.2%) in 2001/02. 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	2000/01		2001/02	
	NO	%	NO	%
Looking for work	55	10.7	86	13.6
Student	14	2.7	39	6.2
Retired	1	0.2	4	0.6
Pensioner	28	5.4	48	7.6
Homemaker	16	3.1	34	5.4
In paid employment	124	24.2	110	17.4
No survey returned or did not respond to question Not known	276	53.7	313	49.3
Total	514	100	634	100

As has been the case in previous years over three-quarters of complainants were resident in the Perth Metropolitan Area (83.3%), and a significantly small proportion of complainants (14.0%) 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 were received during 2001/02.

Complaints by industry

Industry	2000/01		2001/02	
	NO	%	NO	%
Accommodation/Cafes/Restaurants	51	9.9	25	3.9
Education - pre, post and school	40	7.8	27	4.3
Health and Community Services	34	6.6	41	6.5
Manufacturing	25	4.9	29	4.6
Personal and other services including corrective and police services	53	10.3	37	5.8
Property and Business Services	123	23.9	261	41.2
Retail Trade	61	11.9	81	12.8
Transport storage	24	4.7	31	4.9
Other industry	103	20.0	102	16.0
Total	514	100	634	100

Handling Inquiries and Complaints

There has been a dramatic increase in the number of complaints in the classification of "Property and Business Services" from 123 (23.9%) in 2000/01 to 261 (41.2%) in 2001/02. Most of these were against one government department. The classification includes finance, insurance and other business services such as real estate, legal and accounting services. There has also been an increase in the number of complaints received against the Retail Trade with 61 (11.9%) complaints lodged in 2000/01 and 81 (2.8%) in 2001/02. Complaints against other industry groups have decreased.

There has been a significant increase in the number of complaints of discrimination against public sector agencies from 183 (35.6%) in 2000/01 to 299 (47.2%) in 2001/02.

Complaints by sector and type of organisation

Sector	2000/01		2001/02	
	NO	%	NO	%
Private sector	243	47.3	242	38.2
Public Sector (State Government dept/authority/agency)	183	35.6	299	47.2
Individual	46	8.9	60	9.5
Non-government organisation	16	3.1	9	1.4
Other	26	5.0	24	3.7
Total	514	100	634	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 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 1027 complaints that we handled, 577 complaints (or 56.2%) were closed during 2001/02. The remaining 450 (43.8%) complaints are still being investigated. The outcomes of all complaints are shown in the figure below.

Outcomes of complaints

Outcome	2000/01		2001/02	
	NO	%	NO	%
Dismissed	48	6.1	64	6.2
Lapsed	103	13.1	150	14.6
Withdrawn	84	10.7	88	8.6
Conciliated	116	14.7	177	17.2
Referred to the EOT & HREOC	45	5.7	98	9.5
Total complaints finalised	396	50.2	577	56.2

Handling Inquiries and Complaints

Complaints still under investigation	393	49.8	450	43.8
Total complaints handled	789	100	1027	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 indicates 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, almost a tenth (8.6%) 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 577 complaints that were finalised this year show that rates of conciliation for complaints across all grounds rose from 116 (14.7%) in 2000/01 to 177 (17.2%) in 2001/02. This reflected a 34% increase in the number of conciliated complaints.

