

Annual Report 2017–18



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Letter of compliance

31 August 2018

The Honourable Yvette D'Ath MP Attorney-General and Minister for Justice 1 William Street Brisbane Qld 4000

Dear Attorney-General

I am pleased to present the Annual Report 2017–2018 and financial statements for the Anti-Discrimination Commission Queensland.

I certify that this annual report complies with the:

- prescribed requirements of the Financial Accountability Act 2009 and the Financial and Performance Management Standard 2009, and
- detailed requirements set out in the *Annual report requirements for Queensland Government agencies*.

A checklist outlining the annual reporting requirements is located at Appendix B of this annual report, or is available at www.adcq.qld.gov.au.

Yours sincerely

Neroli Holmes

Acting Commissioner

Merch Globners.

Anti-Discrimination Commission Queensland

Commissioner's foreword

Welcome to the Anti-Discrimination Commission Queensland's annual report for 2017–18.

The Anti-Discrimination Commission Queensland (ADCQ) is committed to promoting an understanding, acceptance, and public discussion of human rights in Queensland. We do this work through receiving and managing complaints, training and education, research and submissions, and a broad range of activities to engage and inspire the community.

Our annual report provides an overview of our progress towards achieving a fair and inclusive Queensland through the delivery of our core services. The report reflects our commitment to transparent corporate governance by giving an account of our revenue, and how we have used public funds.

In this financial year, Kevin Cocks completed his term as Queensland's Anti-Discrimination Commissioner. Since his appointment in 2011, Commissioner Cocks worked tirelessly to build strategic relationships with the private sector, non-government organisations, and government agencies. This enabled the Commission to develop capacity for greater social, cultural, and economic participation by those groups in our community who face structural discrimination on a daily basis. I wish to thank Kevin Cocks on behalf the staff who worked under him during his period as Commissioner for his inspirational leadership and efforts in building a fairer and more inclusive society.

In the past financial year the ADCQ team has continued to:

- deliver highly professional and respectful customer service, as reflected through positive client feedback
- have high expectations of themselves and their colleagues to inspire leadership, both within our organisation and the community, to promote and defend human rights, and
- taking calculated risks.

I thank the ADCQ team who work across Queensland for their energy, commitment, and hard work in achieving our goals during the 2017–18 year.

In the year ahead, we look forward to the appointment of a new Commissioner, and undertaking a range of new responsibilities under a proposed Human Rights Act for Queensland.

Neroli Holmes

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Acting Commissioner

Anti-Discrimination Commission Queensland

About the Anti-Discrimination Commission Queensland

Our vision

A fair and inclusive Queensland.

Our purpose

To strengthen the understanding, promotion, and protection of human rights in Queensland.

Our objectives

The Commission's key objectives are to:

- provide a fair, timely, and accessible complaint resolution service
- provide information to the community about their rights and responsibilities under the Act
- promote understanding, acceptance, and public discussion of human rights in Queensland, and
- create opportunities for human rights to flourish.

The Commission supports the Queensland Government's objectives for the community, and strives to meet these objectives through our work. The following values, in particular, are demonstrated clearly in the work of the Commission:

Building safe, caring, and connected communities:

- ensuring an accessible and effective justice system
- encouraging safer and inclusive communities.

Delivering quality frontline services:

- providing responsive and integrated government services
- supporting disadvantaged Queenslanders.

Creating jobs and a diverse economy:

- increasing workforce participation
- ensuring safe, productive, and fair workplaces.

Our values

In delivering services to achieve our objectives, we are committed to:

- treating everyone with respect and dignity, and acknowledging their fundamental human rights
- treating everyone fairly and impartially
- supporting a workplace culture that encourages diversity, innovation and responsiveness to the needs of our clients, and
- valuing our independence and the rule of law.

The way in which the Commission delivers services, develops and supports staff, and engages with the community also reflects the Queensland public service values of putting customers first, translating ideas into action, unleashing potential, being courageous, and empowering people.

Our functions

Established under the *Anti-Discrimination Act 1991*, the Commission is an independent statutory body that has the following functions:

- to inquire into complaints and, where possible, to effect conciliation
- to carry out investigations relating to contraventions of the Act
- to examine Acts and, when requested by the Minister, proposed Acts, to determine whether they are, or would be, inconsistent with the purposes of the Act, and to report to the Minister the results of the examination
- to undertake research and educational programs to promote the purposes of the Act, and to coordinate programs undertaken by other people or authorities on behalf of the State
- to consult with various organisations to ascertain means of improving services and conditions affecting groups that are subjected to contraventions of the Act
- when requested by the Minister, to research and develop additional grounds of discrimination and to make recommendations for the inclusion of such grounds in the Act
- such functions as are conferred on the commission under another act
- such functions as are conferred on the commission under an arrangement with the Commonwealth under part 3 of the *Anti-Discrimination Act 1991*
- to promote an understanding and acceptance, and the public discussion, of human rights in Queensland
- if the commission considers it appropriate to do so to intervene in a proceeding that involves human rights issues with the leave of the court hearing the proceeding and subject to any conditions imposed by the court
- such other functions as the Minister determines
- to take any action incidental or conducive to the discharge of the above functions.

Our services

The Commission delivers frontline services to the Queensland community, including businesses, state and local government, the community sector, and people throughout the state.

Our services include:

- resolving complaints received under the Act
- delivering training to business, government, and the community, and
- promoting public discussion of human rights through a variety of community engagement and communication strategies.

More detail about how these services are delivered is available in the relevant sections of this annual report.

Our people

The position of Anti-Discrimination Commissioner is a statutory appointment under the *Anti-Discrimination Act* made by the Governor in Council. The Commissioner reports to the Queensland Parliament through the Attorney-General and Minister for Justice.

Although overall accountability for ADCQ services rests with the Commissioner, direct management responsibility for teams within the Commission is shared between the Commissioner and the Deputy Commissioner.

Kevin Cocks AM concluded his seven-year term as Commissioner in February 2018. Deputy Commissioner, Neroli Holmes, is currently acting in the role of Commissioner while the process of appointing a new Commissioner is undertaken by the Department of Justice and Attorney-General.

The Commission has four offices through which it services the Queensland community. Offices are located in Brisbane, Rockhampton, Townsville, and Cairns, and each office delivers complaint management services, training, community engagement, and information services to their communities. The Brisbane office is responsible for executive and corporate services.

The Director, Complaint Services has program responsibility for complaint management services state-wide. The Brisbane Complaint Management team:

- manages the majority of complaints from South-East Queensland
- · provides information services to clients, and
- participates in community engagement activities.

The Director, Community Engagement has program responsibility to provide community engagement services state-wide. The Brisbane Community Relations team:

- delivers training, events, and community engagement activities primarily focused on the South-East Queensland area, and
- provides marketing and communication services, including website and social media management.

The Corporate Services team is located in the Brisbane office of ADCQ. This team:

 manages the ADCQ's administrative, financial, human resource, information technology, facilities and governance services.

Executive, legal, and research services within ADCQ are undertaken by the Human Rights Policy and Research Unit. This unit comprises the Deputy Commissioner, Principal Lawyer, Co-ordinator of the Aboriginal and Torres Strait Islander Unit, and the Librarian. As a unit, their role is to:

- provide executive support and legal services
- develop human rights policy and undertake research on human rights issues, and
- participate in community engagement activities.

The ADCQ organisational structure, from a functional perspective, is available at Appendix F.

Performance statement 2017-18

The ADCQ performed strongly throughout the 2017–18 financial year, meeting or exceeding the majority of performance targets across core service delivery areas. Highlights included:

- resolving 54% of accepted complaints, with 90% of clients being satisfied with the complaint handling service
- delivering training to approximately 4321 people, and achieving an average 97% satisfaction rate
- responding to 2739 enquiries about the Anti-Discrimination Act 1991 and ADCQ services
- conducting 166 community engagement activities, including major projects
- enhancing discussion and understanding of contemporary human rights issues through submissions to a variety of state and federal inquiries and Parliamentary Committees.

Table 1: Service standards

Service standards	Notes	2017–18 Target/est.	2017–18 Actual
Effectiveness measures			
Percentage of accepted complaints resolved by conciliation	1.	55%	54%
Percentage of clients satisfied with complaint handling service measured via client survey	2.	85%	90%
Percentage of clients satisfied with training sessions measured via client survey	2.	95%	97%
Percentage of accepted complaints finalised within the Commission	1.	75%	70%
Efficiency measures	3.		
Discontinued measures Performance measures included in the 2017-18 Service Delivery replaced are reported in the following table with estimated actual in		that have been disc	continued or
Percentage of complaints where time from acceptance notice to complaint being closed is:			
within three months	_	65%	70%
within six months	_	20%	22%
within nine months	_	9%	6%
within 12 months	_	3%	1%
over 12 months	4.	3%	1%

Notes

- 1. The complaint management process was changed to allow for less time after the conciliation conference to attempt to reach a conciliated outcome. This change was needed in order to finalise matters in a timely manner and to cope with a significant increase in complaints received. This change has resulted in fewer complaints being conciliated and finalised within the Commission. Target/Estimates for 2018–19 have been set in the expectation that performance will improve as staff become used to working with the new process.
- 2. This is a measure of overall satisfaction with the services provided by the ADCQ. Complaint parties and training clients are surveyed to determine their satisfaction with the services they receive including, for example, relevance, impartiality, content, and professionalism. The measure is calculated by dividing responses where clients indicate they are either satisfied or very satisfied by total responses, and then expressing the result as a percentage.
- 3. An efficiency measure is being developed for this service and will be included in a future Service Delivery Statement.
- 4. This measure is not considered an efficiency measure, so it has been discontinued. This measure will be reported on in future annual reports.

Community engagement and education

An important aspect of the ADCQ's role is to provide education programs, and promote understanding, acceptance, and public discussion of human rights in Queensland through communication and community engagement activities.

The ADCQ Community Engagement Strategy incorporates eight strategic functional areas. These areas and their objectives are:

Table 2: Community Engagement Strategy

Engagement, consultation and community development	Web and social media	Partnerships and networks	Information products and services
Increase community ownership and investment in human rights	Broaden ADCQ's reach through the use of the web and social media to allow for education and discussion of human rights	Enhance ADCQ's reach and achievement of outcomes through collaboration	Maintain a range of products and services that provide clear and accurate information in an engaging and accessible manner
Education	Media	Events	Marketing and promotion
Establish ADCQ as the provider of Queensland's best quality training in the field of discrimination and human rights	Engage with media to promote human rights and educate the Queensland community	Maximise community engagement opportunities through involvement in key human rights events	Build a recognisable ADCQ brand associated with quality education, professional complaint management, and a fair and inclusive Queensland

Engagement, community development, and major projects

The ADCQ's community engagement and development is the main means of achieving our vision of a fair and inclusive Queensland. These activities serve two purposes:

- raising community awareness of the role of the ADCQ and the Anti-Discrimination Act 1991, and
- enhancing community capacity to create opportunities for human rights to flourish.

The ADCQ aims to actively identify, direct, and support the capabilities of individuals and groups to achieve positive outcomes, and create spaces where human rights can flourish. ADCQ's role is to provide information, connect people, build networks, and coordinate community projects and events.

Major achievements in this area for 2017–18 included:

Community Assistance Project

The Queensland Government provided the Commission with additional funding of \$293,000 over three financial years until 2017–18 to deliver community assistance activities. These activities are directed at supporting communities to build capacity to develop solutions to local human rights issues with the support of relevant government agencies, local business, and community organisations.

In 2017–18, the Community Assistance Project focussed on the following key activities, and we:

- Delivered two Strategic Conversations (in September 2017 and May 2018) involving approximately 130 participants from government departments, community organisations, and the general community. The purpose of these was to inspire collaboration, a sense of community, and identify new ways of working together to address complex social issues, as well as strengthening social cohesion.
- Partnered with the Australian Human Rights Commission (in October 2017) to present the third in a series of three regional community conversations about racism and belonging in Townsville. The first two conversations were held in Hervey Bay and Maroochydore in June 2017.
- Continued our work with multifaith community groups on the Gold Coast and Sunshine Coast, including delivering four interfaith dialogue events on the Sunshine Coast in June 2018.
- Partnered with Media Diversity Australia and Multicultural Affairs Queensland to deliver a media diversity workshop to journalists from diverse backgrounds.
- Partnered with AFL Queensland, Brisbane Lions, and Multicultural Development Australia to deliver the inaugural citizenship ceremony at 'The Gabba' prior to a Brisbane Lions game.

Funding for the Community Assistance Project was not renewed at the end of June 2018. However, given the success of the project over the past three years, the ADCQ is committed to continuing this work to the best of its ability within the existing budget of the organisation.

Human Rights Month

For the third year in a row the ADCQ ran the Human Rights Month campaign from 10 November to 10 December 2017. Using the established theme of 'fair and inclusive workplaces', the 2017 campaign focussed on age discrimination and creating age-friendly workplaces.

Human Rights Month 2017 delivered a range of practical resources to get workplaces engaged in conversations and actions around the key topics. Participating organisations were asked to pledge their commitment to creating fair and inclusive workplaces by nominating workplace champions and identifying specific actions they would undertake throughout the month to create inclusive workplaces.

We offered free training 'taster' sessions to participating organisations, and facilitated a World Café conversation for managers and human resources practitioners from government and private sector organisations on creating age-friendly workplaces.

Safe and Inclusive Public Transport Project

Since 2016, the Commission has been working with the Department of Transport and the Queensland Police Service to find ways to better respond to incidents of vilification and discrimination that occur on public transport.

Outcomes of the project are:

- A generic training package for public transport providers about discrimination and vilification has been developed.
- Training for public transport front line staff about discrimination and vilification has been delivered.
- The Queensland Bus Industry Council (whose members run bus services throughout Qld) has agreed to use the training package, and to encourage its members to use the package to train front line employees.
- A new Passenger Code of Conduct that refers to the requirement to treat all public transport staff and passengers with courtesy and respect, and states that verbal or physical aggression towards staff or passengers will not be tolerated, has been published on the Translink website.

Reducing institutional barriers to health equity project

Since mid-2017, Queensland Health, the Queensland Aboriginal and Islander Health Council (QAIHC), and the Anti-Discrimination Commission (ADCQ) have been collaborating on how to reduce institutional barriers to health equality for Aboriginal and Torres Strait Islander Queenslanders. These agencies are working together to identify ways in which Aboriginal and Torres Strait Islander leaders in the health sector can strengthen collaborative and constructive relationships with public health providers and the Queensland Government, to effectively improve the implementation of the Closing the Gap policies and frameworks in the health sector.

Key areas that are being examined are: governance, policy implementation, service delivery, recruitment and employment, financial accounting, and reporting in health institutions. This work contributed to the development of the Queensland Health Statement of Action towards Closing the Gap in Health Outcomes (the Statement), endorsed and launched at the Queensland Health Promoting Excellence Conference on 12 December 2017. We are continuing to work together to reduce barriers and ensure health equality for Aboriginal and Torres Strait Islander people in Queensland.

Speaking engagements

Staff of the Commission regularly accept invitations to speak to students, community groups, lawyers, employee and employer groups, and at community events. Speaking topics range from specific issues in anti-discrimination law to a broad overview of human rights and international instruments. In 2017–18, staff delivered 14 formal speaking engagements, including presentations to:

- James Cook University, Cairns: Social Justice and Human Rights Lecture
- Multicultural Queensland Charter Speaker Series: Inclusive Leadership
- create together: Decolonising Gender and Contending with Legal Systems
- Multicultural Development Australia community leaders' forum: addressing barriers to employment through policy and practice
- Australian Fabians: Advocating for equality
- James Cook University, Cairns: #MeToo hypothetical
- Engineers Australia: Unconscious bias: does it really matter?
- PaCSIA Georgian NGO group: Human rights in Queensland

Web and social media

Our effective use of web-based technologies supports the ADCQ's drive to engage with the community, provide digital means of access and service delivery, and connect with a wide range of clients. The website is accessible for users with assistive technologies.

The ADCQ website is currently AA compliant with the W3C (World Wide Web Consortium) Guidelines, and in some areas is AAA compliant. This enables people with visual and motor impairments, as well as people from non-English speaking backgrounds, to access the site. The ADCQ is aware of the importance of making information and services accessible to all Queenslanders and is committed to working on continuous improvement in this area.

The Commission's website remains a popular means for Queenslanders to access information about discrimination law and the services of the ADCQ. In 2017–18, there were 211,788 visitors to the website, an increase from the previous year's total of 170,867 visitors. New visitors made up 87.2% of all website visits this financial year.

Table 3 gives the top twenty most visited pages on the Commission's website in 2017–18. This list shows that visitors are continuing to locate general information products and resources, as well as information on the law and making a complaint. The trend is consistent with last year's results, with the most notable change being an increase in visitors accessing the online complaint form, which was available for the first full financial year during 2017–18.

Table 3: Top 20 most visited website pages

1	Resources for employers: employer rights & responsibilities	11	Complaints: making a complaint
2	Case studies: sexual harassment	12	Fact sheet: bullying
3	Fact sheet: Indirect discrimination	13	Human rights
4	Resources for employers: diversity in the workplace	14	About us
5	Guidelines: discrimination in employment	15	Contact us
6	Legislation	16	Make a complaint: online complaint form
7	Complaints: discrimination	17	Resources: legal information
8	Guidelines: discrimination in education	18	Resources: fair and inclusive workplaces
9	Guidelines: discrimination in the provision of goods & services	19	Complaints: sexual harassment
10	Resources for employers	20	Case studies: race

The Commission maintains a social media presence through Facebook, YouTube, Instagram, and Twitter accounts. These platforms enable real-time dissemination of information, promotion of activities and events, and two-way engagement with stakeholders. The ADCQ's social media engagement is managed by the Community Relations team in the Brisbane office, and is guided by an internal social media policy.

Partnerships and networks

As a small organisation, the ADCQ is increasingly aware that establishing strong and productive partnerships and networks is an effective strategy for achieving outcomes across a broader range of issues, stakeholder groups, and geographical areas. We are involved in key networks and partnerships throughout Queensland. Through these we provide information on human rights issues and legislation, and in-kind support for actions and initiatives, while gaining a deeper understanding of the issues, challenges, and achievements within the community. The key partnerships and networks in which ADCQ was an active member in 2017–18 were:

Police Ethnic Advisory Group (PEAG)

PEAG is an advisory body to the Queensland Police Service on issues relating to cultural diversity. The group contributes to promoting and maintaining harmonious relations between Queensland police and ethnic communities. The ADCQ contributes on matters that fall within its jurisdiction under the *Anti-Discrimination Act 1991*.

Queensland Police Service and Muslim Community Reference Group

The ADCQ is an active member of this Queensland Police Service initiated community reference group, which consists of representatives from several local, state, and federal government agencies, as well as the Islamic Council of Queensland, the Islamic College of Brisbane, and the broader South-East Queensland Muslim Community.

