

**Anti-Discrimination Commission Queensland**

Annual Report 2012-13

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# Letter of compliance

9 September 2013

The Honourable Jarrod Bleijie MP

Attorney-General and Minister for Justice

Level 18 State Law Building

50 Ann Street

Brisbane Qld 4000

Dear Attorney-General

I am pleased to present the Annual Report 2012-2013 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
* the detailed requirements set out in the Annual report requirements for Queensland Government agencies.

A checklist outlining the annual reporting requirements can be found at Appendix B of this annual report or accessed at www.adcq.qld.gov.au.

Yours sincerely



Kevin Cocks AM

Commissioner

Anti-Discrimination Commission Queensland

# Commissioner’s foreword

Welcome to the Anti-Discrimination Commission Queensland Annual Report 2012-13.

The Anti-Discrimination Commission Queensland has a legislative requirement and is committed to strengthening the understanding, promotion and protection 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 of complaint handling, community engagement, training, education and human rights promotion services. The report reflects our commitment to transparent corporate governance by giving an account of our revenue and how we have used public funds.

I would like to acknowledge and thank all the staff for their energy, professionalism and commitment to the promotion and protection of human rights in Queensland. The Commission has a workforce which embraces diverse viewpoints resulting in the Commission delivering its core services more innovatively, effectively and efficiently.



Kevin Cocks AM

Commissioner

# Highlights of 2012/13

|  |  |
| --- | --- |
| **Resources for schools**In consultation with key Queensland education stakeholders, the ADCQ has developed a resource kit for senior school students. The package contains a teacher’s resource kit, activities and an information booklet for students. It is designed to teach young people about their rights and responsibilities in relation to discrimination and sexual harassment when entering the workforce.The resources were developed in response to feedback from Queenslanders supporting the early education of young people.Read more – page 11 | **Addressing racism in regional Queensland**In partnership with Mental Illness Fellowship North Queensland and the Townsville Multi-Cultural Support Group, the ADCQ hosted a community forum on the harmful effects of racism, titled Can racism get under your skin? The forum highlighted the biological impacts of racism and fostered meaningful discussion on strategies for addressing racism within the North Queensland community. \The forum is part of the ADCQ’s ongoing commitment to the National Anti-Racism Strategy and the promotion of a fair and inclusive Queensland. Read more – page 17 |
| **Effective complaint resolution**The ADCQ complaint management process remains effective, with 57% of complaints lodged with the commission this year being successfully resolved through conciliation. Ninety one per cent of complaints were finalised within six months and 89% of clients were satisfied with the complaint handling service.Overall complaint numbers have remained consistent with previous years. Seventy one per cent of discrimination complaints arose in the workplace or when seeking work.Read more – page 22 | **Getting a fair go in the Tribunal:**The ADCQ partnered with the Queensland Civil and Administrative Tribunal to produce an information video for applicants, respondents and advocates in discrimination matters. The video, titled Getting a fair go in the Tribunal provides information on preparing for a QCAT hearing in the event that a discrimination complaint cannot be resolved through the ADCQ conciliation process. The video was scripted, filmed and produced in house by ADCQ staff and will be made available in September 2013 via the ADCQ and QCAT websites.Read more – page 12 |
| **Reaching Queenslanders**In a continuing effort to broaden the reach of the ADCQ and ensure equal access to information by all Queenslanders, the ADCQ website underwent a major redevelopment in 2012-13. The site which will enable online lodgement of complaints, discussion forums and online training in the future is complemented by ADCQ’s presence on social media through a new Facebook page and YouTube channel. Read more – page 13 |  **Supporting small business**Small business operators can find themselves the subject of discrimination complaints as a result of simply not knowing their responsibilities under Queensland anti-discrimination legislation. To support businesses to understand their rights and responsibilities, the ADCQ has commenced consultation with the sector to inform the development of resources and services that will guide best practice for owners and managers. Read more – page 11 |

# 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 values**

The work of the Commission is guided by our commitment to the following values:

* treating everyone with respect and dignity, 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;
* valuing our independence and the rule of law.

**Our functions**

Established under the Anti-Discrimination Act 1991, the Commission is an independent statutory body that exercises 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 an arrangement with the Commonwealth under part 3 of the Anti-Discrimination Act 1991;
* 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 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;
* create opportunities for human rights to flourish.

These objectives underpin the Government’s objectives for the community to Grow a four pillar economy and Revitalise front- line services. ADCQ’s strategic direction is focused on its vision of a fair and inclusive Queensland where the benefits of social cohesion and diversity flourish. Economic performance is enhanced through social cohesion where all members of the community with diverse abilities are able to contribute. A mature society with an understanding of individual rights and responsibilities is free to concentrate on growth. The ADCQ is also focussed on delivering frontline services directly to the community – be that the business sector, the general community or vulnerable groups within society.

**Our services**

As a small agency charged with the responsibility of servicing the whole state of Queensland, we are constantly looking for new and innovative strategies for delivering accessible and inclusive services to the broader community. In addition to geographical challenges, the Commission is faced with attitudinal and behavioural challenges including:

* a lack of awareness or sense of responsibility for those in the community whose human rights are not respected and realised;
* a culture of exclusion of certain groups based upon attributes including race, religion, sexuality, impairment and gender identity;
* a lack of understanding about human rights;
* unlawful discrimination continuing to occur in our workplaces, schools and communities;
* a lack of inclusion for those in the community whose human rights are not respected or realised;
* a lack of ownership and skills within the community to promote a culture of inclusion of all persons.

In order to meet these challenges, we must maintain and build the capability of our people, processes and organisation. In particular, we have, and will continue to:

* invest in technology to reduce costs and enhance our reach into the community;
* invest in professional development for staff;
* improve corporate governance to enhance accountability, ethical behaviour and performance.

The focus for 2013-14 will be the continued development of resources for schools and small business operators, the development of online training resources, maintaining a high standard of complaint management and utilising innovative strategies for engaging with the Queensland community.

**Our people**

The ADCQ is led by the Anti-Discrimination Commissioner who is appointed by the Governor in Council and reports to Parliament via the Attorney-General and Minister for Justice. Although overall accountability for ADCQ services rests with the Commissioner, direct management responsibility of the various teams within the ADCQ is shared between the Commissioner and the Deputy Commissioner.

The Commission delivers services to the Queensland community via four offices located in Brisbane, Rockhampton, Townsville and Cairns. Each regional office performs a variety of functions including complaint management, training, community engagement and provision of information services directly to the public. During the reporting period, the Townsville office reduced their complaint management workload in order to focus on a number of strategic community engagement projects. In the 2013-14 financial year, Townsville office will resume complaint management as standard practice. The Brisbane office maintains responsibility for executive and corporate services.

The State Director (Complaint Management) has program responsibility for the provision of complaint management services throughout the state. The Brisbane Complaint Management Team:

* Manages the majority of complaints arising in south-east Queensland
* Provides information services to clients
* Participates in community engagement activities

The Manager, Community Relations has program responsibility for the provision of community engagement services throughout the state. The Brisbane Community Relations Team:

* Delivers training and community engagement activities - primarily focused on the south-east Queensland area
* Provides marketing and communication services

The Corporate Services Team resides within the Brisbane office of ADCQ. This team:

* Leads and manages the ADCQ's administrative, financial, human resource, information technology, facilities and governance services.
* Participates in community engagement activities

Executive, Legal and Research Services within ADCQ are undertaken by a team of staff from various operational units within the organisation. This team comprises the Deputy Commissioner, Principal Lawyer, Co-ordinator of the A&TSI Unit and the Librarian. As a unit, their role is to:

* Provide executive support and legal services
* Develop human rights policy and undertakes research on human rights issues
* Participate in community engagement activities

The ADCQ organisational structure is available at Appendix E.

# Performance statement 2012-13

The ADCQ performed strongly throughout the 2012-13 financial year, meeting or exceeding the majority of performance targets across core service delivery areas. Highlights include:

* resolving 57 per cent of accepted complaints and finalizing 91 per cent of these within six months;
* delivering training to 3272 people and achieving an average 99% satisfaction rating;
* responding to 3331 enquiries about the Anti-Discrimination Act 1991 and ADCQ services
* development of resources to support senior school students, teachers and small business operators;
* conducting 201 community engagement activities;
* re-developing the ADCQ website to increase reach into the community and position the commission to deliver services using web based technology and social media.