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

2001/02												
Ground	Conciliation	%	Dismissed	%	Referred EOT & (Fed) Referred to HREOC	%	Withdrawn	%	Lapsed	%	Total	%
Age	12	6.8	10	15.6	7	7.1	9	10.2	8	5.3	46	8.0
Family Responsibilities	8	4.5	2	3.1	5	5.1	7	8.0	0	-	22	3.8
Family Status	2	1.1	2	3.1	4	4.1	4	4.5	0	-	12	2.1
Impairment	41	23.2	11	17.2	22	22.4	18	20.5	43	28.7	135	23.4
Marital Status	2	1.1	1	1.6	4	4.1	2	2.3	2	1.3	11	1.9
Political Conviction	-	-	-	-	-	-	1	1.1	1	0.7	2	0.3
Pregnancy	8	4.5	4	6.3	3	3.1	4	4.5	2	1.7	21	3.6
Race	39	22.0	18	28.1	20	20.4	15	17.0	74	49.3	166	28.8
Racial Harassment	-	-	1	1.6	-	-	-	-	-	-	1	0.2
Religious Conviction	1	0.6	2	3.1	-	-	1	1.1	-	-	4	0.7
Sex	20	11.3	2	3.1	11	11.2	9	10.2	9	6.0	51	8.8
Sexual Harassment	32	18.1	11	17.2	12	12.2	14	15.9	10	6.7	79	13.7
Spent Conviction	-	-	-	-	-	-	1	1.1	-	-	1	0.2
Victimisation	12	6.8	-	-	10	10.2	3	3.4	1	0.7	26	4.5
Total	177	100	64	100	98	100	88	100	150	100	577	100

Referrals to the Equal Opportunity Tribunal more than doubled from 45 in 2000/01 to 98 in 2001/02. Of these referrals 61 (62.2%) were Commissioner referred. This is an increase of 15% on the previous year.

Handling Inquiries and Complaints

At the same time the number of race complaints that lapsed increased from 43 in 2000/01 to 74 during this financial period. Complaints of race discrimination now account for almost half all complaints lapsed (49.3%), 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 increased slightly accounting for about a third of all lapsed complaints (21.4%) in 2000/01 to almost thirty percent (28.7%) during this financial period.

HOW QUICKLY WERE COMPLAINTS FINALISED

Of the 1027 complaints that we handled this year, 577 were finalised within the year. About forty percent of these complaints 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 increased due to the complex nature of these complaints and one of the complaints now residing overseas.

Time taken to finalise complaints

	2000/01		2001/02	
	NO	%	NO	%
0 - 6 months	207	49.5	249	43.2
7 - 12 months	134	32.1	202	35.0
13 - 18 months	57	13.6	83	14.4
19 - 24 months	5	1.2	34	5.9
2 years or more	15	3.6	9	1.6
Total	418	100	577	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:

- 68% of complainants and 68% of respondents were either satisfied or very satisfied that they were kept well informed in writing during the processes.
- 79% of complainants and 81% of respondents stated that the Commission's complaint handling process is reasonable.
- 67% of complainants and 84% of respondents stated that they were treated impartially.
- 41% of complainants and 48% of respondents were satisfied with the time that it took to resolve their complaints.
- 71% of complainants and 80% of respondents stated that the Act provides a good way of resolving cases of discrimination.

Handling Inquiries and Complaints

PROVISION OF LEGAL ASSISTANCE

Legal assistance was provided to complainants whose complaints the Commissioner referred to the Equal Opportunity Tribunal for determination. The Commissioner only provides assistance in relation to complaints she considers as having substance under the provisions of the Equal Opportunity Act. The status of these matters is shown below.

Number of matters by legal assistance

	2000/01		2001/02	
	NO	%	NO	%
Number of matters referred by the Commissioner and carried over from previous financial years	19	48.7	22	34.4
Number of appeals to the Supreme Court and carried over from previous financial years	1	2.6	1	1.6
Number of matters referred by the Commissioner each financial year	18	46.2	41	64.1
Number of interim appeals and writ of summons each financial year	1	2.6	0	0
Total number of matters handled each financial year	39	100	64	100

Whilst the number of referred complaints brought forward from the previous financial year did not increase significantly, there was a substantial increase over the previous year in the number of matters referred to the Tribunal, up from 18 to 41. In order to provide effective assistance to a much larger number of complainants, greater emphasis was placed on resolving complaints through negotiated settlements and mediation conferences.

The figures below demonstrate the continuing value and effectiveness of legal assistance in response to greater demand. Of the 24 matters finalised in the Tribunal for the 2001/02 financial year, 20 were settled with the assistance of a legal officer, most notably at mediation conferences. This is almost double the corresponding figure from the previous financial year.