The group meets every two to three months, or as needed, to share information relevant to the Muslim community, including community cohesion initiatives; identified threats and action being taken by relevant authorities; and feedback from the community.

Senior Officers Group on Multicultural Affairs (SOGMA)

The Senior Officers Group on Multicultural Affairs (SOGMA) was established in 2016 in response to the introduction of the *Multicultural Recognition Act* and associated Multicultural Queensland Charter. SOGMA provides whole-of-government strategic leadership and advice on key elements to implement the Queensland *Multicultural Recognition Act*.

Department of Human Services Queensland Multicultural Advisory Forum

The federal Department of Human Services convenes state-based multicultural advisory forums to consult regularly with multicultural communities at local and state levels. The Brisbane-based forum aims to ensure that multicultural communities know about the department's programs, services, and new initiatives through local government, state government, and community representatives who connect with these communities. The forum addresses issues relating to service delivery for people from culturally and linguistically diverse backgrounds.

Indigenous networks

The ADCQ's Aboriginal and Torres Strait Islander Unit Coordinator maintains involvement in professional and community-based Indigenous networks across South-East Queensland. Participation in these networks enables continued connections with key stakeholders and awareness of human rights issues facing Aboriginal and Torres Strait Islander peoples. The ADCQ also provides information and training services about the *Anti-Discrimination Act 1991* to network members.

Regional staff also maintain an active role in Indigenous networks, including Townsville Indigenous Community Network, and the Cairns NAIDOC Committee.

Multicultural and multi-faith networks

The ADCQ is an active member of multicultural and multifaith networks across Queensland including:

- Cairns and Region Multicultural Service Providers Network
- Cairns Local Area Coordination Committee
- Multicultural Advisory and Action Group (MAAG), Gold Coast
- Chai Community (multifaith women's network), Gold Coast.

Disability networks

The ADCQ is involved with disability advisory groups and networks across the state, including:

- Queenslanders with Disability Network
- Queensland Disability Information Network

- Aboriginal and Torres Strait Islander Disability Network Queensland
- Rockhampton Access and Equity Group
- Capricorn Coast Community Access Group
- Townsville Inclusive Community Advisory Committee
- Capricornia Region Accessible Transport Network
- Cairns Transition Network.

The ADCQ gives input on matters relating to impairment discrimination and accessibility, as well as keeping abreast of issues concerning this significant stakeholder group.

Community and other networks

The Commission is represented in a variety of other professional and community networks including:

- Townsville Community Network
- Townsville City Council Inclusive Community Advisory Committee
- Burdekin Community Network
- Pride in Diversity Network
- Townsville Organisational Networking forum
- Queensland Law Society's Equalising Opportunities in the Law (EOL) Committee
- Play by the Rules: safe, fair and inclusive sport professional network
- Diversity Practitioners Association (DPA)
- Diversity and Inclusion Matters: Queensland Government network.

Whole-of-government strategies

The ADCQ also contributes to the development, implementation, and review of relevant whole-of-government strategies. During 2017–18 we progressed actions under the following strategies:

- Queensland: an age-friendly community strategy
- Queensland Multicultural Action Plan
- Queensland Youth Strategy.

The ADCQ is also represented on the Queensland LGBTI Roundtable, facilitated by the Department of Communities, Disability Services and Seniors.

Information products and services

□ Products

The Commission produces a wide range of print and non-print publications, including guidelines, fact sheets, information brochures, rights cards, videos, and audio files. In 2017–18, new posters were added to our suite of resources, covering age discrimination and creating age-friendly workplaces, designed to coincide with the 2017 Human Rights Month campaign. New fact sheets were also added including:

- Breastfeeding: know your rights fact sheet and rights card
- Discrimination in resource projects.

All publications are available online, and many in hard copy by request.

Balancing the Act is the Commission's current awareness newsletter and is produced twice a year in hard copy and also distributed electronically. It provides information about changes to human rights legislation, recent case law, projects and activities undertaken by ADCQ and other human rights organisations, and topical issues of relevance to ADCQ stakeholders. Balancing the Act is distributed to around 1,500 individuals and organisations throughout Queensland and is also available on the ADCQ website.

□ Services □

The Commission continues to provide a free, accessible, and personal information service for Queenslanders to help them understand their rights and responsibilities under the Act. The Brisbane office continues to respond to the bulk of enquiries across the state.

This year the Commission answered 2739 telephone, email, postal, and personal enquiries about anti-discrimination laws — a decrease from 3038 in the previous year. Two written policy advices were provided in response to more complex enquiries. The majority of enquiries continue to be from people who feel they may have been discriminated against, harassed, or bullied, and want to better understand their options before making a complaint or taking other action.

In response to the wide range of enquiries it receives, the Commission provides telephone information as well as fact sheets, brochures, and videos which it makes available to the public through the website and by email or post.

□ Marketing and promotion

The ADCQ mostly relies on our established and developing networks to communicate with stakeholders and the broader community. No professional marketing services were engaged in 2017–18.

We promote not only the work and services of the Commission, but the positive human rights actions and initiatives of the Queensland community. The ADCQ web and social media pages are used to highlight community events, activities, and stories of human rights leadership. This promotion acknowledges the efforts of local human rights pioneers, as well as furthering discussion, action, and collaboration on human rights issues in line with our legislative function 'to promote an understanding and acceptance, and the public discussion, of human rights in Queensland.' Additionally, the ADCQ promotes Queensland Government initiatives that are aligned with the purposes of the *Anti-Discrimination Act*, including the Multicultural Queensland Charter, Queensland: An Age-Friendly Community Strategy, and the Queensland Youth Strategy.

Events

Each year the ADCQ attends community events across the state. Having a presence at these events not only enables the Commission to share in the celebration and recognition of diversity and inclusion, but it raises awareness of the ADCQ and its role, and makes information available to the community. In most cases, the ADCQ presence at community events is in the form of an information stall. On some occasions, Commission staff are asked to open events or undertake speaking engagements. In regional areas, staff often have significant involvement with planning and organising committees for major community events. During the reporting period, ADCQ staff were involved in the following types of community events:

- Luminous Lantern Parade, Brisbane
- NAIDOC week events in Cairns, Townsville, Rockhampton, Brisbane, Ipswich, and Inala
- Multicultural festivals and Harmony Day events in Brisbane, Townsville, Rockhampton, and Cairns
- Mental Health Week Family Fun Day in Townsville
- Youth Forum in Townsville
- Multifaith events in Brisbane, Gold Coast, Sunshine Coast, and Rockhampton
- Seniors Week events in Brisbane and Townsville
- International Day of People with Disability Awards in Rockhampton
- Beach Day Out in Rockhampton.

Major events hosted or co-hosted

Inclusive Sports and Games Days: Cairns and Townsville

Both the North and Far North Queensland offices hosted inclusive games days in 2017–18.

The Far North Queensland event was held for the fifth consecutive year as part of Disability Action Week in September 2017. Our Cairns team partnered with ARC Disability Services, Cairns Regional Council, and Life Without Barriers to deliver the successful Inclusive Sports and Games Day at Fogarty Park on the Esplanade in Cairns. The event attracted a crowd of approximately 250 participants who took part in activities, such as accessible sailing, AFL, rugby league, softball, robotics, bowling, cricket, chess, checkers, and boccia. This free community event aims to highlight the importance of inclusion, challenge stereotypes about people with disability, and acknowledge the skills and contributions of people with disabilities.

In North Queensland, our Townsville team held their first inclusive games day at Townsville Stadium in September 2017. Event partners included Department of National Parks, Sport and Racing, and Townsville City Council. A range of accessible sports was available to try, including wheelchair basketball, squash, hockey, athletics, and aerobics. In the lead-up to the event, a workshop was held with participating sports clubs to explore ways in which their clubs could make their sports more inclusive, and increase participation of all abilities within the community.

In August 2017, the ADCQ co-hosted the biennial Mabo Oration in partnership with the Queensland Performing Arts Centre and the Mabo family. This event was also supported by the Department of Aboriginal and Torres Strait Islander Affairs.

To mark the 25th anniversary of the historic Mabo decision in the High Court, the oration was presented as a panel discussion, and examined where we are in light of the decision, and what the future of Indigenous affairs may look like in Queensland and Australia. The discussion was facilitated by journalist and author, Stan Grant. Panellists were:

- Professor Tom Calma AO
- Dr Jackie Huggins AM FAHA
- Dr Bryan Keon-Cohen AM QC
- Jayde Geia
- Vonda Malone.

The 2017 Mabo Oration was attended by approximately 759 people.

☐ International Women's Day – Townsville

For the fourth consecutive year the North Queensland office partnered with North Queensland Women's Legal Service to host an International Women's Day event. This year's theme was 'Celebrate Wellbeing, EveryBODY wins'.

Guest speakers included an oncology nurse, a personal trainer, and a former elite basketball player, who engaged the 100-strong crowd with strategies for practising wellbeing. The event also featured tango lessons and a World Café conversation on how to maintain positive physical and mental wellbeing.

Refugee Week movie night: Townsville

Our Townsville office partnered with Townsville Multicultural Support Group, Amnesty International, Ryan Catholic Community Centre, and Townsville Youth Council to host a special movie night for Refugee Week in June 2018. The event presented a free screening of the documentary, *The Staging Post*, and a Skype interview with the documentary subjects, Muzara and Khadim, and the Director, Jolyon Hoff.

Media

In 2017–18, the ADCQ provided information and public comment to mainstream, regional, and independent media outlets, including: *The Courier Mail, Bundaberg News*, the *Gold Coast Bulletin*, The Wire radio program, ABC Radio Gold Coast, ABC News online, and ABC Radio Capricornia. Topics of interest included racism, discriminatory advertising, sexual harassment in universities, and gender-specific signage and service delivery.

Education

The ADCQ delivers training courses based on the *Anti-Discrimination Act 1991*, as well as topics related to diversity, inclusion, and stereotypes. The primary objectives of training are to: educate people in Queensland about their rights and responsibilities under the Act, encourage inclusive attitudes and practices, and support organisations to adopt best practice methods for preventing and managing discrimination and harassment in the workplace.

Training is provided on a fee-for-service basis, with reduced rates offered to small community organisations and groups that demonstrate limited capacity to pay. Training services are delivered primarily on client demand, with only intermittent email marketing undertaken.

State-wide training performance

In 2017–18 we delivered 271 training sessions to approximately 4321 people. This was a decrease on the previous year's total of 306 sessions. The decrease was primarily in public sector delivery across the state, plus a reduction in the number of in-house sessions delivered in the Far North region. However, demand for training from the private sector increased noticeably in the Far North region, with 16 sessions being delivered this year compared to one last financial year. Other training delivery data is largely consistent with last year's results.

Table 4: Delivery of training by sector, by region

	South-East	Central	North	Far North	Total
Private sector	21	7	15	16	59
Public sector	85	4	45	2	136
Community	20	3	2	6	31
In-house	14	14	14	3	45
Total	140	28	76	27	271

Table 5: Types of training sessions

Course	South- East	Central	North	Far North	Total
Introduction to the Anti- Discrimination Act	48	9	47	11	115
The Contact Officer (standard and refresher course)	7	7	6	1	21
Managing complaints	_	_	_	_	0
Recruitment and Selection	_	3	_	1	4
Tracking your rights — A and TSI	1	_	_	_	1
Introduction to the Anti- Discrimination Act for Managers	19	3	15	9	46
Unconscious bias	43	6	6	4	59
Business benefits of diverse & inclusive workplaces	6	_	_	_	6
Age-friendly communities	6	_	2	_	8
Tailored training	10	_	_	1	11
Total	140	28	76	27	271

Demand for the *Introduction to the Anti-Discrimination Act* training course increased slightly this year, from 104 to 115 sessions delivered. It remains our most popular training offering, with sustained interest also being noted for Unconscious bias and Managers' training.

As part of the ADCQ's commitment to the whole-of-government *Queensland: an age-friendly community strategy*, we delivered eight free information sessions focussed on age discrimination.

Interest in the ADCQ's online training module, Discrimination Awareness in Queensland, increased with 203 new subscriptions being purchased. This year we updated the module to make it fully accessible across all browsers and devices, and this may have contributed to the increased uptake.

Training revenue for 2017–18 exceeded the target of \$180,900, to reach a total revenue of \$198,287. This was consistent with the previous year's result.

Table 6: Details of training sessions

	South-East	Central	North	Far North	Total
No. of people	2578	250	1118	375	4321
Hours of delivery	408	111	211	86	816
Actual revenue	\$101 039	\$24 826	\$58 578	\$13 844	\$198 287

Evaluation

As part of our commitment to continuous improvement of services, participants are asked to complete an evaluation form at the end of each training session. Evaluation is based on the following criteria:

- content of the training session and quality of information resources provided
- understanding of the course content before and after training
- effectiveness of the trainer in terms of content knowledge, engagement, and service delivery
- participant expectations, and whether they were satisfied
- whether the training material can, or will, be applied in practice.

Overall participant ratings have remained very high, with an average satisfaction rating of 97%.

Here is a sample of responses from 2017–18 training participants:

What did you like most about this training?

'Practical. Real world examples, challenges patterns of thinking.'

'The speaker — competent, interesting, ability to make a topic that could be dry and difficult very easy to understand and interesting.'

'Relevant to employment — useful information I haven't learned before. Good resources.'

'Presenter had a great knowledge and knew the answers from my tricky questions.'

'Opened my eyes to strategies I can use at my workplace.'

'Participant involvement, exchange of ideas, discussion among participants.'

'The presenter. Very passionate and motivated to help everyone attending to learn & understand

'Relevant and easy-to-follow, booklet to take to refer back to.'

'Open, hands on, informative, use of layman's terms, simplified.'

'Instructor is very poised, professional & quick about tying people's ideas together in positive ways.'

'Relevant examples and real strategies to use. Real commitment from the trainer was evident.'

'Listening to views of other employees as we haven't really opened up the discussion before.'

'Relevant, variety of resources, well researched.'

'I found the examples and exercises interesting; the content is very important.'

'Facilitator was engaging and very knowledgeable – AMAZING!'

'I liked that I got in-depth explanation of what to do if I was discriminated in any way whether at work, school or anywhere in general.'

'The chance to ask questions and the quality of the trainer's knowledge.'

'Real life situations, presenter was very knowledgeable, I enjoyed the conversations and learnings.'

'Well structured, good mix of practical examples and applications for discussion/questions.'

Aboriginal and Torres Strait Islander Unit

The Aboriginal and Torres Strait Islander Unit was established and launched in November 2003 to meet the demand for Indigenous-specific services to the community. The unit is based in the Brisbane office and is comprised of a Coordinator and Indigenous Assistant Human Rights Officer. An Indigenous Assistant Human Rights Officer is also based in the Cairns office, and receives ongoing professional and cultural support from the Unit Coordinator.

The unit provides services, including training, information, and policy advices to members of the Aboriginal and Torres Strait Islander community. The unit also contributes to legal submissions, provides guidance on cultural protocols, and advises the Commissioner in relation to human rights issues impacting on Queensland Indigenous communities. Priorities of the Aboriginal and Torres Strait Islander Unit include:

- coordinating the development, implementation and review of the ADCQ Reconciliation Action Plan
- visiting a range of Indigenous organisations throughout Queensland to provide information on the ADCQ and the Anti-Discrimination Act 1991
- building community confidence in the ADCQ complaint management and conciliation processes
- co-ordinating the biennial Mabo Oration.

During 2017–18, a series of community conversations was hosted to identify the key human rights priorities for communities and stakeholders, and to inform the work of the Unit. Conversations were held in Cairns, Yarrabah, Innisfail, and Brisbane. Focus questions for the conversations included:

- What do human rights mean to you?
- What are the current human rights priorities for the Aboriginal and Torres Strait Islander communities in Queensland?
- How can we work together to better achieve these human rights priorities for our Aboriginal and Torres Strait Islander communities?

The unit disseminated an online survey to Aboriginal & Torres Strait Islander stakeholders to gauge current understanding and interaction with the ADCQ, as well as to discover what services and information they need from us now and into the future. Information harvested from the survey and community conversations is being used in the operational planning process for the Unit.

The ADCQ Stretch Reconciliation Action Plan (RAP) 2016–2019 achieved the following outcomes i:

- A revised cultural protocol document for Welcome to Country and Acknowledgement of Country was implemented.
- The ADCQ website was updated to include an Acknowledgement of Country.
- We worked with an Aboriginal artist to design Acknowledgement of Country plaques for each of the four ADCQ offices.
- We developed a list of Aboriginal and Torres Strait Islander suppliers to be considered during procurement activities.
- We continued to collaborate with Queensland Aboriginal and Islander Health Council (QAIHC)
 on ways to reduce institutional barriers to health equality for Aboriginal and Torres Strait
 Islander Queenslanders (refer to page 11 for more information).
- We delivered the 2017 Mabo Oration (refer to page 16 for more information).

Complaint management

With an increase in complaint numbers again this year, the Commission has been busy with complaint management. As in previous years, the Commission's complaint management focus has been on resolving complaints under the *Anti-Discrimination Act 1991*.

The Commission deals with complaints about discrimination, sexual harassment, victimisation, vilification, and requests for unnecessary information. The Commission also has power to deal with complaints of reprisal against whistleblowers who elect to resolve their complaints through the Commission's process, rather than pursue court proceedings. From 30 March 2018, the Commission's jurisdiction increased to include discrimination against residents of regional communities to coincide with the commencement of the *Strong and Sustainable Resource Communities Act 2017*.

The Commission has again met, or exceeded, its complaint management targets in terms of timeliness of the overall process. The effective complaint management processes and the conscientious approach of the conciliators means that satisfaction rates have remained high, with an impressive 90% satisfaction rate of all parties who evaluated the service.

Complaints continue to be managed in all offices across Queensland. This means that efficient, local service delivery is provided to all parties, irrespective of their location, resources, and vulnerabilities. It also means that complaints across Queensland are managed from various offices, depending on available resources, so that telephone conferences are commonly held. Telephone conferences have continued to be an effective means of resolving complaints.

State-wide complaint trends

The majority of complaints continue to originate from the South-East Queensland region, as shown in Table 7. The complaints received in South-East Queensland include all complaints lodged online, which could originate from any region. Complaints are then allocated among complaint handlers in the Brisbane and regional offices, with priority given to regional offices to manage files where all parties reside in their respective regional areas.

This year, 810 complaints were received across the state, representing a 13% increase from the 716 complaints received last year. This further increase means there has been a 26% increase in complaints in the last 2 years, and this has had a significant impact on the Commission's complaint handling demands.

Of the total complaints assessed this year, 451 were accepted as coming within the Commission's jurisdiction, representing about 55% of complaints received. This is demonstrates that the Commission continues to undertake a thorough assessment process at the initial lodgement stage. The remaining complaints assessed during the financial year fell outside the Commission's jurisdiction. Where a complaint does not come within the Commission's jurisdiction, the complainant is provided with written reasons, and is generally referred to another agency that can assist them.