Table 1 - Service Standards

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Service standards** | **Notes** | **2012-13 Target/Est.** | **2012-13 Est. actual** | **2013-14 Target/Est.** |
| Percentage of accepted complaints resolved by conciliation |  | 55% | 57% | 55% |
| Percentage of clients satisfied with complaint handling service measured via client survey |  | 85% | 89% | 85% |
| Percentage of clients satisfied with training sessions measured via client survey | 1 | 90% | 99% | 95% |
| Percentage of accepted complaints referred to the Tribunal |  | 25% | 22% | 25% |
| Percentage of complaints where time from acceptance notice to complaint being closed is: |  |  |  |  |
| * within three months
 | 2,3 | 60% | 76% | 60% |
| * within six months
 |  | 20% | 15% | 20% |
| * within nine months
 |  | 10% | 4% | 10% |
| * within 12 months
 |  | 5% | 3% | 5% |
| * over 12 months
 |  | 5% | 2% | 5% |

Notes:

1. This is a positive result. The client satisfaction survey found that ADCQ scored highly in training relevance and delivery. After consideration of performance, the target has been revised in 2013-14.
2. This measure was previously included under other measures. It is included as a Service standard as it is a measure of efficiency as part of ADCQ’s core business/services delivered.
3. This variance is due to greater stability in staffing levels. This has resulted in improved management of complaint files and reduced timeframes.

# Community Engagement and Education

The quality of democratic life is improved by an educated community appreciative and respectful of the dignity and work of everyone – Anti-Discrimination Act 1991, Parliament’s reasons for enacting the Act.

An important aspect of the ADCQ’s role is the provision of education programs and the promotion of understanding, acceptance and public discussion of human rights in Queensland. Traditionally this has been achieved through the delivery of training, public speeches, visits to community organisations, attendance at community events and engagement with media. In 2012-13, the ADCQ developed a new Community Engagement Strategy which incorporated a greater focus on community engagement and development activities as well as targeted projects.

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 & social media** | **Partnerships & networks** | **Information products & services** |
| Increasing community ownership and investment in human rights | **Broaden ADCQ’s reach through the use of the web & 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 & promotion**  |
| **Establish ADCQ as the provider of Queensland’s best quality training in the field of discrimination and human rights** | **To grow the media as a vessel for the promotion of human rights and education of 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 QLD.** |

**Engagement, community development and major projects**

The ADCQ’s community engagement and development efforts are the primary methods by which we aim to achieve our vision of a fair and inclusive Queensland. These activities have a dual focus on 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 where appropriate. Major achievements in this area throughout 2012-13 include:

**Schools project**

In late 2011 the ADCQ hosted a series of round table discussions across Queensland focussing on the statement, “If there was one thing I would do to make Queensland more fair and inclusive it would be….” A strong theme emerging from this consultation process was that Queenslanders believe education about discrimination needs to commence at school.

In response to this feedback, the ADCQ has embarked upon the schools project. The aims of the project are to engage with the young people of Queensland in building community awareness, and a sense of personal responsibility to protect individuals against unfair discrimination.

Phase one of the project commenced in 2012-13 and involved the development of a resource package for senior school students about their rights and responsibilities under the Anti-Discrimination Act 1991 when entering the workforce. The package contains a teacher’s resource kit, activities and a student information booklet. The resources were developed in consultation with Education Queensland, Independent Schools Queensland and the Queensland Catholic Education Commission and will be launched at the beginning of the 2014 school year.

The schools resources will be made available to all Queensland high schools with a view to being utilised by guidance officers and pastoral care staff. The resource is intended to complement the current school curriculum and support vocational education and training programs.

This is a multi-phase project which the ADCQ will continue grow with the support of the Queensland education sector.

**Small business project**

Following on from the ADCQ Employers’ Toolkit which was released in the last reporting period, the ADCQ has commenced consultation with the small business sector to inform the development of further resources and services. The ADCQ data indicates that small and medium business operators are often the subject of discrimination complaints, but rarely access the training and education services of the commission. As a result, the ADCQ is tailoring a suite of resources and services to suit the particular needs of small businesses to ensure that are well equipped to prevent and manage discrimination issues.

In 2012-13 the ADCQ made contact with the Small Business Advisory Committee in South-East Queensland and the BNI professional networking chapter in Townsville to commence the consultation process. Resource development has commenced with a small business handbook and 20 questions best practice guide. An online training module is also under development. Following further consultation and product trials, it is anticipated that these resources will be made available to the sector in 2014.

**Lockyer Valley community development project**

The ADCQ has partnered with the Local Area Multicultural Partnership (LAMP) office in Lockyer Valley Regional Council to undertake a community development project in that region. The aim of the project is to engage with businesses, organisations and the community in the area to improve opportunities and quality of life for vulnerable groups, in particular the migrant communities.

The project has commenced with a series of awareness raising information sessions being delivered to the Lockyer Valley community and council staff. It is anticipated that this project will support the creation of opportunities for increased participation and access to work, accommodation and local services for migrants and other vulnerable groups.

**Getting a fair go in the Tribunal information video**

The ADCQ partnered with the Queensland Civil and Administrative Tribunal to produce an information video for applicants, respondents and advocates in discrimination matters. The video, titled Getting a fair go in the Tribunal provides information on preparing for a QCAT hearing in the event that a discrimination complaint cannot be resolved through the ADCQ conciliation process. Produced in a user friendly manner, it follows the story of an age discrimination complaint that is taken to QCAT for determination. The video intersperses elements of the complainant’s story with commentary on what parties can expect at each stage of the process.

The video was scripted, filmed and produced in house by ADCQ staff and will be made available free of charge to the public in September 2013 via the ADCQ and QCAT websites.

**Building relationships in Far North Queensland Indigenous communities**

Staff of the Far North Queensland regional office travelled to Weipa, Napranum and Old Mapoon as part of their community outreach commitment. The trip, which was carried out over two days incorporated a presentation to high school students at Western Cape College and meetings with over 11 organisations in the local and state government, health, education, mining, sport and recreation, small business, transport and community sectors. The ADCQ also supported the successful Driver Licensing open day event coordinated by the Western Cape Regional Partnership Agreement.

The awareness raising visit was a successful tool in establishing relationships with Indigenous communities in Far North Queensland from which future partnership opportunities may arise.

In addition to the major activities, a total of 533 individual community engagement activities were undertaken throughout the year. These included awareness raising visits to organisations and community groups, speaking engagements, participation in community, business and government networks and event organising committees.

**Web and social media**

The internet is a central component of the ADCQ’s drive to enhance community engagement and modernise access to services by the broadest possible range of clients. During 2012-13 a complete redevelopment of the ADCQ website was undertaken and social media became an additional communication tool for the Commission.

The new ADCQ website incorporates the latest developments in accessible software and web design to enhance the user experience and make dealing with the commission easier for the community. Additional features will be introduced in 2013-14 including online complaint lodgement, blogs and online training.

The ADCQ website is currently AA compliant with the W3C (World Web Consortium), and in some areas is AAA compliant. This enables access to people with visual and motor impairments as well as people from non-English speaking backgrounds. The ADCQ is aware of the importance of making information and services accessible to all Queenslanders. Accessibility experts were consulted throughout the process of website redevelopment to ensure a high standard of accessibility was maintained and enhanced where possible. The ADCQ is committed to working on continuous improvement in this area.

An overall increase in visits to the ADCQ website was noted during the reporting period. This is a positive result given the previous year’s indication of a downturn in website access. Following the website redevelopment in 2012-13 it is anticipated that this upward trend will continue.

Table 3 - Website visits

|  |  |
| --- | --- |
| **Month** | **2012-13** |
| July | 27,904 |
| August | 24,331 |
| September | 32,359 |
| October | 38,018 |
| November | 35,720 |
| December | 25,390 |
| January | 28,988 |
| February | 29,403 |
| March | 32,777 |
| April | 30,956 |
| May | 35,020 |
| June | 28,267 |
| **Total** | **369,133** |

A very significant increase was seen in access to the community languages page of the ADCQ website this year. In contrast to last year’s statistic of 16 317, the page received almost 57 000 visits in 2012-13.