The number of matters outstanding in the Tribunal, however, has also climbed, from 23 to 39. Consequently, the demand for legal assistance is expected to increase further over the current financial year, as these outstanding matters are joined by new complaints referred to the Tribunal.

Status of matters by legal assistance

	2000/01		2001/02	
	NO	%	NO	%
Withdrawn	2	5.1	0	0
Settled before hearing by Legal Officers	8	20.5	6	9.4
Settled at Tribunal mediation by legal officer	3	7.7	14	21.9
Upheld by the Tribunal	2	5.1	2	3.1
Dismissed by the Tribunal	0	0	2	3.1
Number of matters heard and decided by the Supreme Court	1	2.6	0	0
Number of Writ of Summons	0	0	1	1.6
Total number of matters finalised	16	41.0	25	39.1
Number of matters at Supreme Court outstanding	0	0	0	0
Number of Writ of Summons outstanding	1	2.6	0	0
Number of matters referred by the Commissioner outstanding at the Tribunal	22	56.4	39	60.9
Total number of matters outstanding	23	59.0	39	60.9
Number of matters where assistance was provided	39	100	64	100

4. CORPORATE GOVERNANCE AND COMPLIANCE

There are a number of Acts that govern or affect our operations. This chapter describes these and compliance with other specific laws.

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

Commissioner for Equal Opportunity

Providing legal advice and assistance	Legal
Handling complaints and inquiries alleging discrimination	Conciliation
Promoting equal opportunity through training, presentations and outreach programs	Training and Education
Identifying discriminatory practices and developing strategic policy options	Policy and Evaluation
Managing information technology, administrative, financial and human resources	Corporate Services

LAWS ADMINISTERED

The Commissioner administers the:

- *Equal Opportunity Act 1984* (as amended in 1988, 1992 and 2001)– 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

LEGISLATIVE COMPLIANCE

ADVERTISING AND SPONSORSHIP

In accordance with section 175ZE of the *Electoral Act* 1907 the following expenditure was incurred in the class of media advertising organisations by the Commissioner for Equal Opportunity during the 2001/2002 financial year;

HR Intersector Magazine	\$1 491.81
Marketforce Productions	\$3 721.12
Albany Advertiser	\$ 130.50
TOTAL	\$5 343.43

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 Public Sector General Agreement (PGSA) replaced the Commission's Enterprise Agreement 2000 on 15 March 2002. The Commission's Workplace Agreement 2000 will be withdrawn and replaced by the PGSA in January 2003.

CORPORATE SUPPORT

The Commissioner for Equal Opportunity receives a range of corporate services (including human resources and financial management) from the Department of Justice via a service level agreement.

The Commissioner acknowledges the valuable contribution made by staff within the Department of Justice for the provision of these services during the 2001/2002 financial year.

OCCUPATIONAL HEALTH AND SAFETY

We continued to provide a safe and secure working environment for employees and only one worker's compensation claim was lodged during the year, for the reimbursement of medical expenses. 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 Commissioner for Equal Opportunity is currently developing a range of plans and initiatives, for implementation during 2002/2003, which are designed to improve service delivery to the people of Western Australia. One focus of these plans and initiatives will be to address issues impacting upon Aboriginal people and people with disabilities.

Our Customer Service Charter states:

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

The Commission meets the requirements of the:

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

By:

- Actively supporting the principles and practices of equal opportunity
- Ensuring that services provided by the Commission are fully accessible to people with disabilities and their families and carers.
- Encouraging feedback from the public regarding our service delivery.
- Employing a diverse range of people, in a variety of positions.

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

STAFFING

We employed 23 full time equivalent staff at 30 June 2002. Two Indigenous officers and one other staff member from a culturally and linguistically diverse background are employed. This represents 8.7% and 4.3% of the total workforce respectively. Women account for 79% of staff and over half (53%) worked part-time during the 2001/2002 financial year.

ANNUAL SURVEYS

Each year annual surveys are conducted to establish the demographic profile of individuals and organisations that use the services of the Commission, their expectations, and preferred means of obtaining information about the Act. The survey findings provide valuable feedback about how our services can be improved, and these are incorporated into the way that we deliver services to promote equal opportunity and resolve complaints of discrimination.

