

APPENDIX B

LEGISLATIVE COUNCIL STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

ANSWERS TO 2020-21 BUDGET ESTIMATES AND 2019-20 ANNUAL REPORT - QUESTIONS PRIOR TO HEARING (ROUND 1)

Commissioner for Equal Opportunity

Hon Alison Xamon MLC asked:

- 1) I refer to page 10 and the effect of COVID-19 restrictions on the third scheduled meeting of the New and Emerging Communities Reference Group (the Reference Group):

- a) Were any steps taken to reschedule the third Reference Group meeting as a remotely conducted meeting:

Answer: No

- i) If yes, what were those steps; and

Answer: Not Applicable

- ii) If not, why not?

Answer: In response to an email from the Commissioner for Equal Opportunity advising the Commission was prepared to host the meeting scheduled for 26 March 2020, but appreciating that people may be working from home or limiting face to face meetings, members overwhelming indicated a preference to postpone the meeting to a later date.

Reference Group business was successfully conducted out of session during the COVID-19 restrictions.

A meeting of the Reference Group is scheduled for November 2020.

- 2) I refer to page 22 and I ask - what are the criteria for determining whether it is appropriate for a complaint to go to a conciliation conference?

Answer: The criteria for determining whether it is appropriate for a complaint to go to a conciliation conference include if:

- Acceptance of the complaint as being within jurisdiction has not been challenged;
- The complaint has not been withdrawn by the complainant, the complainant has continued to engage, and the complaint has not been dismissed by the Commissioner;
- The Commissioner is of the opinion that the complaint may be resolved by conciliation and the parties are amenable to participate in a conference, including the possibility of a teleconference.

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- 3) I refer to page 22 and situations where a complaint has been dismissed under section 89 of the Act but referred to the Tribunal for determination.:
- a) Does the Commission supply any further support to a complainant who cannot afford their own legal costs:
Answer: No
- i) If yes, what; and
Answer: Not Applicable
- ii) If no, why not?
Answer: The Act does not empower the Commissioner to assist a complainant whose complaint has been dismissed pursuant to section 89 of the Act, and referred to the Tribunal at the request of the complainant.
- 4) I refer to pages 8, 31 and 80 and the increase in the average time taken to resolve complaints due to the "increasing complexity of issues raised".:
- a) Besides cases where respondents and or complainants were unable or unwilling to comply with requested timelines:
- i) What other "factors" contributed to the number of cases finalised in under 6 months being 9.4% less than the target for 2019-20; and
Answer: There is a greater likelihood of parties in cases involving complex matters to seek legal advice and request more time to respond. Complex matters often involve several exchanges of correspondence between the parties, mediated by the Commission, in which the parties clarify information and their position and negotiate towards a resolution of the complaint.
Another factor was the need for staff to work from home due to the COVID-19 restrictions which caused a temporary disruption in workflows and productivity.
- ii) What steps did the Commission take to overcome or mitigate these factors?
Answer: To overcome the disruption to workflows due to staff working from home the Commission developed an online paper-free complaints review system for new complaints which has increased productivity by allowing the rapid transfer of files between officers. This has also improved productivity for office-based work.

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- 5) I refer to page 36 and the delays due to COVID 19 of the Commission's plans for further outreach programs:
- a) Has the Commission delivered any further outreach programs online:
Answer: Yes
- i) If yes, what; and
Answer: Following COVID-19 related cancellation of many outreach programs, the Commission has developed and delivered webinar type training modules to an African Community Group, to BHP staff, and to students in the North Metropolitan Adult Migrant Education Program.
- ii) If not, why not?
Answer: Not applicable
- 6) I refer to page 84 and the Disability and Inclusion Action Plan (DIAP) 2016-2021:
- a) Has the Commission taken any steps to implement the DIAP since 2016:
Answer: Yes
- i) If yes, what; and
Answer: The Commission has pursued several strategies related to its DAIP since 2016 including:
- Amending its data collection categories to more accurately identify grounds and areas where complaints are lodged;
 - Reviewing the Commission's website to identify barriers faced by people with vision impairment;
 - Staff training on mental health issues and managing difficult clients;
 - Producing a booklet for the food and beverage industry on working with people with vision impairment (Catering for Everyone);
 - Inclusion within its suite of conciliation meeting rooms a toilet that is accessible to complainants who arrive on a mobility scooter.
- ii) If not, why not; and
Answer: Not Applicable
- b) Other than the steps mentioned in a), has the Commission taken any action to ensure people with disabilities, their families and carers have the same opportunities as others to access its services and facilities:
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i) If yes, what and?

Answer: During the COVID-19 restrictions it was not possible to offer face-to-face conciliation conferences. The Commission negotiated with parties to conduct conciliation by other means, taking account of various factors including access by parties to technologies and disabilities that may restrict the use of some technologies.

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