The number of complaints finalised this year was 818 — a significant increase from the 700 finalised in 2016–17, and the 625 in 2015–16. This is proof of the ongoing efficiency of the complaint management process, and the commitment of the complaint management team across Queensland to work together to meet increased client demands, while continuing to provide high quality service.

Table 7: Complaints received, accepted and finalised

	South-East	Central	North	Far North	State-wide
Complaints received	747	18	10	35	810
Complaints accepted	272	55	47	90	464
Complaints finalised — accepted	270	51	41	89	451
Complaints finalised — not accepted	201	49	41	76	367
Total complaints finalised	471	100	82	165	818

Note: Complaints may be dealt with in a location other than where they were received

Table 8 shows that allegations of discrimination are included in 68.6% of accepted complaints, which is a slight rise from last year (67.2%). Discrimination complaints involve allegations of less favourable treatment based on an irrelevant attribute which arise in an area of public life covered by the law, such as at work, in accommodation, in education, and when obtaining goods or services, including government services.

The breakdown of the attributes on which allegations of discrimination are made in Table 8 clearly shows that discrimination on the basis of impairment remains the dominant ground, comprising 29.5% of all complaints (30.5% last year). This represents 202 complaints, which is a slight increase from 198 last year.

We received 51 race discrimination complaints this year, comprising 7.4% of discrimination complaints, which is fairly consistent with last year's 7.7%. The proportion of sex discrimination allegations has increased to 9.2%, an increase from 7.2% last year.

Family responsibilities complaints increased to 6.9% (5.4% last year). Age discrimination complaints decreased slightly from 5.4% to 3.9%. Religious discrimination complaints comprised only 1% of complaints, consistent with low numbers in previous years.

Table 8 shows that sexual harassment allegations of unwelcome sexual behaviour to, or about, a complainant are included in 11.4% of accepted complaints, which remains stable from last year (12%) and also represents the same number of complaints as last year — 78. The vast majority (72%) of complaints of sexual harassment arise in the workplace, as indicated in Table 9.

Sexual harassment may involve allegations of unwelcome sexual behaviour such as comments about a person's body and/or sex life, telling lewd jokes to or about a person, requests for sex, sending sexualised emails and texts, showing pornographic pictures and/or videos, sexual assault, and even rape. Complaints of sexual harassment have historically comprised a significant proportion of complaints to the Commission, and it seems to be a continuing issue in workplaces, as well as other areas of life. However, there has not been any apparent impact on complaint numbers arising from recent media focus on sexual harassment.

Victimisation complaints arise where a complainant or witness feels they have been poorly treated for being involved in a complaint. Victimisation complaints remain at around the same level as last year at 9.2%. Table 9 shows that 65.2% of victimisation complaints arose in the workplace. Because of the continuing relationship between an employer and their employees, there is more opportunity for victimisation complaints to arise after a person makes an initial complaint at work, compared to other areas. Fear of victimisation is also a reason why complainants are sometimes reluctant to lodge complaints until after they leave the workplace, or at all.

A complaint of vilification needs to show that there has been a public act to incite hatred towards, serious contempt for, or severe ridicule of, the complainant, or group of people, because of their race, religion, sexuality, or gender identity. Public vilification complaints remain low at 2.6% of complaints accepted on the basis of allegations of race, religious, sexuality, or gender identity vilification.

The Commission accepted 4 complaints of whistleblower reprisal, representing 0.6% of overall accepted complaints.

Despite the commencement of a new type of discrimination to protect residents of regional towns near large resource projects from being excluded from working on the projects, the Commission did not accept any complaints on this ground.

Table 8: State-wide accepted complaints by ground

Ground	Number	%
Discrimination		
Age	27	3.9%
Breastfeeding	2	0.3%
Family responsibility	47	6.9%
Gender identity	8	1.2%
Impairment	202	29.5%
Lawful sexual activity	1	0.1%
Parental status	13	1.9%
Political belief or activity	3	0.4%
Pregnancy	18	2.6%
Race	51	7.4%
Relationship status	9	1.3%
Religious belief or religious activity	7	1.0%
Sex	63	9.2%
Sexuality	13	1.9%
Trade union activity	6	0.9%
Subtotal discrimination	470	68.6%
Discriminatory Advertising	2	0.3%
Request/Encourage a Breach	7	1.0%
Sexual Harassment	78	11.4%
Unnecessary Questions	48	7.0%
Victimisation	63	9.2%
Subtotal	198	28.9%
Vilification		
Gender identity	7	1.0%
Race	5	0.7%
Religion	1	0.1%
Sexuality	0	0.0%
Subtotal vilification	13	1.9%
Whistleblower reprisal	4	0.6%
Total	685	100%

Note: Complaints may be accepted under more than one ground. Percentages have been rounded to one decimal point.

The number and proportion of work-related complaints indicates that workplace fairness is the most significant area of people's lives. Table 9 shows that 63.4% of complaints arose in the workplace, or when seeking work. This is consistent with previous years. A further 13.6% of complaints arose in the area of goods and services, which includes access to public places and buildings.

The number of complaints in the area of accommodation has increased this year to 38 (30 last year), which is 6.1% of complaints. These complaints generally express concerns about the fairness of accommodation arrangements, often with rental properties, but can also include claims that body corporates have discriminated against resident-owners of units in their decision-making.

Table 9: State-wide accepted complaints by area

	Discrimination	Discriminatory advertising	Request or encourage a	Sexual Unnecessary harassment questions		Victimisation	Vilification	T	otal
		3	breach		4			#	%
Accommodation	29	_	_	4	3	2	_	38	6.1%
State laws and programs	17	_	_	_	_	2	_	19	3.0%
Goods and services	71	_	_	1	5	6	2	85	13.6%
Club membership and affairs	4	_	_	1	2	3	_	10	1.6%
Superannuation and insurance	1	_	_	_	1	_	_	2	0.3%
Disposition of land	_	_	_	_	_	_	_	0	0.0%
Work	262	2	1	58	27	45	2	397	63.4%
Education	25	_	_	_	_	1	1	27	4.3%
Not recorded*	_	_	6	17	6	10	9	48	7.7%
Total	409	2	7	81	44	69	14	626	100%

Note: Only discrimination breaches require an area.

Impairment discrimination continues to dominate complaints in the workplace. Table 10 shows that 58% of impairment discrimination complaints arise at work. Impairment discrimination complaints arising at work include allegations of the refusing employment because of an applicant's impairment, failing by employers to make reasonable adjustments to accommodate a person's impairment, impairment-based bullying, and forced retirement because of impairment, or the impact of impairment.

While Table 10 clearly shows the prevalence of discrimination complaints across most grounds in the workplace, a significant number of complaints of impairment discrimination arose in connection with the provision of goods or services (20%) which includes access to public places and buildings. Impairment (43.2%) and race (11.1%) are the most common grounds for discrimination complaints across all areas of complaint. Last year, race was the second most common ground for discrimination complaints across all areas. However, this year complaints of sex discrimination have increased to 13.3% of all complaints, and is now higher than race discrimination, which makes up 11.1% of all accepted complaints. Eighteen pregnancy discrimination complaints were accepted, a decrease from last year in which we received 22 complaints.

Table 10: State-wide accepted discrimination complaints by ground, by area

	Accomm	State laws &	Goods &	Club	Super &	Disposal	Work	Education	To	otal
		programs	services	membership	insurance	of land			#	%
Age	2	_	3	_	_	_	21	1	27	5.5%
Breastfeeding	_	_	_	_	_	_	1	1	2	0.4%
Family responsibility	_	1	3	_	_	_	43	_	47	9.6%
Gender identity	1	4	3	1	_	_	1	_	10	2.0%
Impairment	18	9	42	1	_	_	122	19	211	43.2%
Lawful sexual activity	_	_	_	_	_	_	1	_	1	0.2%
Parental status	_	_	2	_	_	_	11	_	13	2.7%
Political belief/activity	_	_		_	_	_	3	_	3	0.6%
Pregnancy	1	_		_	_	_	17	_	18	3.7%
Race	7	3	12	_	_	_	29	3	54	11.1%
Relationship status	1	1	1	_	1	_	6	_	10	2.0%
Religion	_	1	1	_	_	_	5	_	7	1.4%
Sex	3	_	6	2	_	_	53	1	65	13.3%
Sexuality	1	_	2	_	_	_	10	_	13	2.7%
Trade union activity	_	1	_	_	_	_	6	_	7	1.4%
Total	34	20	75	4	1	0	329	25	488	100%*

Note: *Percentages have been rounded to one decimal point.

Settlement of complaints

Conciliators at the Commission assist parties to resolve complaints under the *Anti-Discrimination Act 1991*. The conciliation conference allows parties to explore each other's perspective on the issues —identifying what they may have in common — and discuss options for settling the complaint.

This year saw a settlement rate of 53.8% which was consistent with last year's rate of 53.6%. This is slightly below the Commission's target of 55%; however this settlement rate demonstrates that conciliators continue their commitment to helping parties reach settlement in a busy, client-focused environment.

This year we saw the anticipated increase in referrals to QIRC as a result of last year's changes to the *Anti-Discrimination Act 1991* that require all work-related complaints to be referred to QIRC instead of QCAT. A total of 98 complaints were referred to QIRC (an increase from 7 the previous year when the changes had only recently commenced), while 39 non-work-related complaints were referred to QCAT, a significant decrease from the previous year's 96 referrals.

Overall, there were 137 complaints referred to QIRC or QCAT, an increase from 103 the previous year. This reflects the increase in overall complaint numbers, and also an increase in the referral rate to 30.5% from last year's referral rate of 25.4%. The Commission finalised 69.5% of complaints within the Commission, below the target of 75%. The increase in matters referred was balanced by a decrease in the number of complainants that did not refer their complaint to a tribunal after an unsuccessful conciliation conference (6% this year, 9.8% last year), and withdrew their complaint (6.7% this year, 9.8% last year). These factors are predominantly out of the Commission's control, and may indicate continued confidence by complainants and their representatives in the relatively new QIRC jurisdiction.

Table 11: State-wide outcomes for accepted complaints by region

	South-East	Central	North	Far North	State-wide	% Outcome for accepted complaints state-wide
Conciliated	145	32	21	44	242	53.8%
Lost contact (s169)	5	1	_	2	8	1.8%
Referred to QCAT	27	3	_	9	39	8.7%
Referred to QIRC	58	11	10	19	98	21.8%
Lapsed (s168)	5	1	_	_	6	1.3%
Unconciliable but not referred	11	2	6	8	27	6.0%
Withdrawn	19	1	4	6	30	6.7%
Total	270	51	41	88	450	100%*

Note: * Percentages have been rounded to one decimal point

Timeliness

The Commission continued to manage complaints in a timely way and met or exceeded all its timeliness targets. This meant that, with the increase in complaint numbers, the conciliators were committed to working efficiently and effectively throughout the year to avoid any backlogs in complaints.

A total of 72.4 % of complaints were finalised within three months from assessment notification, and a further 21.1% were finalised within six months. This equates to a total of 93.5% of complaints finalised within six months of acceptance.

Of accepted complaints, 68.2% were assessed and notified within 28 days of lodgement, which exceeded the Commission's target of 60%. This demonstrates that the Commission has been more consistently able to assess complaints based on the information initially provided by the complainant, and not requiring further information.

Of accepted complaints, 70.3% reached conference within the 42-day statutory timeframe from notification of decision until conciliation conference. This was an increase from 64% last year, and demonstrates an ongoing commitment to proceed to an early conference wherever possible, and to resist adjournments unless there are satisfactory reasons.

Conciliated outcomes

The following are examples of complaints made to ADCQ in 2017–18 that were successfully resolved through conciliation.

Sex discrimination when recruiting for a construction site

The complainant applied for a position as a tiler apprentice. She initially asked if they would accept a mature age person and the response was yes, as long as they were in good health and able to work on a construction site. The complainant then advised that she was very keen to apply. The respondent messaged back apologising, saying that they didn't realise the complainant was asking for herself; the job is very physical and they felt it was too hard for females.

The respondents provided a letter of apology, retraction of the statement about the job being too hard for females, and they agreed to change their recruitment advertisements in the future. The respondents also agreed to undergo training in discrimination, and paid the complainant an amount of compensation.

Employee on light duties terminated

The complainant worked as a maintenance shift worker at a factory. He received a vaccination at work. He was subsequently diagnosed with vaccination-related illness, coupled with severe allergic reaction to the vaccine.

After his illness, he returned to work on light duties as he was unable to stand for more than 20 or 30 minutes, and he was unable to hold power tools for long periods of time. He was able to perform light duties for 20 months. He then took 3 months of sick leave, and when he returned his employer requested a medical certificate addressing his capacity to perform his duties. The complainant provided a medical certificate clearing him to return to work on light duties. The employer terminated his employment.

The respondents argued they were unable to accommodate the complainant's light duties on an ongoing basis. The complainant believed that they could continue to accommodate him, as he had performed meaningful light duties for 20 months, and his employer had been able to accommodate him for the time.

The complaint was settled by payment of financial compensation to the complainant.

HIV-positive patient denied hair transplant procedure

The complainant, who was HIV positive, sought a direct hair implantation procedure from the respondent. The complainant's initial treatment was postponed, but he was later told that the clinic did not provide hair implantation service to HIV-positive patients, due to the risk of needle stick injury.

At conciliation, the respondents explained they did not provide the service due to safety concerns.

The complaint was resolved on the basis that the respondents agreed to: provide a written apology to the complainant; paid financial compensation to him; made donations to a legal centre and a not-for-profit support agency of an agreed amount; arranged expert training for their staff about blood borne viruses (such as HIV), including risks of exposure and transmission; and they would receive guidance and assistance from relevant agencies to review and develop their procedures and policy regarding the treatment of patients with the same, or similar, impairment to the complainant.

Female refused haircut at barber shop

The complainant was refused service at a barber shop because they only cut men's hair. The respondents explained that their lease with the shopping centre where the shop was located only permitted them to cut men's hair.

The complaint was resolved by both the barber shop managers and the shopping centre supervisor attending training in anti-discrimination.

Ongoing sexist and sexual comments in workplace ignored

The complainant worked in a male-dominated workplace. On numerous occasions, the respondent whispered comments to the complainant about a new female employee's appearance including: 'Why does she wear those tight pants, what does she want?' The respondent also commented about another new female appointment, 'I don't have a problem with women...but they can't work in the (redacted) industry because, you know, they have families and they have to give that priority, that's what they do right?' He also made comments about ironing being a woman's job, and said the complainant was 'less of a pussy than that other pussy' referring to another female.

When the complainant complained about the ongoing behaviour, she was told 'We have to accept some of this behaviour, given the industry and type of people we work with.' The complainant resigned when her complaints were not addressed.

The respondent answered the complaint by saying the allegations had been investigated and not substantiated, however the complainant had not been interviewed during this investigation. The respondent also argued that the complainant had resigned due to not getting on with female colleagues, and not because of the behaviour she was alleging.

The complaint was resolved by payment of financial compensation to the complainant, and the individual respondent to complete anti-discrimination training.

Sexual harassment of labour hire worker

The complainant commenced work for a local council in the parks and gardens section as a labour hire worker. She alleged that on her first day the individual respondent, who worked with her, was: 'bragging about his sexual conquests'; asked the complainant to go out with him; told her she should 'feed, f**k, and leave'; and spoke in derogatory sexual terms about other female employees, including his sexual relations with them. He also grabbed the complainant's shoulders when she told him to stop touching her, told the complainant and another worker to look at porn on his phone, and finally, that he ran around in a public park ranting that the complainant had accused him of raping her.

After this final incident, the complainant complained to the employment agency that had engaged her, and the agency brought the matter to the attention of the local council employer. She was then told by two supervisors that she had to make amends to the individual respondent, sit with him at lunch if he requested it, and to shake his hand and sort it out.

At conciliation, the individual respondent denied all the allegations. The supervisors that were named said that they didn't know what else to do.

The complaint was resolved by the council respondent agreeing to pay financial compensation to the complainant, provide her with a written apology from the local council, and to arrange training in anti-discrimination for specific council employees. The complainant did not settle with the individual respondent allegedly responsible for the multiple acts of sexual harassment, choosing to consider referral to the Tribunal of the allegations against him.

Employee on return to work plan denied opportunity for advancement

The complainant was in the process of negotiating a return to work plan, and provided the employer with a medical clearance. However, the employer directed the worker to attend another examination before they could return to work.

While the complainant was waiting to return to work, she applied for a higher position and was told by the respondent that she would not be interviewed for the position, because she was on a return to work plan and that she was not available at the time of the short listing.

The matter was resolved by paying financial compensation to the complainant and a return to her substantive position.

Unnecessary request for information at job interview

At a job interview, the complainant was asked in the perusal time to complete a criminal history check form and provide his driver's licence to be photocopied. The complainant alleged that asking this information allowed the panel access to his date of birth (he was 64 years old) and thereby use this information to discriminate against him due to his age.

At conference, the respondents outlined that the reason they required this information was for a purpose other than discrimination, namely to ensure the complainant did not have any criminal history.

The complaint settled for financial compensation, an apology, and a policy change so that criminal history check forms would only be asked of the preferred applicant after interview, and not all interviewees.

Racist comments and sexual harassment leads to resignation

The complainant, who was of North African descent, alleged that he was subject to racist remarks from co-workers and later his supervisor. This included: calling him offensive names, such as 'frog', 'Borat', and 'boat person'; asking if he had spent time in a detention centre; and mimicking the complainant's accent. Also, the complainant claimed that his direct supervisor commented negatively about his religious customs.

The complainant also alleged he had been subjected to sexual harassment, including making jokes about performing oral sex on his supervisor and customers to finalise sales. The complainant eventually resigned from his position after his complaints did not resolve the issues.

At conciliation, the supervisor refuted the allegations raised against him, and said that his working relationship with the complainant had initially been a positive one in which they enjoyed working together, but that the complainant had performance issues. The representative from the organisation expressed his shock at the complaint and his disbelief that there was a poor workplace culture within his organisation, and agreed to remedies to support staff.

The parties agreed on the following settlement during conciliation:

- a written apology by the corporate respondent
- a written statement of regret by the individual respondent
- financial compensation
- training for 250 staff on the Anti-Discrimination Act, and the internal and external complaint mechanisms available to all staff.

Evaluation

Following each conciliation conference, complaint parties are asked to evaluate the complaint process, based on a variety of factors including:

- outcome of the complaint
- fairness of the process
- clarity of letters and brochures provided
- · reliability of information provided
- timeliness of the process
- · conciliator's skills, and
- impact of the process on understanding of rights and responsibilities under anti-discrimination law.