To ensure that programs and initiatives are relevant and appropriate the Commission convenes community consultative committees on an 'as required' basis. The committees comprise representatives of many community organisations, including women, Indigenous people, people with disabilities, people from culturally and linguistically diverse backgrounds, young and mature people.

OUTPUT BASED MANAGEMENT

The Commission has two key outputs that are linked to government priorities and strategic objectives. In addition these outputs seek to achieve the Commission's desired outcome of 'providing information and advice about equal opportunity and human rights issues, and have accessible avenues of redress under relevant legislation.

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

	2001/02 Budget	2001/02 Estimates
Quantity		
Inquiries	14,000	20,000
Presentations	170	170
Publications	12	8
Reviews and Advice	210	1,250
Quality		
Inquiries answered and not referred to other agencies	85%	85%
Participants satisfied with presentations	90%	90%
Clients who found publications useful	80%	80%
Extent of community support for the Act and concern about equal opportunity and human rights issues	78%	78%
Timeliness		
Written inquiries completed within 4 weeks	70%	60%
Length of presentations met expectations of participants	75%	75%
Average number of publications produced and distributed quarterly	3	2
Policy advice completed within two weeks	80%	70%
Cost		
Average cost per inquiry	\$22.00	\$16.30
Average cost per presentation	\$2,676	\$2,671
Average cost per publication	\$13,750	\$18,000
Average cost per advice and review	\$1,333	\$197

Effectiveness

89.5% of survey participants within the community believed that it is of benefit to have an Act that deals with discrimination. 81.5% recognised all grounds of 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.

	2001/02 Budget	2001/02 Estimates
Quantity		
Number of complaints handled	760	850
Number of cases where legal assistance was provided	35	55
Quality		
Complainants and respondents who were treated impartially	70%	70%
Cases that were settled before hearing by the Tribunal	65%	80%
Timeliness		
Proportion of complainants and respondents who were satisfied with the time taken to finalise their complaints	50%	50%
Average time taken to finalise each case	11 months	8 months
Cost		
Average cost per complaint	\$1,051	\$940
Average cost per case referred to the Tribunal	\$6,686	\$4,382

Effectiveness

Complainants (79%) and respondents (82%) believed that the complaint handling process was reasonable. About three quarters of Complainants (71%) and respondents (80%) 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.

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.

Moirá Rayner

ACTING COMMISSIONER FOR EQUAL OPPORTUNITY

5. PERFORMANCE INDICATORS

COMMISSIONER FOR EQUAL OPPORTUNITY

STATEMENT OF CERTIFICATION

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Equal Opportunity Commission's performance, and fairly represent the performance of the Commissioner for Equal Opportunity for the financial year ended 30 June 2002.

Moirá Rayner

ACTING COMMISSIONER FOR EQUAL OPPORTUNITY

14 August 2002

The outcomes of the Equal Opportunity Commission are that:

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

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

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

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. These surveys are conducted every three years.

INDICATORS OF 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 %	2000 Survey 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 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 revised their policies and/or implemented equal opportunity programs are as follows:

1999/00: 22.8% 2000/01: 7.0% 2001/02: 7.3%

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 also indicates acceptance of equal opportunity.

Training participants	1999/00 ¹ %	2000/01 ² %	2001/02 ³ %
Participants who would recommend the Commission's training courses.	93.2	95.9	90.5
Participants who stated that they would be able to use what they had learnt at the training course at work or their daily life	92.8	94.5	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 the 2001/02 financial year the survey was sent to 153 complainants and 78 returned completed at a response rate of 50.9%. Questionnaires were sent to 94 respondents and 50 were completed, representing a response rate of 53.1%. The sampling error to complainants and respondents is 10.32% and 13.25% respectively.