This page provides basic information on the Anti-Discrimination Act 1991 in 30 languages other than English. During the reporting period a further translation was undertaken and the information will be made available in Hmong in 2013-14.

Table 4 - Community language website statistics

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Language** | **Web visits** |  | **Language** | **Web visits** |
| Creole | 2290 |  | Chinese | 1707 |
| Farsi | 2253 |  | Amharic | 1938 |
| Indonesian | 2259 |  | Cook Islands | 1646 |
| Albanian | 2235 |  | Malay | 1638 |
| Somali | 2165 |  | Serbian | 2160 |
| Vietnamese | 2170 |  | Kirundi | 1617 |
| Arabic | 2288 |  | Swahili | 1610 |
| Polish | 2189 |  | Tagalog | 1667 |
| Spanish | 2163 |  | Dinka | 1620 |
| Italian | 2228 |  | Turkish | 1601 |
| Russian | 2231 |  | Khmer | 756 |
| Bosnian | 2195 |  | Punjabi | 728 |
| French | 2211 |  | Karen | 794 |
| Samoan | 1616 |  | Tamil | 791 |
| Croatian | 2171 |  | **Total** | **56961** |
| Japanese | 1729 |  |

The ADCQ supports the use of social media as part of an integrated approach to broader community engagement in Queensland. In 2012-13 the commission’s social media presence consisted of a Facebook page and YouTube channel. These platforms enable real time dissemination of information, promotion of activities and events and two-way engagement with stakeholders and community members. 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 the establishment of strong and productive partnerships and networks is an effective strategy in achieving outcomes across a broader range of issues, stakeholder groups and geographical areas. The ADCQ is involved in a number of key networks and partnerships throughout Queensland for the purpose of providing advice on human rights issues and legislation, in-kind support for actions and initiatives and to gain a greater understanding of the issues, challenges and achievements that are present within the community. The key partnerships and networks in which ADCQ was an active member in 2012-13 are:

**Play by the Rules**

Play by the Rules is a national program that provides free information, resources, online training and promotional campaigns aimed at encouraging participation in sport and recreation activities without discrimination, harassment or bullying. The ADCQ is a partner in this national program which also involves other human rights organisations and government sport and recreation departments. ADCQ is a member of the national reference group as well as a local advocate for the program’s vision of a safe, fair and inclusive environment in sport and recreation.

During 2012-13, the ADCQ delivered education sessions to junior sporting clubs, provided Play by the Rules promotional materials to sporting clubs and community members, referred media and sporting groups to resources available on the Play by the Rules website and promoted community service announcements as part of the ongoing commitment to this partnership.

**Interdepartmental Committee on Multicultural Affairs**

The role of the interdepartmental committee is to ensure whole-of-government cooperation in planning, implementing and evaluating the Queensland Government’s multicultural policy. The committee comprises representatives of Queensland Government departments and relevant independent statutory authorities. The ADCQ provides input on matters that fall within its jurisdiction as per the Anti-Discrimination Act 1991.

**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 the promotion and maintenance of harmonious relations between Queensland Police and ethnic communities. The ADCQ provides input on matters that fall within its jurisdiction as per the Anti-Discrimination Act 1991.

**Community Legal Education Legal Assistance Forum**

The Community Legal Education Legal Assistance Forum (CLELAF) is a specialist forum of the Queensland Legal Assistance Forum (QLAF). The objectives of this network are to:

* promote cooperation and collaboration between legal service providers who are delivering and initiating community legal education activities
* disseminate community legal education information and resources – promoting communication and peer support between CLE workers to enhance the ability of service providers to deliver good practice Community Legal Education
* keep the Queensland Legal Assistance Forum (QLAF) informed so that appropriate representations are made to governments and other organisations on policy issues relevant to community legal education and access to justice for people at risk of social exclusion.

The ADCQ participates in this forum in its capacity as a provider of community legal education.

**Queensland Studies Authority Equity Committee**

The ADCQ is a member of the Queensland Studies Authority Equity Committee. The QSA is committed to equity in education and to providing services and materials that challenge inequities and contribute to Queensland students receiving a socially just education. All QSA materials contain information regarding the equitable education of all students and the ADCQ provides input into matters that fall within its jurisdiction as per the Anti- Discrimination Act 1991.

**Regional Managers Coordination Networks**

The ADCQ Regional Managers in Townsville and Rockhampton continue to participate in Regional Managers Coordination Networks. These forums are designed to identify and develop strategies to address regional issues.

**Aboriginal and Torres Strait Islander networks**

The ADCQ’s Aboriginal and Torres Strait Islander Unit Coordinator maintains involvement in a number of 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 to network members in relation to the Anti-Discrimination Act 1991.

**Disability networks**

The ADCQ is involved in a number of disability advisory groups and networks across the state, including Queenslanders with Disability Network, Queensland Disability Information Network, Aboriginal & Torres Strait Islander Disability Network Queensland**,** Rockhampton Access & Equity Group and Cairns Regional Council Access and Equity Committee. The ADCQ provides input on matters relating to impairment discrimination and accessibility as well as keeping abreast of issues concerning this significant stakeholder group.

**National Anti-Racism Strategy**

The ADCQ became a formal supporter of the National Anti-Racism Strategy in July 2012. Since that time the commission has advocated strongly for the strategy and associated campaign – Racism. It Stops With Me. Promotion of the campaign has included dissemination of marketing and information materials, provision of campaign information in relevant training sessions, speaking engagements including the annual Queensland Rugby League conference and approaches to key stakeholders to encourage official support for the strategy.

**Information products and services**

The Commission produces a wide range of publications outlining rights and responsibilities, including guidelines, fact sheets, information brochures, rights cards, videos and audio files.

All are available online and many in hard copy by request. A range of posters are also available. These posters are designed for display in workplaces and other public spaces to encourage people to think about issues of human rights and their own roles in preventing and addressing discrimination.

Biannually the ADCQ produces the Balancing the Act newsletter. This publication provides information on updates to human rights legislation, recent case law, strategic projects and activities undertaken by ADCQ and other human rights organisations and any topical issues of relevance to ADCQ stakeholders. Balancing the Act is distributed to over 1500 individuals and organisations throughout Queensland and is also available via the ADCQ website.

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 responds to the bulk of enquiries across the state.

This year the Commission answered 3376 telephone, email and personal enquiries about anti-discrimination laws and how they apply. Most of the enquiries were from people who felt that they had been discriminated against, harassed or bullied and wanted to better understand their options before making a complaint or taking other action. Another important group of enquiries came from employers and service providers who sought information about their obligations under the Act

**Marketing and promotion**

The ADCQ utilises limited professional marketing services, choosing to rely predominantly on established and developing networks to communicate with stakeholders and the broader community. In 2012-13 a small range of marketing flyers was introduced in response to the declining demand for training. The flyers are designed to be printed internally on an as-needed basis to ensure minimal wastage and are primarily distributed in electronic format. The flyers provide detailed information on the training courses offered by ADCQ and are used to promote both public and private training sessions.

The ADCQ promotes 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 utilised to highlight community events, activities and examples of human rights leadership. This promotion is aimed at recognising the efforts of local human rights pioneers, as well as furthering discussion, action and collaboration on issues of importance to the Queensland community.