A sample of responses from 2017–18 conciliation parties follows:

- '(The conciliator) was very professional and helpful at all times. A credit to the ADCQ and a potential future commissioner.' (Complainant)
- 'Congratulations to you and all of the anti-discrimination commission. The work of you, impact and empower, changing lives forever. This is beautiful.' (Complainant)
- '(The conciliator) was unbelievably considerate, professional, efficient and effective.' (Complainant)
- '(The conciliator) did a very good job with a very unusual complaint.' (Respondent's advocate)
- 'I didn't feel like just another number. The conciliation was a safe, comfortable process that I felt thankful to have access to after such a traumatic workplace experience.' (Complainant)
- 'We thank (conciliator) for his effective and understanding attendance to this matter.' (Respondent's lawyer)
- 'As an advocate that spends a lot of time in this jurisdiction, it was the first conference with this conciliator and was really very impressed with her conduct and knowledge.' (Complainant's advocate)
- 'Comfortable process' (Respondent)
- '(The conciliator) made the process very easy to understand....She was fantastic.' (Complainant's lawyer)
- '(The conciliator) did a great job.' (Respondent)

- '(The conciliator) shone like the brightest star. Thank you.' (Respondent)
- 'Requested I not have to speak to the other people which was easier for me due to my anxiety issue. I was happy with the process and glad they got training they needed regarding (redacted). Thank you (conciliator) she was the go between she kept in touch and explained everything clearly to me in a manner I could understand. Great work.' (Complainant)
- 'One never appreciates the services that people like (conciliator) and your commission provide to people, until suddenly we find ourselves in such a predicament. Your service is essential.'(Complainant)
- 'I believe the process improved my client's understanding of their rights and obligations under anti-discrimination law.' (Respondent's lawyer)

Applications to the Tribunal for review

Under section 169 of the *Anti-Discrimination Act 1991* a complainant may apply to the tribunal for review of a decision to lapse a complaint where the Commissioner has formed the opinion that the complainant had lost interest in continuing with the complaint.

For work-related matters the tribunal is the Queensland Industrial Relations Commission, and for all other matters the tribunal is the Queensland Civil and Administrative Tribunal.

There were no applications to the tribunal for review during the period.

Judicial review of decisions

Decisions of the Commissioner may be judicially reviewed by the Queensland Supreme Court under the *Judicial Review Act 1991*.

At the start of the period there were four pending applications for judicial review of decisions. The applications were heard on 28 August 2017 and the decision of the Court was delivered on 11 December 2017. The applicant did not pursue the application in relation to the decision under section 138 (time limit for making a complaint). Two decisions to reject complaints under section 139 were set aside, and the application in respect of another decision to reject a complaint under section 139 was dismissed. The decision of the Court is published at *Toodayan v Anti-Discrimination Commission Queensland* [2017] QSC 301.

An appeal against the decision of the Court to dismiss the application in relation to a decision rejecting a complaint was heard by the Court of Appeal on 14 May 2018. The decision of the Court of Appeal was not delivered during the period.

There were no new applications for judicial review made in the reporting period.

Intervention in proceedings

Under section 235 of the *Anti-Discrimination Act 1991* the Commission has the function to intervene in a proceeding that involves human rights issues, with the leave of the court hearing the proceeding, if the Commission considers it appropriate to do so.

The Commissioner did not intervene in any proceedings during the period.

Exemption applications

Under section 113 of the *Anti-Discrimination Act 1991* the tribunal is required to consult the Commission before deciding an application for an exemption from the operation of a specified provision of the *Anti-Discrimination Act 1991*. For work-related applications the tribunal is the Queensland Industrial Relations Commission (QIRC), and for all other applications, the tribunal is the Queensland Civil and Administrative Tribunal (QCAT).

During the period the Commission made five submissions to QCAT and four submissions to QIRC on applications for exemption from the operation of the *Anti-Discrimination Act 1991*.

The Commission also made a submission to the Australian Human Rights Commission on an application for an exemption under the *Disability Discrimination Act 1992* (Cth).

Summaries of submissions

In 2017–18 the Commission provided submissions to various state and federal bodies on the development of government policies and legislation. These included:

Religious Freedom Review to the Expert Panel on Religious Freedom

The Commission's submission informed the panel of the Queensland law under the *Anti-Discrimination Act 1991*, and how the Act has operated in the protection and enjoyment of religious freedom and other human rights. The submission describes prohibited religious discrimination and religious vilification, and various exemptions including those for religious bodies and educational institutions. Statistics for complaints of religious discrimination and religious vilification were included.

Commission officers appeared before the panel in Brisbane.

Labour Hire Regulations 2018 to the Office of Industrial Relations

Having experience of community concerns relating to seasonal farmworkers, the Commission had contributed to an inquiry into labour hire practices in Queensland, an issues paper, and the Labour Hire Bill 2017. The Commission then provided feedback on draft Labour Hire Regulations, including issues relating to accommodation, and recommendations for the disclosure in the application process of involvement in proceedings under anti-discrimination laws.

Births, Deaths and Marriages Registration Amendment Bill 2018 to the Legal Affairs and Community Safety Committee

The Commission supported the Bill, which removed the requirement for person to be unmarried in order to have their sexual reassignment noted on the birth register or adopted children register. The Commission noted that the inability of married people to have a change of gender noted on their records has long been an issue for LGBTI stakeholders, and has had a significant negative impact on those affected by it.

Application for exemptions for NGR trains to the Australian Human Rights Commission

The State of Queensland and Queensland Rail sought a temporary exemption from compliance with the *Disability Standards for Accessible Public Transport 2002* and the *Disability Discrimination Act 1992* (Cth) for its fleet of New Generation Rollingstock (NGR) trains. The Commission admonished the procurement of non-compliant trains, and their being put into service before rectification works were undertaken. The Commission urged accountability for people with disabilities who would be disadvantaged and discriminated against by the use of the non-compliant trains.

Tribunal

Under the Anti-Discrimination Act 1991, the tribunal has the functions of:

- (a) hearing and determining complaints referred by the Commissioner;¹
- (b) hearing and determining applications for exemptions;²
- (c) hearing and determining applications for interim orders before referral of a complaint;³
- (d) considering applications for review of a decision that a complainant has lost interest;⁴ and
- (e) providing opinions about the application of the Act.5

The Queensland Industrial Relations Commission (QIRC) is the tribunal for all work-related matters, and the Queensland Civil and Administrative Tribunal (QCAT) is the tribunal for all other matters.

There were 23 decisions of the tribunals published for the period, made up as follows:

Table 12: Tribunal Decisions

	QIRC	QCAT	Totals
Final hearings	1	5	6
Dismiss/strike out	_	1	1
Joinder	_	1	1
Legal representation	1	1	2
Produce documents	_	1	1
Jurisdiction	_	1	1
Non-disclosure	_	1	1
Costs	_	1	1
Exemption applications	3	6	9
	5	18	23

The following is a selection of the published decisions.

Complaints

Political meeting not allowed at a hotel

The founder member and President of the Love Australia or Leave party, Ms Vuga, wanted to hold a meeting in Hervey Bay. A party member arranged for attendees to meet for drinks at the Beach House Hotel before going to a meeting elsewhere, the location for which would be disclosed at the drinks.

The party prepared a flyer that was widely distributed, including in the hotel. When the hotel manager saw the flyer the day before the intended drinks and meeting, he made some enquiries and then contacted Ms Vuga. He had concerns about the possible size of the gathering for drinks in the main bar and the impact on other patrons. He told Ms Vuga she could not have the meet for drinks at the hotel, and the hotel did not want to be associated with the party. The manager hired security for the intended event, and people wearing tee shirts with 'Love Australia or Leave' printed on them were denied entry to the hotel.

¹ Anti-Discrimination Act 1991, section 175.

² Anti-Discrimination Act 1991, section 113.

³ Anti-Discrimination Act 1991, section 144.

⁴ Anti-Discrimination Act 1991, section 169.

⁵ Anti-Discrimination Act 1991, section 228.

The tribunal found there were two substantial reasons why the manager decided not to allow the meet for drinks to take place — one reason was the impracticality of the arrangements and the way the party had organised them, and the other reason was the dislike of Ms Vuga's political views and disagreement with those of the party.

Discrimination on the basis of an attribute happens if the attribute is a substantial reason for the less favourable treatment.

It was direct discrimination when the hotel manager did not permit the gathering at the hotel, and when he told Ms Vuga that the hotel did not want anything to do with the party and that it was not welcome at the hotel.

The tribunal found that the safety of hotel staff was not a substantial reason for the decision not to allow the gathering to take place, and the tribunal was not satisfied that the decision was reasonably necessary to protect the safety of the staff.

Ms Vuga was awarded damages of \$2,500 for the offence she felt when told of the hotel's decision that it wanted nothing to do with her party, and that the party was not welcome at the hotel.

Vuga v Persol & Co. Trading Pty Ltd [2017] QCAT 368

Domestic violence not a characteristic of a female

A woman called in sick due to a domestic violence incident. She attended work the following day, and at the end of her shift the employer told the woman she was no longer needed, and told her employing agency that the woman had too many personal problems.

At the tribunal (QIRC) the woman argued she was discriminated against on the basis of sex, because being a victim of domestic violence is a characteristic of being female. She argued that the status of being a victim of domestic violence and/or an inability to reasonably keep one's personal issues out of the workplace or to prevent those issues from impacting upon their work, are characteristics that are often imputed to females and/or is a characteristic that a female generally has.

The respondents produced data that shows that women are more likely to be victims of domestic violence, that men are also victims of domestic violence, and that the majority of women overall are not victims of domestic violence. The complainant referred to the National Domestic and Family Violence Bench Book to show that domestic violence disproportionally affects women, and that there are negative assumptions associated with women's experience of domestic violence that do not attach to victims of other types of violence in the same way.

The tribunal did not accept that being a victim of domestic violence is a characteristic that women generally have. The tribunal also said there was nothing to support the proposition that the complainant was discriminated against on the basis of the alleged characteristic of having an inability to reasonably keep personal issues out of the workplace and to reasonably prevent personal issues from impacting on work being performed.

Wright v Bishop [2018] QIRC 007

Legal representation in the QIRC

The tribunal granted leave for the applicant to be legally represented. Under the *Industrial Relations Act 2016*, a lay advocate may represent a party without the leave of the tribunal, however leave is required if the party wishes to have a legal representative in matters under the *Anti-Discrimination Act 1991*.

The applicant was primarily represented by an experienced industrial advocate, however they wished to engage lawyers for the more complex issues, and for appearances when the industrial advocate may not be available.

Both parties had filed Statements of Facts and Contentions. The applicant claims both direct and indirect discrimination on the basis of impairment.

The tribunal said that the issue of indirect discrimination is not generally an easy concept for lay advocates to grasp. Even if there was no claim of indirect discrimination, the tribunal would still have been of the view that allowing the applicant to be legally represented would enable the hearing and determination of the matter to be dealt with more efficiently, having regard to the complexity of the matter.

The tribunal said that the hearing and determination of claims of discrimination on the basis of impairment will generally involve issues of law which are best dealt with by lawyers.

Wayne Gamble v TP Turner Pty Ltd & Robert Turner [2018] QIRC 014

Not discrimination to ask about sick leave

A female police sergeant complained that she was subjected to impairment discrimination during 2014, 2015 and 2016. It was accepted that the woman had PTSD however there was a dispute as to the extent that the three individual respondents knew of the impairment. The tribunal accepted that the woman's immediate supervisor was aware of her impairment, however his two more senior officers were not.

The woman had periods off work due to her PTSD. In September 2013 she resumed work under a graduated return to work program under the advice of her psychiatrist, after a period of leave of approximately ten months. She applied for recreation leave to attend her daughter's wedding in November 2014, which was during the G20 period when there was an embargo on police officers taking leave. The woman thought she had an exemption from the embargo but was unable to locate it to provide to her supervisor. The leave application was declined, but the supervisor arranged shifts and rosters to enable the woman to attend the wedding. The woman took sick leave for the period, on a recommendation from her treating psychiatrist.

The tribunal accepted that the leave was declined because of the embargo on leave, and that there was no documentary evidence of the excusal from the embargo. It was not an application for sick leave, and the supervisor did not decline it because the woman was sick or because he did not believe she was sick. The tribunal found that the failure to approve the leave or progress the application was not conduct that occurred on the basis of the woman's impairment.

During the period the woman was away, an internal disciplinary investigation was instigated in respect of her absence from work. After she returned to work she was asked to alter her application for sick leave to make it an application for recreation leave, and she received an email asking for an explanation for her conduct during the period she was on sick leave. The woman said she felt intimidated and bullied. She consulted her psychiatrist who certified her unfit to work for a month from 26 December 2014, the date when her graduated return to work plan ceased. The woman did not change her leave application or provide an explanation of what she did when on sick leave, and the disciplinary investigation did not continue.

The woman complained that various other incidents amounted to discrimination of her because of her impairment, for example, being spoken to rudely about her sick leave application, and not being supported to apply for a relief position because of the amount of leave she had taken.

The tribunal found that the conduct was not because of the woman's impairment, and decisions were made for reasons other than the woman's impairment.

The woman claimed that asking her what she did when she was on sick leave (in November 2014) was a contravention of section 124 (a request for information upon which discrimination might be based). The tribunal said that 'it stretches the language of section 124(1) too far to suggest that asking someone to give information about where they were and what they did whilst on sick leave was a request for information on which unlawful discrimination might be based. Rather, it was a request for information upon which consideration was to be given as to whether her claims to have been genuinely sick while on sick leave in that period might be verified.'

Additionally, the tribunal found that the information was reasonably required to investigate the validity of the application for sick leave, and that it was not discriminatory to do so.

The woman said she experienced hurt and suffering as a result of the actions taken by the respondents, and she felt she was being subjected to managerial actions taken on the basis of her impairment that was accompanied by ill will and a poor culture within the QPS, which caused risk to her health and safety. Medical reports described a worsening of the woman's adjustment disorder with anxious and low mood, tearful spells, severe insomnia, social withdrawal, feelings of helplessness and hopelessness, gastrointestinal symptoms, headaches, and palpitations.

The tribunal said that had it upheld the complaints, it would have awarded general damages against the supervisor of \$25,000, and \$5,000 each against his two superiors, with 4% interest on those figures. There was insufficient evidence that the woman had suffered economic loss.

Jenkins v State of Queensland & Ors [2018] QCAT 154

Exemption applications

During the period nine decisions on applications for exemption from the operation of the Act were published. There were six decisions by the QCAT and three by the QIRC.

A company applied for an exemption so that it could pay an extra 1% superannuation for its female employees. The purpose of the proposal was to redress financial gender inequality specifically experienced by women in their retirement. The QCAT found that the proposal was a special measure intended to achieve equality, and permitted under the Sex Discrimination Act 1994 (Cth). It was therefore rendered lawful under section 59 of the *Anti-Discrimination Act 1991*, so an exemption was not necessary.⁶

In three separate applications, the QCAT granted exemptions to allow a not-for-profit housing company to restrict accommodation in three separated residential complexes to singles. The company provides affordable accommodation to people with low income and people with special needs.⁷

The QCAT granted an exemption allowing a manufactured home park at Greenbank to continue to limit accommodation to people 50 years of age and over.⁸ A further exemption was also granted in respect of a residential complex at Miami.⁹ The Commission continued to oppose the segmentation of affordable housing by age, and using temporary exemptions for long-term purposes and potentially circumventing government policy.

The QIRC granted an exemption to allow the recruitment of a female only intake for an underground metallurgical coal mine.¹⁰ The targeted recruitment of females was part of the applicants' diversity and inclusion strategy, which included encouraging and facilitating entry into the business of groups

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⁶ CISC Pty Ltd t/a The Construction Training Centre [2017] QCAT 301.

⁷ Re: Brisbane Housing Company Ltd (Bonney Lane) [2018] QCAT 072; Re: Brisbane Housing Company Ltd (Warry Street) [2018] QCAT 073; Re: Brisbane Housing Company Ltd [2018] QCAT 081.

⁸ Surtie Enterprises Pty Ltd ATF The Surtie Enterprises Unit Trust [2018] QCAT 323.

⁹ Miami Recreational Facilities Pty Ltd [2017] QCAT 253.

¹⁰ Anglo Coal (Moranbah North Management) Pty Ltd & Anor [2018] QIRC 052.

who have historically been poorly represented in the business. A proposal to limit the intake to females aged over 25 years was not pursued following the Commission's submissions to the tribunal that the age limitation was not made out and not supported by the Commission.

An exemption was also granted to allow the targeted recruitment of female correctional officers, female correctional supervisors, and female trade instructors at the Townsville Women's Correctional Centre.¹¹

QCAT Appeal Tribunal

A party to proceedings in QCAT may appeal a decision on a question of law, and apply for leave to appeal a decision on questions of fact or questions of mixed fact and law. There were two decisions of the QCAT Appeal Tribunal published in the period.

Meaning of 'in the course of work' for vicarious liability

This was an appeal against a decision on a complaint of sexual harassment, where the complainant suffered severe psychiatric injury and was awarded \$70,000 general damages plus special damages.

The central issue in the grounds of appeal was about vicarious liability and the meaning of 'in the course of work' in section 133. The respondents argued that the perpetrator of the sexual harassment was only required to be available at the relevant time, and that for the company to be vicarious liable, the conduct must have happened when the perpetrator was performing some work task. They argued he was not doing anything 'in the course of work' until he was actually called upon to undertake some task. The respondents also appealed the calculation of past and future loss of income. The appeal was unsuccessful on all grounds.

This is an important decision on how the Act is interpreted and the extent of vicarious liability under the Act. It includes a comprehensive examination of case law on the various types of vicarious liability — common law and statute — including comparison of 'in the course of work' in the human rights and workers' compensation jurisdictions. This is of particular importance now that our work-related complaints are referred to the QIRC, which also determines matters under the workers' compensation legislation.

Following the High Court in *Project Blue Sky*, the Appeal Tribunal said the starting point for an analysis of the proper construction of the likes of section 133, is to observe the importance of the context, general purpose and policy of the statutory provision, which are among the best guides to its meaning. It said that sections 117 and 133 are remedial provisions in legislation that protects human rights, and ought to be broadly construed. Reading legislation in light of its objects is of particular significance in the case of legislation that protects or enforces human rights.

The Appeal Tribunal considered various High Court authorities, and considered extensively observations of the Federal Court in *Trainor*, particularly those of Kiefel J. *Trainor* was decided under the *Sex Discrimination Act*, where the wording of the vicarious liability provision is 'in connection with employment'. Applying the statutory interpretation principles enunciated in *Trainor*, the Appeal Tribunal concluded that notwithstanding the different wording, the expression 'in the course of work' should be applied broadly. It said there was no material distinction between the purpose and aims of the *Sex Discrimination Act* and the purpose and aims sought to be achieved by the *Anti-Discrimination Act* in prohibiting sexual harassment.