Complainants	99/00 %	00/01 %	01/02 %
Complainants who stated that the complaint handling processes were reasonable	77	76	79
Complainants who believed that they were treated impartially	66	71	67
Complainants who were satisfied with the time taken to resolve their complaints	55	51	41
Complainants who were neither satisfied nor dissatisfied with the time taken to resolve their complaints	15	17	27
Complainants who were dissatisfied with the time taken to resolve their complaints	28	23	23
Respondents	99/00 %	00/01 %	01/02 %
Respondents who stated that the complaint handling processes were reasonable	83	81	82
Respondents who believed that they were treated impartially	77	81	84
Respondents who were satisfied with the time taken to resolve their complaints	56	47	48
Respondents who were neither satisfied nor dissatisfied with the time taken to resolve their complaints	17	21	20
Respondents who were dissatisfied with the time taken to resolve their complaints	24	30	30

CONCILIATION AND LEGAL ASSISTANCE AS A MEANS OF REDRESS

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

¹ 1080 participants received a survey and 816 were completed. The response rate was 75.5% at an error rate of 1.7%

² 1041 participants received a survey and 729 were completed. The response rate was 70.0% at an error rate of 1.99%

³ 771 participants received a survey and 690 were completed. The response rate was 89.4% at an error rate of 3.35%

The Act provides a good way of resolving cases of discrimination by:	%		
	99/00	00/01	01/02
Complainants	77	71	71
Respondents	76	73	80

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, and used as an effective means of resolving complaints of unlawful discrimination. During 2001/02 the Commission handled 1027 complaints. Rates of referral and conciliation are shown in the table below.

Rates of conciliation and referral to the Tribunal:	%		
	99/00	00/01	01/02
Proportion of complaints conciliated	23.0	15.0	17.2
Proportion of complaints referred to the Tribunal	8.0	5.7	9.5

The total number of complaints that were conciliated or referred to the Equal Opportunity Tribunal during 2001/02 was 177 and 98 respectively. The status of the remaining complaints are as follows: 150 (14.6%) complaints were lapsed; 64 (6.2%) complaints were declined or dismissed; 88 (8.6%) complaints were withdrawn; and 450 (43.8%) complaints were still being investigated at the end of the financial period.

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. In 2001/02 legal officers settled 83.3% of complaints that had been referred to the Tribunal. The rate of settlement in 2000/01 was 73.3%, and was 37.5% in 1999/00.

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.

	1999/00 \$	2000/01 \$	2001/02 \$
Average cost per presentation/seminar/workshop	2,477.00	2,529.50	2,638.47
Average cost per enquiry	53.10	54.71	60.80
Average cost per policy advice and review	1,554.14	1,298.07	217.15 ⁴
Average cost per publication	10,143.00	14,806.00	25,064.71 ⁵

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.

	1999/00 \$	2000/01 \$	2001/02 \$
Average cost per complaint	1,117.27	1,101.01	819.73
Average cost per case referred to the Tribunal by the Commissioner	8,363.50	6,450.43	3,933.56 ⁶

⁴ The decrease in the average cost per policy advice and review represents a growth in policy advice associated with the *Acts Amendment (Lesbian and Gay Law Reform) Bill 2002*.

⁵ The increase in the average cost per publication is due to a reduction in the total number of publications produced during the 2001/02 financial year (down from 13 in 2000/01 to 6 in 2001/02).

⁶ The decrease in the average cost per case referred to the Tribunal reflects an increase in the number of complaints that are not conciliated and referred to the Equal Opportunity Tribunal.

COMMISSIONER FOR EQUAL OPPORTUNITY

CERTIFICATE OF FINANCIAL STATEMENTS

6. FINANCIAL STATEMENTS

Street Address

Level 2 Hartley's Building
Westralia Square
141 St George's Terrace
PERTH WA 6000

Postal Address

PO Box 7370
Cloisters Square
PERTH WA 6850

Telephone

(08) 9216 3900

Country Callers

1800 198 149 (Free call)

Fascimile

(08) 9216 3960

TTY No

(08) 9216 3936

Email

eoc@equalopportunity.wa.gov.au

Web Address

www.equalopportunity.wa.gov.au