**Events**

Each year the ADCQ attends a variety of 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 accessible to the community. In most instances, the ADCQ presence at community events is in the form of an information stall. On some occasions the Commission staff are called upon to open events or undertake speaking engagements. In regional areas, the ADCQ staff members are often part of planning and organising committees for significant community events. During the reporting period, staff members from the ADCQ were involved in the following community events:

Table 5 - Community events

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| * QPILCH Walk for Justice, Brisbane
 |  | * Mental Health Week Walk of Pride, Rockhampton
 |  | * Pride Fair Day, Brisbane
 |
| * International Women’s Day, Brisbane and Rockhampton
 |  | * Harmony Day events, Rockhampton, Townsville and Cairns
 |  | * Is Everybody Here Inclusive Communities Expo, Caboolture
 |
| * International Human Rights Day, Cairns
 |  | * University open days, Brisbane and Townsville
 |  | * Law Week, Rockhampton
 |
| * Multicultural festivals, Lockyer Valley, Townsville and Cairns
 |  | * NAIDOC week events, Brisbane, Ipswich, Rockhampton, Townsville and Cairns
 |  | * Citizenship ceremonies, Townsville and Cairns
 |
| * Disability Week Beach Day Out, Rockhampton
 |  | * FOGS employment expo, Brisbane, Rockhampton, Townsville and Cairns
 |  | * Accessibility Crawl, Rockhampton
 |
| * Seniors Lifestyle Expo, Townsville
 |  | * Australian Human Rights Commission – 20 years 20 stories event, Brisbane
 |  | * Homeless Connect, Brisbane and Rockhampton
 |

Significant events which ADCQ hosted or co-hosted in 2012-13 include:

**Can racism get under your skin?**

The ADCQ Townsville office hosted the Can racism get under your skin? forum in May 2013. The event was organised to promote awareness and discussion of the impacts of racism and provide a forum for exploration of strategies to address the issue in the Northern Queensland community.

Associate Professor Zoltan Sarnyai, from James Cook University, presented his research on the biological impacts of discrimination and racism on individuals’ physical and mental health. This was followed by a panel discussion involving the Anti-Discrimination Commissioner, Kevin Cocks, the co-chair of the National Congress of Australia’s First Peoples and social justice advocates from North Queensland’s Indigenous and multicultural communities. The forum was attended by approximately 70 people.

**Many Stories, One Australia media forums**

Staff from the ADCQ offices in Cairns, Townsville and Rockhampton co-hosted the Many Stories, One Australia media forums to coincide with Harmony Day 2013. The forums were an initiative of Ethnic Communities Council of Queensland, University of Queensland, Queensland University of Technology and Griffith University. ADCQ’s role was to facilitate discussion on the need for more diverse voices and stories in the media.

**Media**

Media is a powerful communication tool. The ADCQ therefore endeavours to connect with the media in order to make available accurate and timely information on human rights issues that affect Queenslanders. The role of the ADCQ is to promote human rights and this also extends to educating the media and the community. Therefore all efforts are made to respond directly to human rights stories which are incomplete or provide inaccurate information.

In 2012-13, the ADCQ provided information and public comment to a variety of mainstream, regional and independent media sources including the Gold Coast Bulletin, The Courier-Mail, 4BC radio, Today Tonight, ABC Capricornia and QUT media. Topics of interest in included pregnancy discrimination, age discrimination, impairment discrimination, sexual harassment, discrimination and bullying and lawful sex worker provisions of the Anti-Discrimination Act 1991.

**Education**

The ADCQ delivers a range of training courses based around the Anti-Discrimination Act 1991. The primary objectives of the training are to educate Queenslanders about their rights and responsibilities under the Act and to support organisations to adopt best practice strategies 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 to ensure equity. Training services are delivered mainly based on client demand, with a limited amount of marketing undertaken.

**State-wide training performance**

In 2012-13 the ADCQ delivered 243 training sessions to more than 3000 Queenslanders. This was below the target of 320 sessions which had been exceeded in the previous year. Overall, there was decreased demand for the ADCQ training services during the reporting period. Significant declines were noted in public sector (44%) and private sector (45%) training compared with the previous year’s result.

Staff turnover and limited marketing contributed to the lower training numbers in South-East Queensland, in addition to external factors such as machinery of government changes and a downturn in the mining sector. The Brisbane office also experienced a drop in demand for training from community organisations, mainly due to the disbanding of a number of community organisations and programs which accessed training on a regular basis.

Training demand in North Queensland had remained consistently high for a number of years. During 2012-13 complaint management responsibilities were removed from the Townsville office on a trial basis to enable greater focus on training and community engagement activities. As a result, Townsville office achieved significant training output (74 sessions) and exceeded the target of 50 sessions.

Far North Queensland experienced a small increase in demand during the year, enabling the delivery of 33 training sessions against a target of 20 sessions. The majority of training continues to be provided to the community sector, with little demand from the private and public sectors.

Demand and delivery of training in Central region remained steady during this reporting period. The greatest demand continues to be from the private sector, however it is anticipated that this may reduce in coming years owing to the slowing down of the mining industry and resource sector.

Table 6 - Delivery of training by sector, by region

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **South-East** | **Central** | **North** | **Far North** | **Total** |
| Private sector | 41 | 13 | 49 | 1 | **104** |
| Public sector | 34 | 3 | 7 | 3 | **47** |
| Community | 14 | 4 | 6 | 17 | **41** |
| In-house | 19 | 8 | 12 | 12 | **51** |
| **Total** | **108** | **28** | **74** | **33** | **243** |

Table 7 - Types of training sessions

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Course** | **South-East** | **Central** | **North** | **Far North** | **Total** |
| Introduction to the Anti-Discrimination Act | 45 | 9 | 40 | 12 | 106 |
| The Contact Officer (standard & refresher course) | 18 | 9 | 14 | 3 | 44 |
| Positively Ageless\* | 1 |  | 3 |  | 4 |
| Managing complaints | 2 |  | 3 | 2 | 7 |
| Recruitment & Selection | 3 |  |  |  | 3 |
| Tracking your rights - A&TSI  | 4 |  |  | 2 | 6 |
| Introduction to the Anti-Discrimination Act for Managers  | 11 | 7 | 14 | 5 | 37 |
| Understanding Discrimination Law (standard & community organisations) | 5 |  |  | 7 | 12 |
| Tailored training | 19 | 3 |  | 2 | 24 |
| **Total** | **108** | **33** | **28** | **74** | **243** |

\*initiative discontinued during reporting period (part of the former Qld Government Seniors Strategy)

The basic Introduction to the Anti-Discrimination Act training course remained the most popular training product in 2012-13, with 106 sessions delivered across the state. Demand for targeted managers training also remained strong as did Contact Officer training. This gives a positive indication that many employers are making attempts to equip themselves and their workplaces with the knowledge and tools to combat discrimination.

Although the ADCQ offers training sessions that range between one and seven hours in duration, the average session time in 2012-13 was 3.2 hours. This demonstrates a continuing preference for shorter courses, a consideration the ADCQ will pay heed to in the development and marketing of future training courses.

Training revenue for 2012-13 fell slightly short of the target of $180 900, which is consistent with the reduction in sessions delivered.

Table 8 - Details of training sessions

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **South-East** | **Central** | **North** | **Far North** | **Total** |
| No. of people | 1703 | 301 | 867 | 401 | 3272 |
| Hours of delivery | 323 | 101 | 245 | 113 | 782 |
| Actual Revenue | $63 293 | $18 425 | $66 357 | $21 015 | $169 090 |

**Evaluation**

As part of the ADCQ’s commitment to continuous improvement of services, training participants are asked to complete an evaluation form at the end of each training session. The evaluation is based on the content of the training session, the quality of the information resources provided, the value of the case study discussions, and the overall presentation of the session. A sample of responses from training participants follows:

* The course was very relevant and catered for an extremely diverse group of people in the room.
* A great facilitator who makes it easy to understand the legislation.
* I honestly thought I would be a bit bored but I learnt so much and can put a lot into practice
* The day was excellent, informative and very relevant.
* Great, lots of info, really easy to understand.
* The use of scenarios and examples was good to consolidate learning.
* Outstanding presentation and actively engaged audience, with humour.
* Trainer very knowledgeable on topic, well presented. Good examples to help reinforce course content.
* Thanks for an educational and practical session – excellent.
* I think the range of topics covered and the format was spot on for a one day course.
* Very beneficial to our organisation. Expert knowledge greatly appreciated.
* Excellent course, very well delivered, good content, very useful information.
* I recently attended a similar course in the mines and found it over the top. This was much better and informative.
* Provided a very open and encouraging learning environment. I got a lot out of today.
* Was well delivered and content specific to group of participants
* Very informative, useful tools from a practical legal perspective
* Great training from ADCQ. ADCQ always provides a high standard of training and information.
* This session covered all of the key issues really well – I now have a much better understanding of what constitutes discrimination and what avenues are open to people who feel they have been discriminated against.
* Really a good eye-opener to the exact rules rather than my idea of them

The ADCQ has maintained an average 99% satisfaction rating for all training delivered in the 2012-13 financial year. A review of the ADCQ training evaluation system commenced during the reporting period to assist the ADCQ to examine the longer term impacts of training by identifying changes in participant understanding and behaviour. A revised evaluation system with a broader scope is planned to take effect during the 2013-14 financial year.