The Appeal Tribunal agreed that it was wrong to import the doctrine of vicarious liability in tort (where there needs to be a sufficiently strong nexus between the conduct and the work) into an anti-discrimination statutory context. In tort law, vicarious liability is aimed at activities done within the confines of the job a person is engaged to do, not something like sexual harassment that is not really referable to what the person was employed to do.

¹¹ State of Queensland (Department of Justice and Attorney-General, Queensland Corrective Services) [2018] QIRC 072.

In comparing cases concerning the test to be applied to ascertain whether an injury was sustained 'in the course of employment' in workers' compensation legislation, the Appeal Tribunal noted that workers' compensation legislation has demonstrably different purposes. In the workers' compensation environment, the threshold issue of whether a worker was injured in the course of employment, is in the context of whether an injured worker is entitled to compensation. The workers' compensation legislation is not concerned with the purpose or policy of eliminating sexual harassment in the community, and imposing vicarious liability on persons whose workers or agents contravene the Act.

The limitation on the vicarious liability of an employer that the act must occur 'in the course of work' does not require the actual performance of a work task, and does not require any consideration of whether there was authorisation, permission, or facilitation in any way of the relevant act.

The Appeal Tribunal noted that the second aspect of section 133(1) — when a person's workers or agents are acting as agent — does not have any necessary connection with the performance of work, merely the existence of any agency. Agency can be actual, implied, or ostensible. Whether the conduct was within some perceived scope of apparent or ostensible authority is not an element for deciding vicarious liability. The Appeal Tribunal said it would be anomalous if the test which attracted vicarious liability to a principal for conduct of an agent was materially different to the test to be applied where the conduct was by an employee (who might also be treated as an agent), in requiring that the worker must be doing some specific thing constituting 'work'.

JKL Limited v STU [2018] QCATA 029

Hearing unfair for proof of damages

A complainant who succeeded in a complaint of impairment discrimination but was awarded only \$10,000 in compensation, succeeded in having the award set aside.

The appeal tribunal found that the tribunal at first instance made errors of law by:

- 1. Not explaining to the complainant that she needed to provide evidence to substantiate damages for past economic loss;
- 2. Not explaining to the complainant that she needed to provide evidence to substantiate damages for non-economic loss; and
- 3. Making an award for general damages that was disproportionate to the findings of fact and prevailing community standards.

A further ground of appeal, that the tribunal erred in failing to award damages for breach of section 124, was dismissed.

The Appeal Tribunal discussed case law about the obligations of judicial officers in assisting self-represented parties, and section 29 of the *QCAT Act* which imposes a positive obligation on the tribunal to ensure that each party understands the legal implications of assertions and issues in the proceeding.

Grounds 1 and 2 resulted in an error of law in that the member did not conduct a fair hearing.

The Appeal Tribunal considered it was not in a position to make its own determination as to the appropriate award of damages, so the assessment of damages was remitted back to the tribunal, to be decided by the original tribunal member. The complainant can apply to seek to adduce new evidence.

Directions were also made for the parties to make submissions about the costs of the appeal.

Thorne v Toowoomba Regional Council [2017] QCATA 128

Court of Appeal

A party may apply to the Court of Appeal for leave to appeal a decision of the QCAT Appeal Tribunal on a question of law. For work-related matters, a party may appeal a decision of the Industrial Relations Court of Queensland on the ground of error of law, or excess or want of jurisdiction. In the period, there was one decision of the Court of Appeal in a complaint under the *Anti-Discrimination Act 1991*.

No denial of natural justice in QCAT hearing

A woman who complained of race discrimination at work was unsuccessful at QCAT, and also unsuccessful in an appeal against the decision to the QCAT Appeal Tribunal.

In her appeal to the Appeal Tribunal, the woman claimed she had been denied procedural fairness because she did not have a reasonable opportunity to examine an important witness (an alleged error of law), and that there were errors in factual findings of the tribunal. The Appeal Tribunal found there was no merit in the first ground, and that there was no demonstrated error on the part of the tribunal.

The woman then applied for leave to appeal to the Court of Appeal. She claimed she was denied natural justice because she was denied the right to question her most important witness, and that there were breaches of sections 28 and 95 of the *QCAT Act*. An appeal from the Appeal Tribunal may only be made on a question of law, and only if the party has obtained the Court's leave to appeal.

The Court noted the well-established principles governing a grant of leave to appeal. The appellant must show the appeal is necessary to correct a substantial injustice, and that there is a reasonable argument that there is an error to be corrected. There must be reasonable prospects of success to warrant a grant of leave.

The Court found that the woman failed to establish that the Appeal Tribunal erred in law. It said that the Appeal Tribunal's conclusion that the woman was not denied natural justice was a conclusion that was open to it on the basis of the analysis of the transcript of the hearing that the Appeal Tribunal had undertaken. The application did not raise any substantial issue about the proper interpretation of the *QCAT Act*.

The Court observed the nature of proceedings at QCAT by reference to the QCAT Act.

- [19] The Tribunal is intended to "deal with matters in a way that is accessible, fair, just, economical, informal and quick". Subject to the *QCAT Act*, an enabling Act and the Tribunal's rules, the procedure for a proceeding is at the discretion of the Tribunal. The Tribunal must act fairly and according to the substantial merits of the case, and is conduction a proceeding it must "observe the rules of natural justice". It is not bound by the rules of evidence or any practices or procedures applying to courts of record. The Tribunal must act "with as little formality and technicality and with as much speed" as the requirements of the *QCAT Act*, an enabling Act or its rules and a proper consideration of the matter before the Tribunal permit. The Tribunal must ensure, so far as it is practicable, that all relevant material is disclosed to the Tribunal to enable it to decide the proceeding with all the relevant facts.
- [20] In addition to the statutory commands to act fairly, and to observe the rules of natural justice, the Act provides in s.95(1) that the Tribunal must allow a party a reasonable opportunity to "call and give evidence" and to "examine, cross-examine and re-examine witnesses".

The Court noted that in many cases it may be useful for parties to provide a statement of evidence, or summary of evidence, from proposed witnesses, and the tribunal has a discretion to allow a witness to adopt a statement as their evidence in chief. In some cases this may 'relieve a self-represented litigant from the difficult task of eliciting oral evidence in a non-leading way', and may save time.

The Court also observed that in some cases a Court or Tribunal may prefer to have a witness tell his or her story orally. In this case, the approach taken by the Member to the manner in which the witness would give evidence and be examined was sensible (i.e. a written statement adopted as

evidence in chief, then cross-examined by the other party, and the woman given the opportunity to ask further questions).

Other matters

The application and the woman's submissions raised matters about the conduct of Crown Law in defending the respondents, and about QCAT in dealing with the proceeding. The matters included things allegedly said by one of the respondents at the conciliation conference in the Commission. The woman asked the Court to 'unpack' and examine the complex case and examine the conduct of the parties.

The Court said it is not the function of the Court, in an application for leave to appeal, to exercise some general supervisory jurisdiction over QCAT, and the application is not the occasion to examine things said at conciliation conferences and mediations, or to characterise the case as a 'David and Goliath battle'.

Costs

The woman argued that she should not be required to pay the respondents' costs, because of the history of the matter before the tribunal, and because she lacked the capacity to pay due to her personal circumstances. The Court said the conduct of the parties in the tribunal proceedings was taken into account by the tribunal when considering costs under the *QCAT Act*, and was not relevant to the issue of costs of the application for leave to appeal. The Court was not satisfied that the woman's limited capacity to pay a costs order is a sufficient reason to depart from the usual order that costs follow the event (i.e. costs are awarded in favour of the successful party).

The application was dismissed and the woman was ordered to pay the respondents' costs of the application.

Rintoul v State of Queensland & Ors [2018] QCA 20

Corporate governance

Corporate governance is the manner in which an organisation is controlled and governed in order to achieve its strategic goals and operational objectives. It is the cornerstone of sound stewardship and effective management. -- Queensland Audit Office, 1999

Governance framework

The ADCQ's governance framework supports transparent, accountable decision-making by establishing clear lines of authority and requiring monitoring and reporting of operational performance. It is the mechanism through which our strategic goals can be achieved and is based on the following principles:

- effective vision, leadership, and strategic direction
- · transparency and disclosure of decision-making processes
- · clear lines of responsibility and accountability
- participation in the governance process by employees.

These principles ensure that the ADCQ maintains its focus on:

- meeting its statutory responsibilities under the Act
- effective and efficient performance management
- improving service delivery through a process of engagement with key stakeholders
- reporting on performance.

While the ADCQ is independent of government, it is accountable to the Queensland Parliament through the Attorney-General and Minister for Justice.

Managing the ADCQ

Accountability for the ADCQ's operations under the *Financial Accountability Act 2009* resides solely with the Commissioner as the Accountable Officer.

The Commissioner is appointed under section 238 of the *Anti-Discrimination Act 1991* for a term of no longer than seven years. ADCQ employees are appointed under the *Public Service Act 2008*.

Two committees have been established to support the Commissioner in achieving the strategic goals and operational objectives of the ADCQ. They are the Executive Leadership Team (ELT) and the Leadership Group.

The ELT supports the Commissioner by providing advice in the following areas:

- establishing priorities
- developing an overarching fiscal strategy
- maintaining the corporate governance framework
- overseeing major initiatives and projects
- managing external relationships
- setting corporate performance objectives
- fostering an appropriate corporate culture that supports the Commission's values and Code of Conduct
- ensuring business continuity
- providing the strategic focus for corporate communications and marketing.

The members of the ELT are:

- Anti-Discrimination Commissioner (Chair)
- Deputy Commissioner (Deputy Chair)
- Director, Complaint Services
- Director, Corporate Services
- Director, Community Engagement.

The Leadership Group is a subcommittee of the ELT. The group is responsible for providing advice to the Commissioner in the following areas:

- overseeing strategic and operational planning processes to ensure that strategies, goals and performance measures address overarching priorities
- monitoring performance to ensure services are being delivered to the required level and quality
- driving the identification and establishment of best practice in all aspects of service delivery
- monitoring the effectiveness of governance practices, including policies and procedures
- allocation and management of resources
- ensuring the integrity of reporting systems and that appropriate systems of internal control are in place to manage risk
- ensuring there are adequate processes in place to comply with statutory reporting requirements
- ensuring that planning and performance management processes are based on an understanding of operational issues and constraints
- maintaining relationships and partnerships with stakeholders.

The members of the Leadership Group are:

- Anti-Discrimination Commissioner (Chair)
- Deputy Commissioner (Deputy Chair)
- Director, Complaint Services
- Director, Corporate Services
- Director, Community Engagement
- Principal Legal Officer
- Manager, Far North Queensland Region
- Manager, North Queensland Region
- Manager, Central Queensland Region
- Manager, Brisbane Complaint Team
- Coordinator Aboriginal and Torres Strait Islander Unit
- Coordinator Community Engagement.

Commission staff

The ADCQ maintains offices in Brisbane, Cairns, Townsville, and Rockhampton. At 30 June 2018, we employed 32 full-time equivalent permanent, temporary, and casual staff. The proportion of permanent staff decreased from 91 to 90 per cent over the last year. The permanent staff retention rate during 2017–18 was 91 per cent. The permanent staff separation rate was 9 per cent.

ADCQ is committed to maintaining a diverse and inclusive workplace where the contributions of all staff are valued. Strategies that have been implemented to promote diversity and inclusion include: support of flexible work arrangements, such as part-time work and working from home; provision of a parenting room; provision of highly accessible workplaces where possible; establishment of a

Healthy Workplaces Program; clear induction and performance management policies; professional development of all staff on a continuing basis; and adoption of a model of service delivery that encourages the creation of multidisciplinary teams.

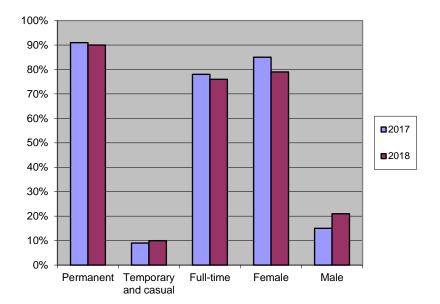
The success of these strategies can be seen in the most recent Working for Queensland survey, where the responses of staff were in the first quintile (to 20% of responses for the public sector) in all but two areas where responses fell in the second quintile. Some of the key responses in the survey include:

- 96% of responses to questions relating to support for diversity and inclusion were positive.
- 94% of responses indicated use of some form of flexible work arrangement over the course of the year.
- 82% of responses indicated a positive assessment of their workgroups.
- 73% of responses indicated that the Commission was innovative.
- 86% of responses indicated that staff were empowered to do their work.

Overall, the survey continues the trend in past surveys of respondents having a very positive view of working for the Commission.

Table 13 Staff groups (rounded)

Group	Employees
Executive management	2
Legal	1
Corporate support	4
Information technology	1
Conciliation	9
Community relations	6
Regional services	10
Total	32



Shared services

The ADCQ has service level agreements with the Department of Justice and Attorney-General and Queensland Shared Services for the provision of financial, human resource, internal audit, and processing services. These arrangements benefit the ADCQ by providing a cost-effective processing environment, and access to a greater range of skills than it can maintain internally, given its size, and allows the organisation to focus on core business.

Statutory obligations

Ethical behaviour

Prior to 1 June 2011, the ADCQ developed a Code of Conduct in accordance with the requirements of the *Public Service Ethics Act 1994* (PSEA). The code provided guidance on the way staff should behave in the workplace, and when representing the ADCQ outside the workplace, clearly explaining the standard of conduct expected of all employees.

Amendments to the *Public Service Ethics Act 1994* in 2010 included the introduction of the *Code of Conduct for the Queensland Public Service* (the Code), applicable to all public service agencies. The *Public Sector Ethics Amendment Regulation (No. 1) 2011* included the ADCQ in the definition of a public service agency, meaning that the Code applied to the ADCQ from 1 June 2011.

The Code applies to every person employed by the ADCQ, and breaches of the Code may be subject to appropriate disciplinary action as outlined in the *Public Service Act 2008*.

Client complaints

Five complaints about ADCQ service delivery were received during 2017–18 compared to six in 2016–17. Two complaints were resolved, or partially resolved, one was withdrawn, and two were rejected as misconceived. All complaints were investigated and managed in accordance with the policy and timeframes of the Commission, and none indicated the existence of any systemic problems.

Information systems and record keeping

The ADCQ recognises the significant value of its information resources to the achievement of corporate goals. Controls are implemented and monitored to safeguard the integrity, availability, and confidentiality of information in order to maintain business continuity. Record keeping policies and systems are being reviewed to ensure they meet the accountability requirements of the *Public Records Act 2002*, as well as other whole-of-government policies and standards, including *Information Standard 40: Recordkeeping*.

Internal and external audit

Internal audit services are provided on an 'as needed' basis to the ADCQ under a service level agreement with the Department of Justice and Attorney-General. The size of the ADCQ is such that a formal Audit Committee is not required. The responsibilities associated with internal audit and the maintenance of an appropriate internal control framework are discharged by the Executive Leadership Team.

A copy of the external audit report and certificate of our financial statements are supplied with this report. The Auditor-General's delegate has provided an unqualified certificate indicating the ADCQ's compliance with financial management requirements and the accuracy and fairness of the financial statements.

Risk management

The ADCQ's risk management framework ensures risk is managed as an integral part of decision-making, planning, and service delivery. This practice aims to reduce vulnerability to internal and external incidents that limit the ADCQ's ability to achieve strategic objectives and deliver services to the community. Key aspects of the risk management framework include:

- maintenance of an effective system of internal control
- regular reporting of identified risks to the Executive Leadership Team
- physical security of ADCQ assets, including security access to premises
- maintenance of security over access to information through network security
- investment in new information technology infrastructure
- media monitoring and risk evaluation.

The standard operating environment of the Commission is Windows 10 and Office 2016, and all core software is supported by appropriate support agreements and software assurance. The Commission has migrated from laptops to Surface Pro 4s to reduce costs, enhance mobility, and allow for business continuity in the event of natural disasters.

During 2017–18, the Commission finalised migration to 'cloud'-based provision of computing services, and replaced the unified communications system. These decisions will reduce risks associated with in-house management of computing services, and also reduce costs.

The responsibilities associated with risk management are discharged by the Executive Leadership Team.

Consultancies, overseas travel and language services

ADCQ did not engage any consultants during 2017-18.

ADCQ staff did not undertake any overseas travel in 2017–18.

ADCQ incurred approximately \$7,000 in costs for interpreter and translator services in 2017–18. Interpreters were engaged on 29 occasions providing the following interpretation services:

- Auslan x 7
- Mandarin x 6
- Farsi x 4
- Korean x 4
- Japanese x 2
- French x 1
- Arabic x 1
- Punjabi x 1
- Cantonese x 1
- Serbian x 1
- Spanish x 1.

Early retirement, redundancy, and retrenchment

The ADCQ made no payments of this nature during 2017–18.

The above information relating to consultancies, overseas travel and language services is also available at https://data.qld.gov.au.

Summary of financial information overview

The operating result for the ADCQ for 2017–18 was a deficit of approximately \$113 000.

The deficit was mainly due to the write-off of computer equipment that was no longer in use. This transaction is one-off in nature and has no cash effect.

Performance in the remaining budget areas was sound.

The major activities undertaken during the year include:

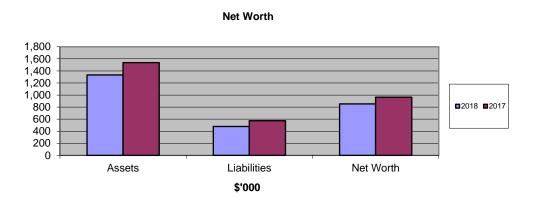
- enhanced community engagement through continuation of the Community Assistance Project, the delivery of the third Human Rights Month event, and co-hosting conversations with the Race Discrimination Commissioner on community cohesion
- co-hosted the biennial Mabo Oration with QPAC
- managed a significant increase in complaint numbers while achieving most targets
- migrated information and communication technology (ICT) facilities to a 'cloud' provider.

The financial effects of these major activities are provided in detail in the audited financial statements provided with this report and on the ADCQ's website (www.adcq.qld.gov.au).

The ADCQ's financial position

The financial position provides an indication of the ADCQ's underlying financial health, or net worth, at 30 June 2018. This provides a measure of our equity level. ADCQ's assets at 30 June 2018 were \$1.3 million, and liabilities were \$0.5 million, resulting in a total equity of \$0.8 million. The reduction in net worth is the result of writing down the computer network which has been replaced with a 'cloud'-provided service. The ADCQ's financial position remains strong.

