

Division 39: Commissioner for Equal Opportunity, \$3 379 000 —

Mr I.M. Britza, Chairman.

Mrs L.M. Harvey, Minister for Police representing the Attorney General.

Ms A. Lucas, Commissioner for Equal Opportunity.

Mr M. Connolly, Principal Policy Adviser, Office of the Attorney General.

[Witnesses introduced.]

The CHAIRMAN: Member for Southern River.

Mr P. ABETZ: I refer to the first item, “Provision of Information and Advice Regarding Equal Opportunity and Human Rights” under “Service Summary” at about the middle of page 462. I assume that would be the funding that was used in the past year to produce the document entitled “Guidelines for supporting sexual and gender diversity in schools”. Has consideration been given to producing a document with the title something along the lines “Guidelines for supporting students in schools holding to Christian, Muslim, Sikh or traditional western values of sexuality and marriage”? I am receiving increasing reports of students who hold to those traditional views being belittled by teachers and students in class discussions, and therefore I believe there is a real need for such a document to be issued.

Mrs L.M. HARVEY: I will ask Ms Lucas to respond.

Ms A. Lucas: The guidelines that were produced came out of quite a long process started by the previous commissioner with an extensive steering committee that included groups that were quite vastly connected in the area of children and young people. This committee also included the Department of Education, Catholic Education Western Australia, UnitingCare West, the Uniting Church, the Association of Independent Schools of Western Australia and many other groups including the Department of Health and health agencies. It came out of a need and was asked for by schools, school communities, principals and teachers, in terms of discrimination law, both federally and state, because there were great difficulties in schools working through how they could provide an inclusive and safe environment for all children concerning sexual orientation, gender diversity and gender identity. I need to stress that gender identity is not the same thing as sexuality. Gender identity is exactly what it says; it is about identifying as a gender or, in fact non-gender. Transgender and homophobic bullying in particular had been on the increase in schools in not only Western Australia, but also throughout the nation. There have been several reports and research related to that. The guidelines were produced out of that. If any members have had a chance to look at the guidelines, they are actually a way of pulling together all the references concerning the law, what schools do, the framework in which the community and schools’ community can respond in creating inclusive environments, like they do with disability and race et cetera. It is really more of a reference document. The document was produced on those grounds. It has been received by many schools. I believe that that is where we have finished that piece of work. That is where we are at.

Mr P. ABETZ: I appreciate getting the history of that document. That document addressed guidelines for supporting sexual and gender diversity in schools. In that whole area of sexuality and gender, there are obviously different belief systems in our community. An issue is emerging in our schools related to children who hold to a traditional view of marriage and who hold to a traditional view of sexuality that if one is born a boy or a girl, male or female, that that is in fact the gender that one is born with. There are still people who hold that belief, and hold that very strongly, for them to feel valued and accepted in the school community. It is certainly a view that is held by Christians, Muslims, Sikhs and so on. There are even non-religious people who hold to that traditional western view of sexuality and gender, and marriage. Those people are increasingly finding themselves marginalised in schools, and therefore I ask whether the Equal Opportunity Commission should not consider—I believe it needs to consider—producing such a document to assist schools?

Mrs L.M. HARVEY: I am a trying to understand the member’s question. I think his question is about whether the Equal Opportunity Commission has a project in train to assist students who are bullied in other scenarios and that is consistent with the document that the commission has produced to assist schools that have students who are experiencing bullying because of their sexuality and transgender status. A brochure has been produced to assist schools to support those children who are being bullied and victimised. Is the member asking whether the Equal Opportunity Commission is undertaking other work to assist victims of bullying because of their religious beliefs and other circumstances?

Mr P. ABETZ: Yes.

Mrs L.M. HARVEY: I will ask the commissioner to respond.

Ms A. Lucas: We are doing work in areas of racial harassment et cetera, but not particularly with schools. As the member would know, there is a great deal of Islamophobia throughout Australia at the moment, and we are working with other government departments, particularly with communities who are experiencing racial hatred, for instance. It is the same for religious hatred, which gets muddled with racial hatred at the moment, as we have witnessed with Islamophobia. We are working more with communities and local government. In fact, we had a meeting this morning with a range of agencies that are working in this area and the Office of Multicultural Interests. No specific reports of significant racial or religious issues in schools have been reported to us. There might have been some in others areas. We have not received any complaints about that from schools, but we have received more of that type of complaint from the community.

Mr P. ABETZ: I appreciate that answer but the issue is not so much about religion; it is about the view that is held regarding sexuality and the traditional view of marriage. Those who hold to the traditional western view of sexuality —

Ms L.L. BAKER: I do not think you can say it is a western view of sexuality. I deeply object to that comment.

Mr P. ABETZ: What has been accepted traditionally, in the western world, until, say, 20 or 30 years ago.

Ms L.L. BAKER: Maybe in your family.

The CHAIRMAN: Member for Maylands, let the member finish his question.

Mr P. ABETZ: Certainly the traditional view has been and is still held by a very significant proportion of our community —

Mr J.R. QUIGLEY: Albeit the minority.

Mr P. ABETZ: It may be the minority or it may be a majority. It does not matter. I believe that they have a right to be dealt with appropriately and to not be belittled in the classroom by teachers or in schools.

Ms L.L. BAKER: What is the question?