#  Aboriginal and Torres Strait Islander unit

The ADCQ Aboriginal and Torres Strait Islander Unit was formally 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 Human Rights Assistant. An Indigenous Human Rights Assistant is also based in the Cairns office and receives ongoing professional and cultural support from the Unit Coordinator.

The unit has a strong community focus and provide 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;
* Delivering of Tracking Your Rights training to Indigenous organisations and communities;
* 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;
* Partnering with Indigenous organisations to address local and systemic discrimination;
* Coordinating the biennial Mabo Oration.

In 2012-13, unit visited 41 Aboriginal and Torres Strait Islander community organisations, businesses and service providers to discuss the role of the ADCQ and the Act, delivered four Tracking Your Rights training sessions and coordinated the successful planning and preparation for the 2013 Mabo Oration to be held on 21 July 2013.

**Reconciliation Action Plan**

The ADCQ vision for reconciliation is for Aboriginal and Torres Strait Islander people and other Queenslanders to contribute to a Queensland community that is fair, just and inclusive, where every Queenslander is treated with respect and dignity.

ADCQ’s mission is to take a leadership role in human rights in Queensland through upholding, promoting and protecting the rights of all Queenslanders. The ADCQ Reconciliation Action Plan (RAP) helps this vision to be achieved by committing the whole organisation towards working in ways that respects, values, engages and supports Aboriginal and Torres Strait Islander people.

The RAP, which came into existence in September 2011, underwent its first annual review during this reporting period. Significant achievements to date include the development of a best practice guide for working with Aboriginal and Torres Strait Islander peoples through the conciliation process and the continuing commitment of ADCQ staff to the recognition and celebration of significant Aboriginal and Torres Strait Islander events. Throughout 2012-13, ADCQ maintained a presence at community events including NAIDOC week and the FOGS Indigenous Employment Expo, as well as marking other significant dates such as International Day of World’s Indigenous Peoples, Sorry Day and Mabo Day with internal information sharing and celebrations.

# Complaint management

The ADCQ continues to focus on effective complainant management by trying to resolve complaints under the Anti-Discrimination Act 1991. The Commission receives a wide range of complaints about discrimination, sexual harassment, victimisation, vilification and requests for unnecessary information. The Commission also has power to deal with complaints of reprisal against whistle blowers who elect to try conciliation.

As with previous years, the ADCQ has largely met its complaint management targets in terms of quantity, quality and timeliness.

The effective complaint management processes adopted by the ADCQ mean that satisfaction rates remain high with 89% of all parties evaluating the service as satisfactory or very satisfactory, continuing the consistently high satisfaction rates of the past seven years.

Complaints continue to be managed in the Brisbane, Rockhampton and Cairns offices, with Townsville office quarantined from complaint management for the year to allow a greater focus on training and community engagement activities.

**State-wide complaint trends**

Last year the incorrect table of Complaints received, assessed and finalised was included. The correct Table 6 for 2011-12 appears below.

Table 6 - 2011-12 Complaints received, assessed & finalised

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **South-East** | **Central** | **North** | **Far North** | **Statewide** |
| Complaints received | 546 | 53 | 36 | 55 | 690 |
| Complaints accepted | 278 | 41 | 31 | 46 | 396 |
| Complaints finalised - accepted | 310 | 42 | 42 | 53 | 447 |
| Complaints finalised - not accepted | 201 | 45 | 50 | 6 | 302 |
| Total complaints finalised | 511 | 87 | 92 | 59 | 749 |

Table 9 below, shows that this year 679 complaints were received across the state, representing a small decrease from the 690 complaints received last year. The majority of complaints received were made to the Brisbane Office and originated from the south-east Queensland region. Three hundred and ninety-nine complaints were accepted as coming within the ADCQ’s jurisdiction, representing about 58 per cent of complaints received, which is consistent with last year. The remaining 42 per cent of complaints received during the financial year fell outside of the ADCQ’s jurisdiction except for a small number which are awaiting final assessment. Where a complaint does not come within the ADCQ’s jurisdiction, the complainant is generally referred to another agency which can assist them.

Table 9 - 2012-13 Complaints received, assessed & finalised

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **South-East** | **Central** | **North** | **Far North** | **Statewide** |
| Complaints received | 518 | 49 | 53 | 59 | 679 |
| Complaints accepted | 283 | 57 | 0 | 59 | 399 |
| Complaints finalised – accepted | 258 | 65 | 1 | 48 | 372 |
| Complaints finalised – not accepted | 191 | 37 | 0 | 48 | 276 |
| Total complaints finalised | 449 | 102 | 1 | 96 | 648 |

Complaint trends generally follow the pattern of complaints accepted in previous years. Complaints are commonly accepted on more than one ground under the Act. While less complaints were finalised, complaints were finalised within a shorter timeframe.

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 in obtaining goods and services, including government services. As shown in Table 10, Allegations of discrimination are included in 72% of accepted complaints which represents a significant decrease on the high of 88% of complaints last year.

The breakdown of the attributes on which allegations of discrimination are made in Table 10 clearly shows that discrimination on the basis of impairment remains the dominant ground, comprising 27.5% of all complaints. This is consistent with previous years. Race and sex discrimination allegations also remain significant with each comprising 10% and 8% of discrimination complaints, followed by family responsibilities, pregnancy and age discrimination. Most sex discrimination complaints involve gender based sexual harassment.

Sexual harassment complaints may involve allegations of unwelcome sexual behaviour such as comments about a person’s body or sex life, blue jokes, requests for sexual favours, sexualised emails and text messages, gestures, touching and even rape. Sexual harassment allegations are included in a further 9.7% of accepted complaints, which is a drop from 12% from last year. The vast majority of complaints of sexual harassment arise in the workplace, as can be seen from Table 11. Sexual harassment continues to remain a substantial reason for complaint.

Victimisation complaints arise where a complainant or witness feels they have been picked on for being involved in a complaint. Victimisation complaints remain at last year’s high levels at 9.5%. As set out in Table 11, 61% of victimisation complaints arose in the workplace. This is consistent with last year’s figures. Because of the continuing relationship between the employer and their employees, there is more opportunity for victimisation complaints to arise in the work area compared to other areas where there may more often be a shortened relationship following the initial complaint.

Vilification complaints require that the complainant alleges that others have been publicly encouraged to hate, severely ridicule or have severe contempt of them because of their race, religion, sexuality or gender identity. Public vilification complaints remain low with only 2% of accepted complaints including allegations of race, sexuality or religious vilification. No complaints of vilification on the basis of gender identity were received this year.

Table 10 - State-wide accepted complaints by ground

|  |  |  |
| --- | --- | --- |
| **Ground** | **Number** | **%** |
| Discrimination |
| Age | 32 | 5.2% |
| Breastfeeding | 5 | 0.8% |
| Family Responsibility | 38 | 6.2% |
| Gender Identity | 1 | 0.2% |
| Impairment | 168 | 27.5% |
| Lawful Sexual Activity | 1 | 0.2% |
| Parental Status | 21 | 3.4% |
| Pregnancy | 33 | 5.4% |
| Race | 62 | 10.2% |
| Relationship Status | 3 | 0.5% |
| Religion | 12 | 2.0% |
| Sex | 51 | 8.4% |
| Sexuality | 11 | 1.8% |
| Trade Union Activity | 1 | 0.2% |
| Sub-Total Discrimination | 439 | 72.0% |
|  |  |  |
| Request/Encourage a Breach | 1 | 0.2% |
| Sexual Harassment | 59 | 9.7% |
| Unnecessary Questions | 38 | 6.2% |
| Victimisation | 58 | 9.5% |
| Vilification |
| Race | 6 | 1.0% |
| Religion | 5 | 0.8% |
| Sexuality | 1 | 0.2% |
| Sub-Total Vilification | 12 | 2.0% |
| Whistleblower reprisal | 3 | 0.5% |
| Total | 610 | 100.0% |

\*Complaints may be accepted under more than one ground

As can be seen from Table 11 below, discrimination in the workplace continues to be more readily identified and more likely to result in a complaint to the ADCQ. The number and proportion of work related complaints shows that workplace fairness is the most significant area of people’s lives. Sixty six per cent of discrimination complaints arose in the workplace or when seeking work. This is largely consistent with previous years.