Graph 2 Net worth



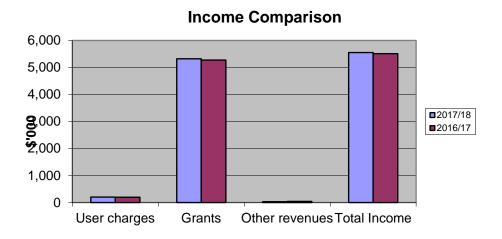
Financial performance

The Income Statement shows the total income for 2017–18 as \$5.556 million, and expenditure as \$5.669 million. The ADCQ finished the year with an operating deficit of approximately \$113,000. The deficit relates to one-off factors, primarily writing down the computer network asset. ADCQ is a statutory body, and as such is allowed to operate in deficit.

Income

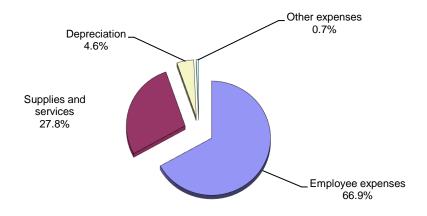
The ADCQ derives most of its income from the Queensland Government through a grant paid by the Department of Justice and Attorney-General. The ADCQ also generates funds through investment of surplus cash in interest-bearing deposits and the provision of training on a fee-for-service basis.

Graph 3 Source of funds 2017-18



Expenses

Total operating expenses for 2017–18 were \$5.669 million. The largest expense category is employee-related costs, which account for almost 67 per cent of total expenses. The second biggest category is supplies and services, which accounts for approximately 28 per cent.



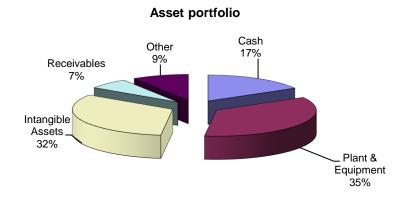
Comparison to budget and actual

Budget and Actual performance, together with explanatory notes, are provided in detail in Note E1 of the audited financial statements provided with this report and on the ADCQ's website (www.adcq.qld.gov.au).

Assets

Total assets reduced from \$1.5 million at 30 June 2017 to \$1.3 million at 30 June 2018. This change reflects the writing down of the computer network asset. Current assets are valued at \$0.4 million and are available to meet current liabilities, which are valued at \$0.5 million. The ADCQ remains well positioned to meet all its obligations as they fall due.

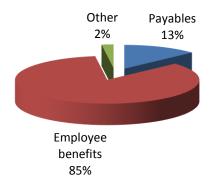
Graph 5 Asset portfolio



Liabilities

Total liabilities at 30 June 2018 were about \$0.5 million. These liabilities mainly relate to accrued employee entitlements and trade creditors.

Graph 6 Liability composition



Financial statements

Certification of financial statements

The certification of financial statements accompanies the annual report, or can be viewed at www.adcq.qld.gov.au.

Independent auditor's report

The independent auditor's report accompanies the annual report or can be viewed at www.adcq.qld.gov.au.

Appendix A: Glossary of terms

Term	Description
the Act	the Anti-Discrimination Act 1991 (Qld)
ADCQ	Anti-Discrimination Commission Queensland
complaint	 Means a complaint made under the Act. A complaint must: be in writing set out reasonably sufficient details to indicate an alleged contravention of the Act state the complainant's address for service be lodged with, or sent by post to the Commissioner. A person is only entitled to make a complaint within one year of the alleged contravention of the Act.
conciliation	A conciliation conference is a meeting to help parties resolve a complaint. It is the main way in which complaints are resolved. A conciliator from the ADCQ contacts the parties and manages the conciliation conference. Complaints that cannot be resolved through the conciliation process may be referred to the Queensland Civil and Administrative Tribunal for a public hearing to decide whether there has been a breach of the <i>Anti-Discrimination Act 1991</i> , and decide any compensation.
Commission	Anti-Discrimination Commission Queensland
direct discrimination	Direct discrimination on the basis of an attribute happens if a person treats, or proposes to treat, a person with an attribute less favourably than another person without the attribute is or would be treated in circumstances that are the same or not materially different.
Executive Leadership Team	The Executive Leadership Team is one of the key strategic advisory bodies of the ADCQ. It supports the Commissioner in providing the strategic direction as part of the overall corporate governance framework and oversees the Commission's strategic performance.
indirect discrimination	Indirect discrimination on the basis of an attribute happens if a person imposes, or proposes to impose, a term with which a person with an attribute does not or is not able to comply; and with which a higher proportion of people without the attribute comply or are able to comply; and that is not reasonable.
Leadership Group	The Leadership Group is a subcommittee of the Executive Leadership Team (ELT). It supports the Commissioner by ensuring that operational activity aligns with the strategic direction of the ADCQ as set by the ELT.
LGBTI	Lesbian, gay, bisexual, transgender, intersex
QCAT	Queensland Civil and Administrative Tribunal
QIRC	Queensland Industrial Relations Commission
vicarious liability	If a person's workers or agents contravene the Act in the course of work or while acting as agent, both the person and the worker or agent, are jointly and severally civilly liable for the contravention, and a proceeding under the Act may be taken against either or both. It is a defence to a proceeding for a contravention of the Act if the respondent proves, on the balance of probabilities, that the respondent took reasonable steps to prevent the worker or agent contravening the Act.

Appendix B: Compliance checklist

Summary of requirement		Basis for requirement	Annual report reference	
Letter of compliance	A letter of compliance from the accountable officer or statutory body to the relevant Minister/s	ARRs — section 7	Page 3	
Accessibility	Table of contentsGlossary	ARRs — section 9.1	Page 2 Appendix A	
	Public availability	ARRs — section 9.2	Inside cover	
	Interpreter service statement	Queensland Government Language Services Policy ARRs – section 9.3	Inside cover	
	Copyright notice	Copyright Act 1968 ARRs — section 9.4	Inside cover	
	Information licensing	QGEA — Information Licensing ARRs — section 9.5	Inside cover	
General	Introductory Information	ARRs — section 10.1	Page 5	
information	Machinery of Government changes	ARRs – section 31 and 32	N/A	
	Agency role and main functions	ARRs — section 10.2	Page 6	
	Operating environment	ARRs — section 10.3	Page 6	
Non-financial performance	Government objectives for the community	ARRs — section 11.1	Page 5	
	Other whole-of- government plans / specific initiatives	ARRs — section 11.2	14	
	Agency objectives and performance indicators	ARRs — section 11.3	Page 5, 8	
	Agency service areas, and service standards	ARRs — section 11.4	Page 8	
Financial performance	Summary of financial performance	ARRs — section 12.1	Page 50	

Summary of requi	rement	Basis for requirement	Annual report reference
Governance – management and	Organisational structure	ARRs — section 13.1	Appendix F
structure	Executive management	ARRs — section 13.2	Page 43
	Government bodies (statutory bodies and other entities)	ARRs — section 13.3	N/A
	Public Sector Ethics Act 1994	Public Sector Ethics Act 1994 ARRs — section 13.4	Page 46
	Queensland public service values	ARRs — section 13.5	Page 5
Governance –	Risk management	ARRs — section 14.1	Page 47
risk management and accountability	Audit committee	ARRs — section 14.2	Page 47
•	Internal audit	ARRs — section 14.3	Page 47
	External scrutiny	ARRs — section 14.4	N/A
	Information systems and recordkeeping	ARRs — section 14.5	Page 47
Governance – human resources	Strategic workforce planning and performance	ARRs — section 15.1	Page 44
	Early retirement, redundancy and retrenchment	Directive 16/16 Early Retirement, Redundancy and Retrenchment Directive 04/18 Early Retirement, Redundancy and Retrenchment ARRs — section 15.2	Page 48
Open Data	Statement advising publication of information	ARRs — section 16	Page 48
	Consultancies	ARRs — section 33.1	https://data.qld.gov. au
	Overseas travel	ARRs — section 33.2	https://data.qld.gov. au
	Queensland Language Services Policy	ARRs — section 33.3	https://data.qld.gov. au
Financial statements	Certification of financial statements	FAA — section 62 FPMS — sections 42, 43 and 50 ARRs — section 17.1	Page 53 Appendix G
	Independent Auditors Report	FAA — section 62 FPMS — section 50 ARRs — section 17.2	Page 47 Appendix G

FAA FPMS ARRs

Financial Accountability Act 2009
Financial and Performance Management Standard 2009
Annual Report Requirements for Queensland Government agencies

Appendix C: Publications

Brochures

- 10 things you should know about fair treatment in Queensland
- 10 things you should know about fair treatment in Queensland: Aboriginal & Torres Strait Islander peoples
- · Getting to know the law
- Making a complaint
- Responding to a complaint
- All about conciliation conferences
- Age discrimination
- Gender identity discrimination & vilification
- Impairment discrimination

- Lawful sexual activity discrimination
- Pregnancy & breastfeeding discrimination
- Racial and religious discrimination & vilification
- Racial discrimination & vilification:
 Aboriginal & Torres Strait Islander peoples
- Relationship status, parental status & family responsibilities discrimination
- Sex discrimination
- Sexual harassment
- Sexuality discrimination & vilification

Fact sheets — available from the ADCQ website (www.adcq.qld.gov.au)

- Applying for a Tribunal exemption
- Breastfeeding
- Bullying
- Bystander action
- Comments as discrimination
- Complaints and the role of the Anti-Discrimination Commission
- Direct & indirect discrimination
- Discrimination & religious-based schools and educational institutions
- Discrimination: attributes and areas

- Discrimination in resource projects Exemptions
- Identified positions for Aboriginal & Torres
 Strait Islander people
- Incapacity and work
- Medical information & recruitment (brief and detailed versions)
- Vicarious liability
- Victimisation
- Vilification & Vilification cases
- Work matters and QIRC jurisdiction under anti-discrimination law

Information guides — available from the ADCQ website (www.adcq.qld.gov.au)

- Answers to 20 questions: small business guide
- Discrimination in accommodation
- Discrimination in education
- Discrimination in provision of goods & services
- Discrimination in employment
- Employers' toolkit
- Small business handbook
- Trans@Work: a guide for trans* employees, their employers & colleagues

Posters

- Reaching out to Aboriginal and Torres Strait Islander peoples
- Universal Declaration of Human Rights
- Where do human rights begin?
- Discrimination damages people, productivity, profits
- Sexual harassment is unwanted, unacceptable, unlawful
- Diversity delivers different perspectives, capabilities and innovation

- A fair go. It's the Queensland way
- Discrimination is so last season. Don't wear it (female and male versions)
- Warning: a lack of diversity may be harmful to innovation
- Mentally healthy workplaces are as important as physically safe workplaces
- Stigma leads to discrimination, isolation and exclusion
- Flexible workplaces are strong workplaces

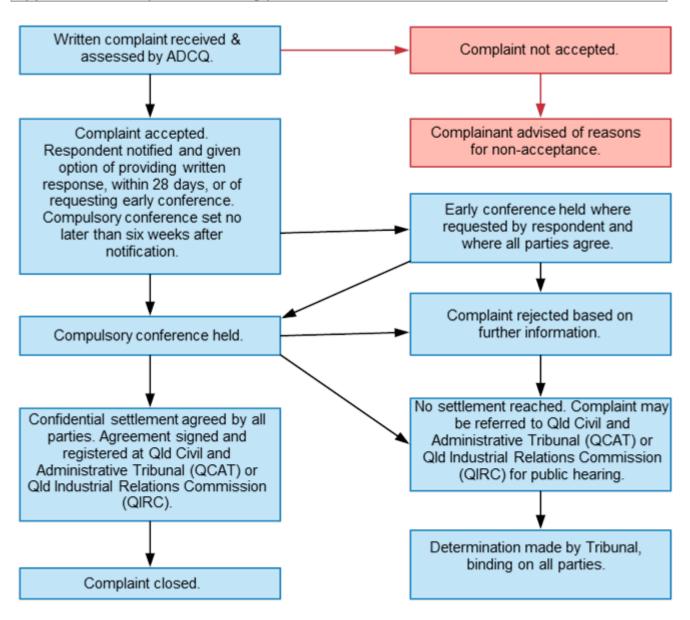
- Valuing difference creates inclusion. Everyone benefits
- Discrimination is ugly
- Diversity: our difference is our strength
- Don't be a tool! Sexual harassment is against the law
- Workplace flexibility: give a little, gain a lot
- Mental illness won't discriminate
- Age-based assumptions
- Age-friendly workplaces
- Age-based stereotypes

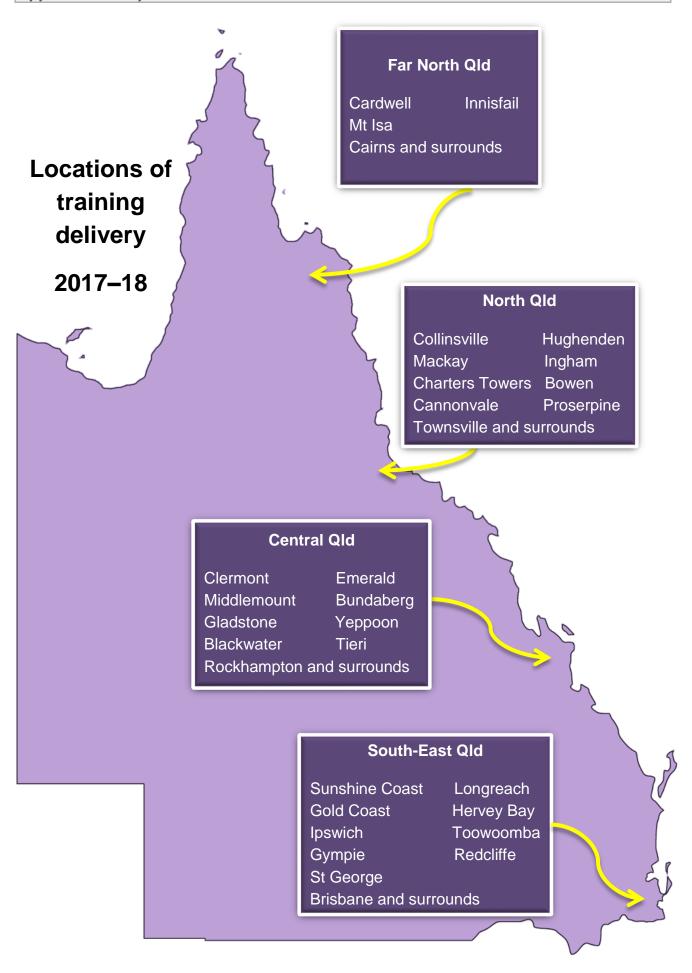
Rights cards

- Aboriginal & Torres Strait Islander peoples
- LGBTI community
- Muslim community

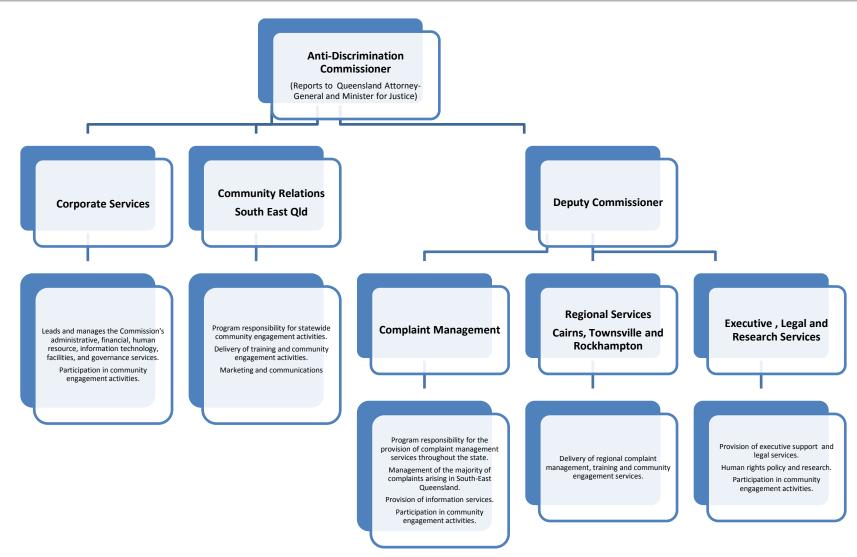
- Young people
- Breastfeeding

Appendix D: Complaint handling process





Appendix F: Organisational structure



Appendix G: Certified financial statements



Financial Statements for the financial year ended 30 June 2018

Anti-Discrimination Commission Financial Statements For the Year Ended 30 June 2018

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Anti-Discrimination Commission Statement of Comprehensive Income

Year ended 30 June 2018

OPERATING RESULT		2018	2017
	Notes	\$'000	\$'000
Income from Continuing Operations			
User charges and fees		205	198
Grants and contributions	B1-1	5,323	5,275
Other revenues		28	41_
Total Revenue		5,556	5,514
Total Income from Continuing Operations		5,556	5,514
Expenses from Continuing Operations			
Employee expenses	B2-1	3,793	3,731
Supplies and services	B2-2	1,575	1,787
Depreciation and amortisation	B2-3	263	150
Other expenses	B2-4	38	33
Total Expenses from Continuing Operations	-	5,669	5,701
Operating Result for the Year		(113)	(187)
TOTAL COMPREHENSIVE INCOME	· · · · · · · · · · · · · · · · · · ·	(113)	(187)

Anti-Discrimination Commission Statement of Financial Position

as at 30 June 2018

		· · · · · · · · · · · · · · · · · · ·	
		2018	2017
	Notes	\$'000	\$'000
Current Assets			
Cash and cash equivalents	G1	223	267
Receivables	C2	88	45
Inventories		14	12
Prepayments		107	145
Total Current Assets		432	469
Non-Current Assets			
Plant and equipment	C3	468	602
Intangible assets	C4	432	467
Total Non-Current Assets	<u> </u>	900	1,069
Total Assets	-	1,332	1,538
Current Liabilities			•
Payables		63	119
Other liabilities		10	13
Accrued employee benefits	C5	407	441
Total Current Liabilities		480	573
Total Liabilities	· · · · · · · · · · · · · · · · · · ·	480	573
Net Assets		852	965
Equity			
Contributed equity		337	337
Accumulated surplus		515	628
			020
Total Equity		852	965

Anti-Discrimination Commission Statement of Changes in Equity

Year ended 30 June 2018

	Contributed Equity	Accumulated Surplus \$'000	TOTAL \$'000
Balance as at 1 July 2016	337	816	1,153
Operating result for the Year	-	(187)	(187)
Balance as at 30 June 2017	337	628	965
Balance as at 1 July 2017	337	628	965
Operating result for the Year	-	(113)	(113)
Balance as at 30 June 2018	337	515	852

Anti-Discrimination Commission Statement of Cash Flows

Year ended 30 June 2018

		2018	2017
	Notes	\$'000	\$'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Inflows:			
User charges and fees		156	223
Grants and contributions		5,323	5,275
GST input tax credits from ATO		169	185
GST collected from customers	÷	22	20
Other		30	40
Outflows:			
Employee expenses		(3,840)	(3,653)
Supplies and services		(1,588)	(1,789)
GST paid to suppliers	•	(164)	(192)
GST remitted to ATO		(21)	(19)
Other		(38)	(33)
Net cash provided by operating activities	CF-1	49	57
CASH FLOWS FROM INVESTING ACTIVITIES			
Outflows:			
Payments for plant and equipment		(66)	(95)
Payments for intangibles		(27)	. ,
Net cash provided by (used in) investing activities		(93)	(95)
Net increase (decrease) in cash and cash equivalents		(44)	(38)
Cash and cash equivalents - opening balance		267	305
Cash and cash equivalents - closing balance	C1	223	267

Anti-Discrimination Commission Statement of Cash Flows

Year ended 30 June 2018

NOTES TO THE STATEMENT OF CASH FLOW

CF-1	Reconciliation	of Operation Result:	o Net Cash Provided by	Operating Activities

	2018 \$'000	2017 \$'000
Operating Surplus/(deficit)	(113)	(187)
Non-Cash items included in operating result: Depreciation and amortisation expense	263	150
Change in assets and liabilities:	(40)	
(Increase)/decrease in trade receivables (Increase)/decrease in GST input tax credits receivable	(49) 8	1 (6)
(Increase)/decrease in LSL reimbursement receivables (Increase)/decrease in other receivables	(2)	⁻ 25 24
(Increase)/decrease in inventories (Increase)/decrease in prepayments	(2) 38	2 (60)
Increase/(decrease) in accounts payables and other liabilities	(60)	69
Increase/(decrease) in accrued employee benefits Net cash provided by operating activities	(34) 49	39 57

Anti-Discrimination Commission Notes to the Financial Statements

Year ended 30 June 2018

SECTION 1. ABOUT THE COMMISSION AND THIS FINANCIAL REPORT

A1 BASIS OF FINANCIAL STATEMENT PREPARATION

A1-1 GENERAL INFORMATION

The Anti-Discrimination Commission ("the commission") is a Queensland Government commission established under the Anti-Discrimination Act 1991 and controlled by the State of Queensland, which is the ultimate parent.