Mr P. ABETZ: The Equal Opportunity Commission has invested resources to produce the “Guidelines for Supporting Sexual and Gender Diversity in Schools”. That document is complete and is in the public domain and accessible to everyone. There is a growing need for some guidance to be given to school staff about how to handle bullying situations for those who hold traditional views on this matter. It does not matter whether it is the minority view.

Mrs L.M. HARVEY: I understand that the Equal Opportunity Commission responds to complaints of discrimination, bullying and harassment that are raised with the commission. When emerging trends are identified, the commission undertakes a body of work to try to understand the emerging trend of discrimination, harassment et cetera, and then it develops a policy and strategy to address that in a suitable way for the community that is experiencing it and the individuals who are the victims of bullying and harassment. I will ask Ms Lucas to further elaborate on how the Equal Opportunity Commission responds to these matters and what drives its publications and research projects.

Ms A. Lucas: We work from an evidence base and from a community groundswell in terms of particular areas that need examination. We conduct large inquiries, but we have not done that for a while. The guidelines the member refers to were a small response in this area. Bigger organisations such as the Safer Schools Coalition look very closely at all of these areas. We have not had any complaints about the trends and issues that the member refers to, nor have we received anything from communities that would make us move along that particular track as a priority. I believe that the Department of Education is often the first port of call for complaints of this nature. Since these specific issues, particularly bullying, all forms of which are wrong, come through the school system and through individual schools and principals, I would assume that if there were a groundswell and the education department and other education authorities picked up on it, we would eventually get to hear about it.

[5.30 pm]

Mr P. ABETZ: To clarify, minister, if parents come to me with those complaints, the best thing for them to do is to take that up formally and advise the Equal Opportunity Commission of that situation so that it gets to build a picture of what is happening in the community. Would that be correct?

Ms A. Lucas: That would be correct, but the general advice is that it should relate to the Equal Opportunity Act. As it is, 64 per cent of our inquiries are usually not related to our jurisdiction. Although we will always attempt to answer them, the fact is that if it can relate to the act, people will get a better response, obviously, rather than being referred on.

Mr P. ABETZ: Thank you.

Ms L.L. BAKER: I refer to the efficiency indicators and the average cost per complaint on page 463 of budget paper No 2. First of all, how many complaints did the commission have? I am sure that the minister already knows this but, if not, it can be provided as supplementary information. How many complaints did the commission get in 2013–14 and 2014–15?

Mrs L.M. HARVEY: I will get Ms Lucas to respond.

Ms A. Lucas: Certainly. In the annual report last year, I think it was 486 complaints.

Ms L.L. BAKER: Thank you.

Ms A. Lucas: We have not finalised the complaints this year. We suspect it might be a bit more, but not much more.

Ms L.L. BAKER: Wow! The department went from \$2 466 to manage a complaint—that would have been the 486 complaints in 2013–14—down to \$1 832, and the commissioner thinks that there will be more complaints this year. I am assuming that the number will continue to track up if the commission is doing a good job. Can the minister explain how that will be managed when the average cost per complaint estimate has just about been halved? A decision has been made that the commission will drop the spending of \$2 466 per complaint in 2013–14 down to \$1 832. That is incredibly efficient. Given that the number of complaints is rising, I would like to know how the commission will do that.

Mrs L.M. HARVEY: I will ask Ms Lucas to respond about the methodology in calculating that average cost.

Ms A. Lucas: In actual fact, although we do have that particular figure there, that actually reflects an amortisation across the whole commission. We work out a formula that looks at the way education and complaints and redress, legal, are delivered. That reflects some of the cuts for the substantive equality unit, and is amortised across. In actual fact, if we are looking more efficient, I certainly hope it is because we have been, and we have been very good with our timekeeping complaints in the last year, but it will reflect another aspect of our budget beyond the complaints.

Ms L.L. BAKER: I see that the commission is maintaining the same number of staff, so the same number of staff will be providing a much more efficient delivery. There are 12 staff and under the spending changes I cannot see that the commission expects to lose any more with the various government efficiency measures that are in place, such as redundancy packages or anything like that.

Ms A. Lucas: No. Our big change was between 2013–14 and 2014–15, so the major redundancies occurred in the last financial year.

Ms L.L. BAKER: Yes, I figured that. Under the spending changes for education and training on page 461, an amount of \$5 000 is estimated in 2015–16. Can the minister tell me what that is for?

Ms A. Lucas: That simply reflects the consumer price index increase on tariffs, figures and charges.

Ms L.L. BAKER: I have a final question before we end the division. On page 464, I am looking at the income statement and the total income from the state government near the bottom of the table. It shows that in 2013–14, the actual spend was \$5 271 million. Moving across to 2015–16, I am sure this figure is very familiar to the minister: \$3 387 million. There is a significant difference of almost \$2 million between those two figures. Given that more complaints are being taken in and a much greater workload is being dealt with, how can the minister explain a change of nearly \$2 million in her commitment to the commissioner's work?

Mrs L.M. HARVEY: I will ask Ms Lucas to respond, but my understanding is that that drop between the 2013–14 and the 2014–15 budgets was to do with the removal of the substantive equality unit and redundancy payments. If the member looks at the out years, she will see that there are projected increases in income.

Ms L.L. BAKER: It is going up again.

Mrs L.M. HARVEY: I will ask Ms Lucas to respond further.

Ms A. Lucas: The minister has correctly reflected that sum. We are now working on using a great deal more electronic resources and more smart resources.

Ms L.L. BAKER: That is it; I am done.

The appropriation was recommended.