Twelve-and-a-half per cent of complaints arise in the area of the provision of goods and services, which includes access to public places and buildings.

**Table 11 -State-wide accepted complaints by area**

\*Only discrimination breaches require an area

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Discrimination** | **Request or encourage a breach** | **Sexual harassment** | **Unnecessary questions** | **Victimisation** | **Vilification** | **Whistleblower Reprisal** | **Total** |
| **#** | **%** |
| Accommodation | 16 |  | 1 | 2 | 2 |  |  | 21 | 3.9 |
| State laws and programs | 20 |  |  |  |  |  |  | 20 | 3.7 |
| Goods and services | 58 |  | 1 | 4 | 4 |  |  | 67 | 12.5 |
| Club membership and affairs | 5 |  |  |  |  |  |  | 5 | 0.9 |
| Superannuation and insurance | 5 |  |  |  |  |  |  | 5 | 0.9 |
| Disposition of land | 1 |  |  |  | 1 |  |  | 2 | 0.4 |
| Work | 249 |  | 46 | 15 | 39 | 2 |  | 351 | 65.6 |
| Education | 13 |  |  | 1 | 3 |  |  | 17 | 3.2 |
| Not recorded\* |  | 1 | 13 | 6 | 15 | 9 | 3 | 47 | 8.8 |
| **Total** | 367 | 1 | 61 | 28 | 64 | 11 | 3 | 535 | 100 |

While Table 12 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 and services (17%) which includes access to public places and buildings. Similarly, a significant number of race discrimination complaints arose in connection with the provision of goods and services (18%).

Impairment (39%) and race (15%) are the most common basis for discrimination complaints. Almost all complaints of pregnancy, parental status and family responsibility discrimination arose in the work area as did sex discrimination and sexuality discrimination complaints.

Table 12 - State-wide accepted discrimination complaints by ground, by area

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Accomm** | **State laws & programs** | **Goods & services** | **Club membership** | **Super & insurance** | **Disposal of land** | **Work** | **Education** | **Total** |
| **#** | **%** |
| Age |  | 3 | 10 |  | 4 |  | 16 |  | 33 | 7% |
| Breastfeeding |  | 1 | 5 |  |  |  |  |  | 6 | 1% |
| Family responsibility | 1 |  | 2 |  |  |  | 36 |  | 39 | 9% |
| Gender identity |  |  |  |  |  |  | 1 |  | 1 | 0% |
| Impairment | 5 | 13 | 30 | 4 | 1 |  | 112 | 11 | 176 | 39% |
| Lawful sexual activity | 1 |  |  |  |  |  | 1 |  | 2 | 0% |
| Parental status | 1 |  | 2 |  |  |  | 17 | 1 | 21 | 5% |
| Political belief/activity |  |  |  |  |  |  |  |  | 0 | 0% |
| Pregnancy |  |  |  |  |  |  | 32 | 1 | 33 | 7% |
| Race | 7 | 4 | 12 |  |  | 1 | 42 |  | 66 | 15% |
| Relationship status |  |  | 1 |  |  |  | 1 | 1 | 3 | 0% |
| Religion | 1 | 1 | 2 |  |  |  | 8 |  | 12 | 3% |
| Sex | 1 |  | 2 | 1 |  |  | 47 |  | 51 | 11% |
| Sexuality |  | 1 | 1 |  |  |  | 9 |  | 11 | 3% |
| Trade union activity |  |  |  |  |  |  | 1 |  | 1 | 0% |
| **Total** | 17 | 23 | 67 | 5 | 5 | 1 | 323 | 14 | 455 | 100% |

**Settlement of complaints**

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

This year saw an increase in the settlement rate to 57 per cent of complaints, slightly above the target of 55 per cent.

Seventy-seven per cent of accepted complaints were finalised within the ADCQ, with only 23 per cent of accepted complaints referred to the Queensland Civil and Administrative Tribunal, which is slightly better than target.

Table 13 - State-wide outcomes for accepted complaints by region

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **South-East** | **Central** | **North** | **Far North** | **State-wide** | **% Outcome for accepted complaints state-wide** |
|
| Conciliated | 151 | 40 |  | 21 | 212 | 57% |
| Lost contact (s169) | 4 |  |  |  | 4 | 1% |
| Referred to QCAT | 56 | 14 | 1 | 15 | 86 | 23% |
| Lapsed (s168) | 3 | 1 |  |  | 4 | 1% |
| Unconciliable but not referred | 12 | 4 |  | 7 | 23 | 6% |
| Withdrawn | 28 | 6 |  | 5 | 39 | 11% |
| **Total** | **254** | **65** | **1** | **48** | **368** | **100.0%** |

**Timeliness**

Forty-nine per cent of complaints were assessed within the 28-day legislative timeframe. Many complaints did not contain sufficient information to enable a final decision to be made. For these complaints further information was sought before a decision was made as to whether the allegations came within the Act.

Seventy per cent of accepted complaints reached conference within the 42-day statutory timeframe. This is consistent with targets. Conferences in the remaining matters were generally delayed where parties were unavailable to participate for a variety of reasons.

Seventy-six per cent of accepted complaints were finalised within three months of acceptance. This represents a significant increase from 66 per cent last year. A total of 91 per cent of accepted complaints were finalised within six months, and a total of 96 per cent of complaints were finalised within twelve months of acceptance. Maintaining consistency and improvements in service delivery in managing complaints efficiently and effectively and ensuring timeliness in finalising complaints is an ongoing commitment of the ADCQ and its staff.

**Conciliated outcomes**

The following are examples of complaints made to ADCQ in 2012-13 that were successfully resolved through conciliation.

At a second job interview, the complainant was asked whether he was Muslim and asked his name. When he gave his name, the employer said they would call him "George" because it was easy to pronounce. The complainant was also asked at interview about their need for a mosque, what country he was from and whether he understood what “slang” was. The complainant was not appointed to the position. At conciliation the employer said that they were trying to be friendly but now understood how their comments and questions could have been perceived. The employer apologised privately to the complainant and agreed to pay compensation for the perceived discrimination.

The employer salon manager decided to change staff rosters to better suit the business. When the complainant explained she had already arranged child care to suit her current roster and may not be able to rearrange it the manager told her that it was not her problem and if she couldn’t make child care changes she would lose her job. The complainant was able to rearrange childcare but when she later request two days off over the Christmas period the manager asked if she could get someone else to care for her children and then dismissed the complainant because she couldn’t work the two days. At conciliation the employer agreed to give the complainant an apology and compensation in relation to discrimination on the basis of family responsibilities.

The complainant had impairments which required her to use a wheelchair. She approached a housing association which offered her a unit for rent. The unit needed modifications to make it safe, which a consultant report to the housing association. The complainant agreed to move in while the modifications were being carried out and started to sell her possessions in anticipation of moving to a smaller residence. The housing association then decided that the modifications were too expensive and rented the unit to a person who did not require them. At the conciliation conference the housing association argued unjustifiable hardship as all income for the maintenance of its properties is raised through rental income but conceded that they never got quotes for the cost of the modifications. They apologised for not communicating with the complainant in a timely and effective way and agreed to pay compensation and have their staff trained to better understand how to manage this situation in future.

The complainant was a long time employee of a dental clinic, with a great work history. She was injured at work which resulted in many restrictions in her ability to perform her job. She was stood down without pay pending a medical examination and was possibly facing ill health retirement. At conciliation the clinic explained they had looked for other positions for her but there were none. An agreement was reached through conciliation where the clinic agreed to look for possible positions outside the clinic for a period of eight weeks. Within two days of the conference a suitable position was found for the complainant in a call centre related to the dental clinic. The complainant has happily accepted the job.