The head office and principal place of business of the commission is Level 20, 53 Albert Street, BRISBANE QLD 4000.

A1-2 COMPLIANCE WITH PRESCRIBED REQUIREMENTS

The Anti-Discrimination Commission has prepared these financial statements in compliance with section 43 of the *Financial and Performance Management Standard 2009*. The financial statements comply with Queensland Treasury's Minimum Reporting Requirements for reporting periods beginning on or after 1 July 2017.

The Anti-Discrimination Commission is a not-for-profit entity and these general purpose financial statements are prepared on an accrual basis (except for the Statement of Cash Flows which is prepared on a cash basis) in accordance with Australian Accounting Standards and Interpretations applicable to not-for-profit entities.

New Accounting standards early adopted and/or applied for the first time in these financial statements are outlined in Note F3.

A1-3 PRESENTATION

Currency and Rounding

Amounts included in the financial statements are in Australian dollars and rounded to the nearest \$1,000 or, where that amount is \$500 or less, to zero, unless disclosure of the full amount is specifically required.

Comparatives

Comparative information reflects the audited 2016-17 financial statements.

Current/Non-Current Classification

Assets and liabilities are classified as either 'current' or 'non-current' in the Statement of Financial Position and associated notes.

Assets are classified as 'current' where their carrying amount is expected to be realised within 12 months after the reporting date. Liabilities are classified as 'current' when they are due to be settled within 12 months after the reporting date, or the commission does not have an unconditional right to defer settlement to beyond 12 months after the reporting date.

All other assets and liabilities are classified as non-current.

Anti-Discrimination Commission Notes to the Financial Statements

Year ended 30 June 2018

A1 BASIS OF FINANCIAL STATEMENT PREPARATION (continued)

A1-4 AUTHORISATION OF FINANCIAL STATEMENTS FOR ISSUE

The financial statements are authorised by the Anti-Discrimination Commissioner and Director, Corporate Services at the date of signing the Management Certificate.

A1-5 BASIS OF MEASUREMENT

Historical cost is used as the measurement basis in this financial report except for inventories which are measured at the lower of cost and net realisable value

Historical Cost

Under historical cost, assets are recorded at the amount of cash or cash equivalents paid or the fair value of the consideration given to acquire assets at the time of their acquisition. Liabilities are recorded at the amount of proceeds received in exchange for the obligation or at the amounts of cash or cash equivalents expected to be paid to satisfy the liability in the normal course of business.

Net Realisable Value

Net realisable value represents the amount of cash or cash equivalents that could currently be obtained by selling an asset in an orderly disposal.

A1-6 THE REPORTING ENTITY

The financial statements include the value of all income, expenses, assets, liabilities and equity of the commission. The commission does not control any other entities.

A2 OBJECTIVES OF THE COMMISSION

The Anti-Discrimination Act 1991 (the Act) aims to promote equality of opportunity for everyone by protecting them from unfair discrimination in various areas of public life, from sexual harassment and from other conduct such as discriminatory advertising and victimisation.

The commission's functions are set out in section 235 of the Act and they fall into two broad categories. The first category is a redress function:

- · to inquire into complaints, attempt to conciliate complaints of discrimination and sexual harassment; and
- · to carry out investigations relating to contraventions of the Act.

The second category is a set of broad, systemic and proactive community relations and policy functions:

- to undertake research and educational programs to promote the purposes of the Act;
- to consult with various organisations on ways of improving services and conditions affecting groups subjected to contraventions of the Act; and
- · to promote an understanding and acceptance and the public discussion of human rights in Queensland.

The commission is predominantly funded through parliamentary appropriations via a grant from the Department of Justice and Attorney-General.

The commission provides some services on a fee for service basis with respect to:

- publications: and
- · training workshops.

Year ended 30 June 2018

SECTION 2 NOTES ABOUT OUR FINANCIAL PERFORMANCE

B1 REVENUE

B1-1 GRANTS AND CONTRIBUTIONS

	2018	2017
	\$'000	\$'000
Recurrent grant from Department of Justice and Attorney-General	5,308	5,265
Industry contributions	15	10
Total	5,323	5,275

Accounting Policy - Grants, Contributions and Donations

Grants, contributions and donations are non-reciprocal in nature so do not require any goods or services to be provided in return. Corresponding revenue is recognised in the year in which the commission obtains control over the grant/contribution/donation (control is generally obtained at the time of receipt).

Contributed physical assets are recognised at their fair value.

B2 EXPENSES

B2-1 EMPLOYEE EXPENSES

Employee Benefits		
Wages and salaries	2,825	2,807
Annual leave expense	330	299
Employer superannuation contributions	391	382
Long service leave levy	58	60
Other employee benefits	6	4
Employee Related Expenses		
Workers' compensation premium	18	19
Payroll tax	152	143
Other employee related expenses	13	17
Total	3,793	3,731
	2018	2017
	No.	No.
Full-Time Equivalent Employees:	32	34

Year ended 30 June 2018

B2 EXPENSES (continued)

B2-1 EMPLOYEE EXPENSES (continued)

Accounting Policy - Wages, Salaries and Recreation Leave

Wages and salaries due but unpaid at reporting date are recognised in the Statement of Financial Position at the current salary rates. As the commission does not have an unconditional right to defer settlement of the annual leave beyond twelve months after the reporting date, annual leave is classified as a current liability, with the liability recognised at their undiscounted values. (Refer to Note C5).

Accounting Policy - Sick Leave

Prior history indicates that on average, sick leave taken each reporting period is less than the entitlement accrued. This is expected to continue in future periods. Accordingly, it is unlikely that existing accumulated entitlements will be used by employees and no liability for unused sick leave entitlements is recognised. As sick leave is non-vesting, an expense is recognised for this leave as it is taken.

Accounting Policy - Long Service Leave

Under the Queensland Government's Long Service Leave Scheme, a levy is made on the commission to cover the cost of employees' long service leave. The levies are expensed in the period in which they are payable. Amounts paid to employees for long service leave are claimed from the scheme quarterly in arrears.

Accounting Policy - Superannuation

Post-employment benefits for superannuation are provided through defined contribution (accumulation) plans or the Queensland Government's QSuper defined benefit plan as determined by the employee's conditions of employment.

<u>Defined Contribution Plans</u> - Contributions are made to eligible complying superannuation funds based on the rates specified in the relevant EBA or other conditions of employment. Contributions are expensed when they are paid or become payable following completion of the employee's service each pay period.

<u>Defined Benefit Plan</u> - The liability for defined benefits is held on a whole-of-government basis and reported in those financial statements pursuant to AASB 1049 Whole of Government and General Government Sector Financial Reporting. The amount of contributions for defined benefit plan obligations is based upon the rates determined on the advice of the State Actuary. Contributions are paid by the commission at the specified rate following completion of the employee's service each pay period. The commission's obligations are limited to those contributions paid.

Accounting Policy - Workers' Compensation Premiums

The commission pays premiums to WorkCover Queensland in respect of its obligations for employee compensation. Workers' compensation insurance is a consequence of employing employees, but is not counted in an employee's total remuneration package. It is not employee benefits and is recognised separately as employee related expenses.

Key management personnel and remuneration disclosures are detailed in Note F1.

Year ended 30 June 2018

B2 EXPENSES (continued)

B2-2 SUPPLIES AND SERVICES

	2018	2017
	\$'000	\$'000
Tenancy	630	607
Property outgoings	115	147
Printing and postage	54	47
Professional services	3	35
Travel	61	44
Operating level agreement	133	137
Computing	309	368
Motor vehicle	35	40
Telephones	105	121
Subscription and publications	17	25
Stores and stationery	25	30
Conference and workshop	41	52
Other	47	134
Total	1,575	1,787

Accounting Policy - Operating Lease Rentals

Operating lease payments are representative of the pattern of benefits derived from the leased assets and are expensed in the periods in which they are incurred.

B2-3 DEPRECIATION AND AMORTISATION

Total	263	150
Software internally generated (Note C4-1)	63	57
Plant and equipment (Note C3-1)	200	93

Year ended 30 June 2018

B2 EXPENSES (continued)

B2-4 OTHER EXPENSES

•	2018	2017
	\$'000	\$'000
External audit fees *	23	22
Sponsorships	10	6
Australian Sports Commission	2	2
Insurance Premiums - QGIF	3	3
Total	38	33

Audit Fees

^{*} Total audit fees quoted by the Queensland Audit Office relating to the 2017-18 financial statements are \$22,500 (2017: \$21,900). There are no non-audit services included in this amount.

Year ended 30 June 2018

SECTION 3 NOTES ABOUT OUR FINANCIAL POSITION

C1 CASH AND CASH EQUIVALENTS

	2018	2017
•	\$'000	\$'000
Imprest accounts	2	2
Cash at bank	221	265
Total	223	267

Accounting Policy - Cash and Cash Equivalents

For the purposes of the Statement of Financial Position and the Statement of Cash Flows, cash assets include all cash and cheques receipted but not banked at 30 June as well as deposits at call with financial institutions.

Term deposits with the Commonwealth Bank earned interest at rates between 1.72% and 2.19% (2017: 1.90% and 2.61%).

C2 RECEIVABLES

Trade debtors	68	19
GST receivable	11	19
Long service leave reimbursements	9	. 7
Total	88	45

Accounting Policy - Receivables

Receivables are measured at amortised cost which approximates their fair value at reporting date.

Trade debtors are recognised at the amounts due at the time of sale or service delivery i.e. the agreed purchase/contract price. Settlement of these amounts is required within 30 days from invoice date.

Other debtors generally arise from transactions outside the usual operating activities of the commission and are recognised at their assessed values. Terms are a maximum of three months, no interest is charged and no security is obtained.

Year ended 30 June 2018

C3 PLANT, EQUIPMENT AND DEPRECIATION EXPENSE

C3 - 1 CLOSING BALANCES AND RECONCILIATION OF CARRYING AMOUNT

Plant and Equipment Reconciliation	Plant and Equipment Work in Progress		Total			
•	2018	2017	2018	2017	2018	2017
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Gross	1,161	1,094	-	-	1,161	1,094
Less: Accumulated depreciation	(693)	(492)	-	-	(693)	(492)
Carrying amount at 30 June	468	602	-	-	468	602
Represented by movements in carrying amount:						
Carrying amount at 1 July	602	639	-	-	602	639
Acquisitions	4	-	89	95	93	95
Transfers between classes	62	56	(62)	(56)	-	-
Transferred to Intangibles	-	-	(27)	(39)	(27)	(39)
Depreciation	(200)	(93)	-	-	(200)	(93)
Carrying amount at 30 June	468	602	-		468	602

C3-2 RECOGNITION AND ACQUISITION

Accounting Policy - Recognition

Items of plant and equipment with a historical cost or other value equal to or in excess of \$5,000 are recognised for financial reporting purposes in the year of acquisition. Items with a lesser value are expensed in the year of acquisition.

Accounting Policy - Cost of Acquisition

Historical cost is used for the initial recording of all plant and equipment acquisitions. Historical cost is determined as the value given as consideration plus costs incidental to the acquisition, including all other costs incurred in getting the assets ready for use.

C3-3 MEASUREMENT USING HISTORICAL COST

Accounting Policy

Plant and equipment is measured at historical cost in accordance with the Non-Current Asset Policies. The carrying amounts for such plant and equipment is not materially different from their fair value.

Year ended 30 June 2018

C3 PLANT, EQUIPMENT AND DEPRECIATION EXPENSE (continued)

C3-4 DEPRECIATION EXPENSE

Accounting Policy

Plant and equipment is depreciated on a straight-line basis so as to allocate the net cost of each asset progressively over its estimated useful life to the commission.

Key Judgement: Straight-line depreciation is used as that is consistent with the even consumption of service potential of these assets over their useful life to the commission.

Any expenditure that increases the originally assessed capacity or service potential of an asset is capitalised and the new depreciable amount is depreciated over the remaining useful life of the asset to the commission.

Assets under construction (work-in-progress) are not depreciated until construction is complete and the asset is put to use or is ready for its intended use, whichever is the earlier. These assets are then reclassified to the relevant classes within plant and equipment.

For the commission's depreciable assets, the estimated amount to be received on disposal at the end of their useful life (residual value) is determined to be zero.

Depreciation Rates

Key Estimate: Depreciation rates for each class of depreciable asset:

Class	Useful Life
Plant and equipment:	
Computer equipment	5 - 14 Years
Office equipment	5 - 9 Years
Leasehold improvements	5 - 10 Years
Other	4 Years

C3-5 IMPAIRMENT

Accounting Policy

All non-current physical assets are assessed for indicators of impairment on an annual basis. If an indicator of possible impairment exists, the commission determines the asset's recoverable amount. Any amount by which the asset's carrying amount exceeds the recoverable amount is recorded as an impairment loss.

Recoverable amount is determined as the higher of the asset's fair value less costs to sell and its value-in-use.

An impairment loss is recognised immediately in the Statement of Comprehensive Income.

Where an impairment loss subsequently reverses, it is recognised as income.

C4 INTANGIBLES AND AMORTISATION EXPENSE

C4-1 CLOSING BALANCES AND RECONCILIATION OF CARRYING AMOUNT

	Software Gene	•	Software: Wo	rk in Progress	-	Γotal
	2018	2017	2018	2017	2018	2017
	\$'000	\$'000	\$'000	\$'000	\$'000	\$1000
Gross	811	811	27	-	838	811
Less: Accumulated amortisation	(406)	(344)	-	-	(406)	(344)
Carrying amount at 30 June	405	467	27	-	432	467
Represented by movements in carrying amount:					·	
Carrying amount at 1 July	467	486	-		467	486
Acquisitions	-	39	-	_	-	39
Transferred from Work in Progress	-	-	27	·	27	-
Amortisation	(62)	(57)	-	-	(62)	(57)
Carrying amount at 30 June	405	467	27	<u> </u>	432	467

C4-2 RECOGNITION AND MEASUREMENT

Accounting Policy

Intangible assets of the commission comprise purchased software and internally developed software. Intangible assets with a historical cost or other value equal to or greater than \$100,000 are recognised in the financial statements. Items with a lesser value are expensed. Any training costs are expensed as incurred.

There is no active market for any of the commission's intangible assets. As such, the assets are recognised and carried at historical cost less accumulated amortisation and accumulated impairment losses.

Expenditure on research activities relating to internally-generated intangible assets is recognised as an expense in the period in which it is incurred.

Costs associated with the internal development of computer software are capitalised and amortised under the amortisation policy below.

No intangible assets have been classified as held for sale or form part of a disposal group held for sale.

C4-3 AMORTISATION EXPENSE

Accounting Policy

All intangible assets of the commission have finite useful lives and are amortised on a straight-line basis over their estimated useful life to the commission. Straight-line amortisation is used reflecting the expected consumption of economic benefits on a progressive basis over the intangible's useful life. The residual value of all the commission's intangible assets is zero.

Useful Life

Key Estimate: For each class of intangible asset the following amortisation rates are used:

Class	Useful Life
Intangible assets:	
Software internally generated	10 - 16 Years

Year ended 30 June 2018

C4 INTANGIBLES AND AMORTISATION EXPENSE (continued)

C4-4 IMPAIRMENT

Accounting Policy

All intangible assets are assessed for indicators of impairment on an annual basis. If an indicator of possible impairment exists, the commission determines the asset's recoverable amount. Any amount by which the asset's carrying amount exceeds the recoverable amount is recorded as an impairment loss.

Intangible assets are principally assessed for impairment by reference to the actual and expected continuing use of the asset by the commission, including discontinuing the use of the software or patent. Recoverable amount is determined as the higher of the asset's fair value less costs to sell and its value-in-use.

C5 ACCRUED EMPLOYEE BENEFITS

	2018	2017
	\$'000	\$'000
Current		
Wages outstanding	63	65
Recreation leave *	328	360
Long service leave levy payable	16	16
Total	407	441

^{*} As the commission does not have an unconditional right to defer settlement of the annual leave beyond twelve months after the reporting date, annual leave is classified as a current liability.

Accounting Policy - Accrued Employee Benefits

No provision for long service leave is recognised in the commission's financial statements as the liability is held on a whole-of-government basis and reported in those financial statements pursuant to AASB 1049 Whole of Government and General Government Sector Financial Reporting.

Year ended 30 June 2018

SECTION 4 NOTES ABOUT RISK AND OTHER ACCOUNTING UNCERTAINTIES

D1 FINANCIAL RISK DISCLOSURES

D1-1 FINANCIAL INSTRUMENT CATEGORIES

Financial assets and financial liabilities are recognised in the Statement of Financial Position when the commission becomes party to the contractual provisions of the financial instrument.

Financial instruments are classified and measured as follows:

- Cash and cash equivalents Note C1
- Receivables at amortised cost Note C2
- Payables at amortised cost

No financial assets and financial liabilities have been offset and presented net in the Statement of Financial Position.