The complainant’s carer was refused access to the changing room in a shopping centre store to help his wife try on a bra. The facts were in dispute, but the complainant left the store with the wrong size bra. At conference the respondents apologised several times and agreed to hand deliver a replacement product to the complainant’s home.

The complainant had a brain injury and was staying in a short-term hostel and heard on the grapevine that Indigenous and non-Indigenous residents were offered different length leases. She lodged a discrimination complaint. At the conciliation conference the respondents were able to reassure the complainant that there was no discrimination in the lengths of leases but acknowledged that their communication with the complainant could have been better. The respondents had relied on second hand information that suggested the complainant was using drugs on premises but at conference that accepted that she was covering for another resident. Agreement was reached to provide a rental reference to the complainant and for respondents to actively assist the complainant to find long-term accommodation to accommodate her disability.

A deaf woman complained that a government agency failed to engage interpreters when they responded to an emergency involving six profoundly deaf adults. Because the complainant was illiterate as well as deaf, she needed a deaf relay interpreter as well as Auslan interpreters.  At conference the government agency agreed to work with the deaf community to ensure more effective communication in future.

The complainant wanted a quote to get her roof fixed and contacted a roofing company to talk to their representative. He asked her questions about her relationship and told her that she could not get a quote for roofing without her husband present. At conference the company apologised and explained that their representative should only ask whether she was a homeowner. They confirmed that it was not company policy to ask a woman to have her husband present and explained that the representative was no longer with the company. The company agreed to make changes including monitoring inbound and outbound calls and including a new section in the call centre manual cautioning staff against asking personal questions of customers. The company apologised and took the complainant for a coffee after the conference.

The complainant was trying to negotiate with her employer to return to her job part-time after having a baby. Protracted negotiations resulted between the parties leading in the complainant deciding not to return to work. At the conciliation conference the director of the business provided a heartfelt apology to the complainant for the way the negotiations had dragged on and this resulted in the complainant being a lot more flexible in negotiations because they felt this apology was genuine and gave them “a feeling of being listened to and heard”. The complaint was resolved at the conference.

A complainant who used a wheel chair complained that they were not provided with adequate access to a wheelchair to board and disembark the aeroplane. The airline agreed to implement new policies and processes so that customers with wheelchairs are provided with better access into the aircraft and more reliable access to their wheelchair upon arrival at their destination. The company also doubled the number of ‘wide bodied’ wheelchairs that are able to be utilised by clients at the airport.

# Legal information

**Applications to the Queensland Civil and Administrative Tribunal for review**

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

In February 2013 a complainant applied to the tribunal to review a decision to lapse a complaint made in January 2011. The tribunal extended the time for making the application (28 days) and at a directions hearing made orders for the filing of material, a compulsory conference and set a date for hearing. The application is still pending.

**Judicial Review of decisions**

Decisions of the Commissioner may be judicially reviewed by the Queensland Supreme Court under the Judicial Review Act 1991. During 2012-2013, 3 applications were made to the Supreme Court for review of decisions.

In March 2013 the Court dismissed an application on the basis there was no reviewable error in the decision that a complaint could not be resolved by conciliation.

Two applications were made by a complainant in relation to a decision not to accept a complaint, and a later decision by a more senior officer confirming the original decision. Both applications to the Court were discontinued by the applicant before directions hearings were held.

During the period the Court of Appeal delivered its decision dismissing an appeal against a decision of the Court which had dismissed an application for review of a decision not to accept complaints made out of time.

**Intervention in proceedings**

Under section 235 of the Anti-Discrimination Act 1991 the ADCQ has the function to intervene in a proceeding that involves human rights issue, with the leave of the court hearing the proceeding, if the ADCQ considers it appropriate to do so. There were no interventions taken by the ADCQ during the period.

**Submissions**

Under section 113 of the Anti-Discrimination Act 1991 the Queensland Civil and Administrative Tribunal is required to consult the ADCQ before deciding an application for an exemption from the operation of a specified provision of the Anti-Discrimination Act 1991. During 2012-2013 the ADCQ made submissions on 12 exemption applications.

The ADCQ provided submissions to various State and Federal bodies on the development of government policies and legislation. These included submissions to:

* the Legal Affairs and Community Safety Committee (Qld) on the amendments to the Anti-Discrimination Act 1991 in the Youth Justice (Boot Camp Orders) and Other Legislation Amendment Bill 2012;
* the Senate Standing Committee on Legal and Constitutional Affairs (Cth) on the Exposure Draft – Human Rights and Anti-Discrimination Bill 2012, as well as contributing to a joint submission of the State anti-discrimination bodies (ACHRA);
* the Department of Justice and Attorney-General (Qld) on the review of the Queensland Civil and Administrative Tribunal Act 2009;
* the Senate Standing Committee on Legal and Constitutional Affairs (Cth) on the Inquiry into the value of a justice reinvestment approach to criminal justice in Australia;
* the Senate Standing Committee on Legal and Constitutional Affairs (Cth) on the Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013; and
* the Department of Justice and Attorney-General on the review of the Youth Justice Act 1992.

The ADCQ also contributed to the reports of the Department of Justice and Attorney-General and the Australian Human Rights Commission to the United Nations Committee on the implementation of the Convention for the Elimination of All Forms of Racial Discrimination for the period 1 July 2008 to 30 June 2012.

A summary of the content of the ADCQ submissions is as follows:

**Exposure Draft – Human Rights and Anti-Discrimination Bill 2012**

The ADCQ supports the consolidation and reform of the federal anti-discrimination laws to achieve consistency, clarity and greater compliance. The Commission considers the definitions of discrimination can be improved, and is concerned that current high standards under State and Territory laws are not diminished. The Commission prefers exemptions to be specified clearly rather than introducing a general exception for justifiable conduct.

**Review of the Queensland Civil and Administrative Tribunal Act 2009**

The Commission strongly supports the current judicial structure, internal appeals mechanism and the distinction between legally qualified members and other members. The ADCQ suggested amendments to clarify some procedural aspects of matters in the anti-discrimination jurisdiction, and discussed equality of access to justice in the context of legal representation before the tribunal.

**Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013**

The ADCQ strongly supports the introduction of protections for the GLBTI community in the federal laws and welcomes the inclusion of intersex status as a separate attribute. The ADCQ has concerns whether the expression ‘different sex’ may have unintended limitations for the attributes of gender identity and intersex status, and recommends limiting the exemption for record keeping for a specified period. The ADCQ urges improving substantive equality for everyone by amending the Marriage Act to allow marriage between people of the same sex.

**Review of the Youth Justice Act 1992**

The ADCQ urges the government to retain the principle of detention as a last resort, to remove 17-year-olds from adult prisons and the adult justice system, and to develop evidence-based policies and strategies for early intervention and to prevent young people offending.

**Inquiry into the value of a justice reinvestment approach to criminal justice in Australia**

The Commission supports the consideration and implementation of justice reinvestment approaches in Australia. Justice reinvestment is about reforming the criminal justice system, and in particular trying to prevent people from getting there in the first place. Justice reinvestment asks the question: is imprisonment good value for money? Early intervention initiatives and investing in programmes to prevent crime in communities that have high rates of criminal convictions, imprisonment and recidivism may be a better use of valuable taxpayer funds than the spending of funds on the criminal justice system.

**Queensland Civil and Administrative Tribunal**

The Anti-Discrimination Act 1991 outlines the functions of the ADCQ and the Queensland Civil and Administrative Tribunal (QCAT). Both entities have important but differing roles in administering the Act.

Under the Anti-Discrimination Act 1991, the Queensland Civil and Administrative Tribunal (QCAT) has the functions of:

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

To illustrate the important role of QCAT in this jurisdiction, the following is a selection of decisions of the tribunal which were published during the reporting period.