The commission does not enter into transactions for speculative purposes, nor for hedging.

D2 COMMITMENTS

Non-Cancellable Operating Lease Commitments

Commitments under operating leases at reporting date (inclusive of non-recoverable GST input tax credits) are payable:

	2018	2017
	\$'000	\$'000
Not later than 1 year	730	693
Later than 1 year and not later than 5 years	350	56
Later than five years	19	-
Total	1,099	749

Year ended 30 June 2018

D3 FUTURE IMPACT OF ACCOUNTING STANDARDS NOT YET EFFECTIVE

At the date of authorisation of the financial report, the expected impacts of new or amended Australian Accounting Standards issued but with future effective dates are set out below:

AASB 1058 Income of Not-for-Profit Entities and AASB 15 Revenue from Contracts with Customers

These standards will first apply to the commission from its financial statements for 2019-20.

The commission does not currently have any revenue contracts with a material impact for the period after 1 July 2018, and will monitor the impact of any such contracts subsequently entered into before the new standards take effect.

AASB 9 Financial Instruments and AASB 2014-7 Amendments to Australian Accounting Standards arising from AASB 9 (December 2014)

These standards will first apply to the commission from its financial statements for 2018-19 with a 1 July 2018 date of transition. The main impacts of these standards on the commission are that they will change the requirements for the classification, measurement, impairment and disclosures associated with the commission's financial assets. AASB 9 will introduce different criteria for whether financial assets can be measured at amortised cost or fair value.

The commission has reviewed the impact of AASB 9 on the classification and measurement of its financial assets. The following summarises the estimated impact (or ranges of estimates) of AASB 9 which will change the categorisation and valuation of the amounts reported in Note D1-1:

- There will be no change to either the classification or valuation of the cash and cash equivalent item.
- All receivables listed in Note D1-1 will continue to be measured at amortised cost. The commission has assessed that there is no impairment in respect of its receivables and therefore does not expect a material change in the reported value of receivables.
- All financial liabilities listed in Note D1-1 will continue to be measured at amortised cost. The commission does not expect a material change in the reported value of financial liabilities.

These changed amounts will form the opening balance of those items on the date AASB 9 is adopted. However, the commission will not restate comparative figures for financial instruments on adopting AASB 9 as from 2018-19. Aside from a number of one-off disclosures in the 2018-19 financial statements to explain the impact of adopting AASB 9, a number of new or changed disclosure requirements will apply from that time. Assuming no change in the types of financial instruments that the commission enters into, the most likely ongoing disclosure impacts are expected to relate to the credit risk of financial assets subject to impairment.

Year ended 30 June 2018

D3 FUTURE IMPACT OF ACCOUNTING STANDARDS NOT YET EFFECTIVE (continued)

AASB 16 Leases

This standard will first apply to the commission from its financial statements for 2019-20. When applied, the standard supersedes AASB 117 Leases, AASB Interpretation 4 Determining whether an Arrangement contains a Lease, AASB Interpretation 115 Operating Leases – Incentives and AASB Interpretation 127 Evaluating the Substance of Transactions Involving the Legal Form of a Lease.

Impact for Lessees

Unlike AASB 117 Leases, AASB 16 introduces a single lease accounting model for lessees. Lessees will be required to recognise a right-of-use asset (representing rights to use the underlying leased asset) and a liability (representing the obligation to make lease payments) for all leases with a term of more than 12 months, unless the underlying assets are of low value.

In effect, the majority of operating leases (as defined by the current AASB 117) will be reported on the Statement of Financial Position under AASB 16. There will be a significant increase in assets and liabilities for agencies that lease assets. The impact on the reported assets and liabilities would be largely in proportion to the scale of the agency's leasing activities.

The right-of-use asset will be initially recognised at cost, consisting of the initial amount of the associated lease liability, plus any lease payments made to the lessor at or before the effective date, less any lease incentive received, the initial estimate of restoration costs and any initial direct costs incurred by the lessee. The right-of-use asset will give rise to a depreciation expense.

The lease liability will be initially recognised at an amount equal to the present value of the lease payments during the lease term that are not yet paid. Current operating lease rental payments will no longer be expensed in the Statement of Comprehensive Income. They will be apportioned between a reduction in the recognised lease liability and the implicit finance charge (the effective rate of interest) in the lease. The finance cost will also be recognised as an expense.

AASB 16 allows a 'cumulative approach' rather than full retrospective application to recognising existing operating leases. In accordance with Queensland Treasury's policy, the commission will apply the 'cumulative approach', and will not need to restate comparative information. Instead, the cumulative effect of applying the standard is recognised as an adjustment to the opening balance of accumulated surplus (or other component of equity, as appropriate) at the date of initial application.

The commission has analysed its existing operating lease commitments at Note D2 by type of lessor and type of lease to estimate the expected impacts on transition based on information available at 30 June 2018.

The commission's operating lease commitments comprise arrangements with other Queensland Government agencies as lessor (i.e. internal-to-Government leases).

Internal-to-Government leases

At 30 June 2018, the commission has operating lease commitments of \$1.099 million and annual lease payments of \$0.730 million per year for office accommodation.

Considering their operation and impact across the whole-of-Government, the commission is currently awaiting formal guidance from Queensland Treasury as to whether these arrangements should be accounted for on-balance sheet under AASB 16.

In the event these arrangements are to be accounted for on-balance sheet, the commission estimates a right-of-use asset and lease liability on transition of approximately \$0.412 million for office accommodation leases based on current operating lease commitments.

The commission also has a cancellable motor vehicle lease with QFleet that is not presently included as part of the operating lease commitments note as it does not constitute a lease under AASB 117 and Accounting Interpretation 4. The commission is also awaiting confirmation from Queensland Treasury that QFleet arrangements will continue to fall outside the requirements of AASB 16 for on-balance sheet accounting.

All other Australian Accounting Standards and interpretations with future effective dates are either not applicable to the Anti-Discrimination Commission's activities, or have no material impact on the commission.

Year ended 30 June 2018

SECTION 5 NOTES ON OUR PERFORMANCE COMPARED TO BUDGET

E1 BUDGETARY REPORTING DISCLOSURES

This section contains explanations of major variances between the commission's actual 2017-18 financial results and the original budget presented to Parliament.

E2 BUDGET TO ACTUAL COMPARISON - STATEMENT OF COMPREHENSIVE INCOME

	Variance Notes	Original Budget 2018 \$'000	Actual 2018 \$'000	Variance \$'000
Income from Continuing Operations				
User charges and fees		172	205	33
Grants and contributions		5,347	5,323	(24)
Other revenues		45	28	(17)
Total Income from Continuing Operations		5,564	5,556	(8)
Expenses from Continuing Operations				
Employee expenses		3,941	3,793	(148)
Supplies and services		1,459	1,575	116
Depreciation and amortisation	V1	134	263	129
Other expenses		30	38	8
Total Expenses from Continuing Operations		5,564	5,669	105
Operating Result for the year		<u> </u>	(113)	(113)

E2-1 Explanation of Major Variances - Statement of Comprehensive Income

V1. The increase is mainly due to the retirement of computer assets that are no longer required because computing services are now provided by a commercial partner.

Year ended 30 June 2018

E3 BUDGET TO ACTUAL COMPARISON - STATEMENT OF FINANCIAL POSITION

	Variance Notes	Original Budget 2018 \$'000	Actual 2018 \$'000	Variance \$'000
Current Assets				
Cash and cash equivalents	V2	384	223	(161)
Receivables		79	88	9
Inventories		15	14	(1)
Prepayments		83	107	24
Total Current Assets		561	432	(129)
Non-Current Assets				
Plant and equipment		528	468	(60)
Intangible assets		390	432	42
Total Non-Current Assets		918	900	(18)
				(10)
Total Assets		1,479	1,332	(147)
Current Liabilities				
Payables		32	63	31
Other liabilities		21	10	(11)
Accrued employee benefits	V3	318	407	89
Total Current Liabilities		371	480	109
Non-Current Liabilities				
Accrued employee benefits	V3	85		(85)
Total Non-Current Liabilities		85		(85)
Total Liabilities		456	480	24
Net Assets		1,023	852	(171)
Total Equity		1,023	852	(171)

Year ended 30 June 2018

E3 BUDGET TO ACTUAL COMPARISON - STATEMENT OF FINANCIAL POSITION (continued)

E3-1 Explanation of Major Variances - Statement of Financial Position

- V2. The decrease mainly relates to increased investment in network assets, higher than expected prepayments and a reduction in grant revenue resulting from the reprioritisation of services.
- V3. As the commission does not have an unconditional right to defer settlement of the annual leave beyond twelve months after the reporting date, annual leave is classified as a current liability. This change in the treatment of leave liabilities occurred after the budget was determined and the variance in current liabilities is offset by that in non-current liabilities.

Year ended 30 June 2018

E4 BUDGET TO ACTUAL COMPARISON - STATEMENT OF CASH FLOWS

	Variance Notes	Original Budget 2018 \$'000	Actual 2018 \$'000	Variance \$'000
Cash flows from operating activities		****	V	7 3 3 3
Inflows:				
User charges and fees		172	156	(16)
Grants and contributions		5,347	5,323	(24)
GST input tax credits from ATO		-	169	169
GST collected from customers		-	22	22
Other		45	30	(15)
Outflows:				
Employee expenses		(3,941)	(3,840)	101
Supplies and services		(1,459)	(1,588)	(129)
GST paid to suppliers		-	(164)	(164)
GST remitted to ATO		-	(21)	(21)
Other		(30)	(38)	(8)
Net cash provided by operating activities		134	49	(85)
Cash flows from Investing activities				
Outflows:				
Payments for plant and equipment	V4	(30)	(66)	(36)
Payments for intangibles		<u> </u>	(27)	(27)
Net cash provided by (used in) investing activities		(30)	(93)	(63)
Net increase (decrease) in cash and cash equivalents		104	(44)	(148)
Cash and cash equivalents - opening balance		280	267	(13)
Cash and cash equivalents - closing balance		384	223	(161)

E4-1 Explanation of Major Variances - Statement of Cash Flows

V4. The increase mainly relates to investment in the new "cloud" based information and communications network.

Year ended 30 June 2018

SECTION 6 OTHER INFORMATION

F1 KEY MANAGEMENT PERSONNEL (KMP) DISCLOSURES

Details of Key Management Personnel

As from 2017-18, the commission's responsible Minister is identified as part of the commission's KMP, consistent with additional guidance included in the revised version of AASB 124 Related Party Disclosures. That Minister is the Attorney-General and Minister for Justice.

The following details for non-Ministerial KMP reflect those positions that had authority and responsibility for planning, directing and controlling the activities of the commission during 2017-18 and 2016-17. Further information about these positions can be found in the body of the Annual Report under the section relating to Executive Management.

Position	Position Responsibility
Anti-Discrimination Commissioner	Accountable officer responsible for leading the commission in performing its functions under the Anti-Discrimination Act 1991.
Deputy Commissioner	Provide high level advice to enhance the delivery of strategic and operational targets within a human rights framework.
Director, Complaint Services	Strategic management of complaints under a statutory complaints framework.
Director, Corporate Services	Provide strategic advice and manage the delivery of corporate services within the commission.
Director, Community Engagement	Manage the commission's training and community engagement programs.

KMP Remuneration Policies

Ministerial remuneration entitlements are outlined in the Legislative Assembly of Queensland's Members' Remuneration Handbook. The commission does not bear any cost of remuneration of Ministers. The majority of Ministerial entitlements are paid by the Legislative Assembly, with the remaining entitlements being provided by Ministerial Services Branch within the Department of the Premier and Cabinet. As all Ministers are reported as KMP of the Queensland Government, aggregate remuneration expenses for all Ministers is disclosed in the Queensland General Government and Whole of Government Consolidated Financial Statements for the 2017-18 financial year, which are published as part of Queensland Treasury's Report on State Finances.

Remuneration policy for the commission's other KMP is set by the Queensland Public Service Commission as provided for under the *Public Service Act 2008*, with the exception of the Anti-Discrimination Commissioner who is appointed under the *Anti-Discrimination Act 1991*. Individual remuneration and other terms of employment (including motor vehicle entitlements) are specified in employment contracts.

Remuneration expenses for those KMP comprise the following components:

Short-term employee expenses including:

- salaries, allowances and leave entitlements earned and expensed for the entire year, or for that part of the year during which the employee occupied a KMP position; and
- non-monetary benefits consisting of provision of vehicle together with fringe benefits tax applicable to the benefit, only applicable to SES officers.

Long term employee expenses include amounts expensed in respect of long service leave entitlements earned.

Post employment expenses include amounts expensed in respect of employer superannuation obligations.

<u>Termination benefits</u> include payments in lieu of notice on termination and other lump sum separation entitlements (excluding annual and long service leave entitlements) payable on termination of employment or acceptance of an offer of termination of employment.

Performance bonuses are not paid under the contracts in place.

Year ended 30 June 2018

F1 KEY MANAGEMENT PERSONNEL (KMP) DISCLOSURES (continued)

Remuneration Expenses

The following disclosures focus on the expenses incurred by the commission that are attributable to non-Ministerial key management positions during the respective reporting periods. Therefore, the amounts disclosed reflect expenses recognised in the Statement of Comprehensive Income.

2017-18

		Term Expenses	Long Term Employee Expenses	Post Employment Expenses	TermInation Benefits	Total Expenses
Position	Monetary Expenses \$'000	Non- Monetary Benefits \$'000	\$'000	\$'000	\$*000	\$'000
Anti-Discrimination Commissioner (Acting from 07/02/2018)	60		1	6		67
Anti-Discrimination Commissioner (to 06/02/2018)	141	-	3	14	<u>-</u>	158
Deputy Commissioner (to 06/02/2018)	92	-	2	11 .	-	105
Director, Complaint Services	110	-	2	15	-	127
Director, Corporate Services	127	-	3	16	-	146
Director, Community Engagement	126	-	3	16	-	145

2016-17

Position	Short Term Employee Expenses		Long Term Employee Expenses	Post Employment Expenses	Termination Benefits	Total Expenses
	Monetary Expenses \$'000	Non- Monetary Benefits \$'000	\$'000	\$'000	\$'000	\$'000
Anti-Discrimination Commissioner	201	-	4	22	-	227
Deputy Commissioner	143	-	3	16	-	162
Director, Complaint Services	115	-	2	14	<u>-</u>	131
Director, Corporate Services	123	-	2	15	-	140
Director, Community Engagement	117	-	2	15	-	134

Year ended 30 June 2018

F2 RELATED PARTY TRANSACTIONS

Transactions with people/entities related to KMP

Based upon KMP declarations, there have been no transactions with related parties that have materially affected the commission's operating result and/or financial position.

Transactions with other Queensland Government-controlled entities

The commission's primary ongoing source of funding from Government for its services is, by way of a grant (Note B1-1), provided in cash via the Department of Justice and Attorney-General.

F3 FIRST YEAR APPLICATION OF NEW ACCOUNTING STANDARDS OR CHANGE IN ACCOUNTING POLICY

Changes in Accounting Policy

The commission did not voluntarily change any of its accounting policies during 2017-18.

Accounting Standards Early Adopted for 2017-18

No Australian Accounting Standards have been early adopted for 2017-18.

F4 TAXATION

The commission is a State body as defined under the *Income Tax Assessment Act 1936* and is exempt from Commonwealth taxation with the exception of Fringe Benefits Tax (FBT) and Goods and Services Tax (GST). FBT and GST are the only taxes accounted for by the Anti-Discrimination Commission. GST credits receivable from, and GST payable to the Australian Tax Office (ATO), are recognised (refer to Note C2).

Anti-Discrimination Commission Management Certificate

Year ended 30 June 2018

These general purpose financial statements have been prepared pursuant to s.62(1) of the *Financial Accountability Act 2009* (the Act), s.43 of the *Financial and Performance Management Standard 2009* and other prescribed requirements. In accordance with s.62(1)(b) of the Act we certify that in our opinion:

- (a) the prescribed requirements for establishing and keeping the accounts have been complied with in all material respects; and
- (b) the financial statements have been drawn up to present a true and fair view, in accordance with prescribed accounting standards, of the transactions of the Anti-Discrimination Commission for the financial year ended 30 June 2018 and of the financial position of the commission at the end of that year; and
- (c) these assertions are based on an appropriate system of internal controls and risk management processes being effective, in all material respects, with respect to financial reporting throughout the reporting period.

Warren Edwards
Director, Corporate Services

20 August 2018

Neroli Holmes
Acting Anti-Discrimination Commissioner

Norch Holmes

20 August 2018



INDEPENDENT AUDITOR'S REPORT

To the Acting Commissioner of the Anti-Discrimination Commission

Report on the audit of the financial report

Opinion

I have audited the accompanying financial report of the Anti-Discrimination Commission.

In my opinion, the financial report:

- a) gives a true and fair view of the entity's financial position as at 30 June 2018, and its financial performance and cash flows for the year then ended
- b) complies with the *Financial Accountability Act 2009*, the Financial and Performance Management Standard 2009 and Australian Accounting Standards.

The financial report comprises the statement of financial position as at 30 June 2018, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes to the financial statements including summaries of significant accounting policies and other explanatory information, and the management certificate.

Basis for opinion

I conducted my audit in accordance with the *Auditor-General of Queensland Auditing Standards*, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of my report.

I am independent of the entity in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 Code of Ethics for Professional Accountants (the Code) that are relevant to my audit of the financial report in Australia. I have also fulfilled my other ethical responsibilities in accordance with the Code and the Auditor-General of Queensland Auditing Standards.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Responsibilities of the entity for the financial report

The Acting Commissioner is responsible for the preparation of the financial report that gives a true and fair view in accordance with the *Financial Accountability Act 2009*, the Financial and Performance Management Standard 2009 and Australian Accounting Standards, and for such internal control as the Acting Commissioner determines is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

The Acting Commissioner is also responsible for assessing the entity's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless it is intended to abolish the entity or to otherwise cease operations.



Auditor's responsibilities for the audit of the financial report

My objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit
 procedures that are appropriate in the circumstances, but not for expressing an opinion on
 the effectiveness of the entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the entity.
- Conclude on the appropriateness of the entity's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. I base my conclusions on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the
 disclosures, and whether the financial report represents the underlying transactions and
 events in a manner that achieves fair presentation.

I communicate with the Acting Commissioner regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

In accordance with s.40 of the Auditor-General Act 2009, for the year ended 30 June 2018:

- a) I received all the information and explanations I required.
- b) In my opinion, the prescribed requirements in relation to the establishment and keeping of accounts were complied with in all material respects.

Melissa Fletcher

as delegate of the Auditor-General

2 3 AUG 2018 AUDIT OFFICE

QUEENSLAND

Queensland Audit Office Brisbane