**Complaints**

**Race discrimination in work**

An Aboriginal man was awarded compensation in respect of comments made by a co-worker behind his back and a botched apology. The co-worker described the man as a ‘black fella’, and on one occasion she was also refusing to swap a shift because it would lead to her working with the man. The tribunal said the racially offensive comment about a colleague who was not present was sufficient in itself to amount to less favourable treatment. The refusal to swap shifts had the added detriment of depriving the man of benefits associated with a workplace where swapping shifts was common and potentially causing other workers to be resentful of him. The co-worker was directed to apologise to the man, but during the telephone apology she made it worse by making further inappropriate comments and effectively telling the man he needed to move on. The tribunal said the failure to apologise appropriately also constituted less favourable treatment. The man was awarded a total amount of $76, 704.81, of which $40,000 was for general damages. The general damages had been discounted because of other factors which contributed to the man’s depressive illness. The award of damages was upheld on appeal as the appeal tribunal was satisfied there had been no error of law and the findings of fact were open to the hearing tribunal.

Barney v State of Queensland & Anor [2012] QCAT 695; and State of Queensland & Anor v Barney [2013] QCATA 104

**Impairment discrimination in work**

A temporary administrative worker at a prison was required to undertake Suicide Prevention Awareness training, despite having earlier been excused from a scheduled session of the training because of her medical condition of depression with a history of attempted suicides. The worker experienced difficulty undertaking the training on-line on her own, and had to take breaks during which she sought assistance from the employer’s equity officer. The employer disputed the circumstances of training and the effect on the worker, however the tribunal preferred the evidence of the worker to that of the manager. The tribunal found a term had been imposed, and even though the worker did the training, she did it under duress fearing for her job security, and suffered extreme emotional distress. The tribunal found the term was not reasonable, and awarded $10,000 damages for emotional pain and suffering.

Rushton v Muller & Anor [2012] QCAT 505

**Religious belief in administration of State laws**

Two people, whose religious belief prevented them from having their photographs taken, complained of discrimination when the Department of Transport refused to issue them with driver licences without photographs. Their religious belief is based on the Christian 2nd commandment and the books of the Old Testament of the Bible, Exodus and Deuteronomy. The Department gave evidence that driver licences with photographs were introduced in Queensland in 1986 and had become a primary form of identification, and claimed reliable identification cannot occur without a photograph. The tribunal found that the requirement to have a photograph on a Queensland driver licence was reasonable, and the complaint was dismissed. The decision was appealed, and the appeal tribunal is yet to deliver its decision.

Emanuel & Anor v State of Queensland [2011] QCAT 731

**Costs**

A successful complainant applied for costs, arguing the claim had been in the nature of a test case and that there was significant public interest in resolving the question of reasonableness of Queensland Health’s rostering requirements that had impacted on her as a nurse who was unable to work evenings because of a medical condition. The tribunal said the issue was whether the interests of justice require the tribunal to depart from the public policy position in the QCAT Act that parties bear their own costs. The tribunal did not accept that it had been a test case and the issues that were decided applied only to that case. The tribunal also said that granting the parties leave to be legally represented because of complex questions of law or fact did not predicate the making of a costs order at the end of the case.

Chivers v State of Queensland (No. 2) [2012] QCAT 437

Compare this to the decision of the Court of Appeal which, in ordering the payment of costs in the Appeal Tribunal of QCAT, was satisfied that the involvement of complex questions of law of was sufficient ground for departing from the usual rule that parties to proceedings in QCAT bear their own costs.

Dovedeen Pty Ltd & Anor v GK [2013] QCA 194

**Exemption applications**

The tribunal hears and determines exemption applications. The ADCQ has a role in providing submissions on applications made to the tribunal, as well as the process for considering the application.

Exemptions were granted to enable the provision of low cost housing for singles at 3 locations in the inner Brisbane area of Fortitude Valley.

Re Brisbane Housing Company Ltd (No. 1) [2012] QCAT 506; Re Brisbane Housing Company Ltd (No. 2) [2012] QCAT 507; Re Brisbane Housing Company Ltd (No. 3) [2012] QCAT 529

An exemption was granted to allow an organisation that provides counselling and programs for perpetrators of domestic violence to employ gender specific counsellors to comply with a requirement that group counselling be conducted by male and female counsellors.

Re The Youth and Family Service (Logan City) Inc. [2012] QCAT 315

Exemptions were granted to enable manufactured home parks to restrict accommodation to people aged over 50 years.

Re Surtie Enterprises Pty Ltd [2012] QCAT 369; TJ & RC Walsh Pty Ltd [2013] QCAT 25

The tribunal refused to grant an exemption to recruit females for sales and service, on the basis it was not necessary because the exemption relating to equal opportunity measures would apply. The tribunal suggested wording for advertisements to minimise the risk of complaints of discrimination.

Re AP Eagers Limited [2012] QCAT 567

**Interim orders before referral**

A person who had made a complaint to the ADCQ alleging discrimination on the basis of family responsibilities by her employer proposing to change her work hours/arrangements, applied to the tribunal for orders to stop the changes pending the outcome of her complaint. The complainant argued that if her complaint was not resolved at conciliation in the ADCQ, her employment would be terminated because she could not accept the changes, and any subsequent remedy would be of little value. The tribunal said that on its face, section 144 ‘involves the exercise of a wide discretionary power to make orders directed to the maintenance of the status quo for the purpose of enabling the processes provided under the ADA to be effectively pursued, and to maximise the opportunity for its objectives to be achieved.  Those objectives include protection from unfair discrimination, the investigation of complaints in which discrimination is alleged, and if the commissioner believes resolution by conciliation is possible, attempts to do so.’ It said that at this early stage, the nature of any possible prejudice is likely to lack precision, which is recognised by the use of the word ‘might’ in the section.  The tribunal was satisfied there was a risk that if the new system is introduced the complainant would lose her job, the prospects of conciliation would likely be adversely affected, and the nature of any remedies may be diminished because reinstatement under the new system is not something she can seek.  Any uncertainty attached to those risks did not make them too remote or unlikely. As to the tests for an injunction, the respondents conceded the complainant had an arguable case.  The issue would be the reasonableness of the term.  The balance of convenience was argued by both parties on the basis of financial impact for both of them.  The tribunal decided that the financial impact of denying the interim relief should prevail over the effects the employer could suffer if it is granted.  The tribunal also said it was material that because the complainant is not an Australian citizen she would not be able to rely on Centrelink benefits if she loses employment. The tribunal ordered that the respondents are prohibited from altering the applicant’s present hours of work until further order.

McIntyre v Hastings Deering (Australia) Ltd & Anor [2012] QCAT 438

# 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);
* State Director, Complaint Management;
* Manager, Corporate Services;
* Manager, Community Relations.

The Leadership Group is a sub-committee 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);
* State Director, Complaint Management;
* Principal Legal Officer;
* Manager, Corporate Services;
* Manager, Community Relations;
* Manager, Far North Queensland Region;
* Manager, North Queensland Region;
* Manager, Central Queensland Region;
* Manager, Brisbane Complaint Team;
* Coordinator Aboriginal and Torres Strait Islander Unit.

**Commission staff**

The ADCQ maintains offices in Brisbane, Cairns, Townsville and Rockhampton. At 30 June 2013, we employed 32 equivalent permanent, temporary and casual staff. This figure excludes people on leave without pay. The proportion of permanent staff decreased from 89 to 86 per cent over the last year. The permanent staff retention rate during 2012–13 was 93 per cent. The permanent staff separation rate was 7 per cent.

Table 14 - Staff groups

|  |  |
| --- | --- |
| **Group** | **Employees** |
| Executive management  | 3 |
| Legal  | 1 |
| Corporate support | 3 |
| Information technology | 1 |
| Conciliation | 10 |
| Community relations | 6 |
| Regional services  | 8 |
| **Total** | **32** |

Graph 1 - Employee profiles

**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. 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 (PSEA) 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.

Annual refresher training for all staff was provided in June 2013.

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.

**Information systems and recordkeeping**

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. Recordkeeping policies and systems 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 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 7 and Office 2010 and all core software is supported by appropriate support agreements and software assurance. The commission has migrated from desktops to laptops to reduce costs, enhance mobility and allow for business continuity in the event of natural disasters.

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

**Consultancies**

Information on consultancies during the reporting period is available via [www.qld.gov.au/data](http://www.qld.gov.au/data).

**Early retirement, redundancy and retrenchment**

The ADCQ undertook a minor restructure within the Brisbane office that resulted in one employee receiving a redundancy package at a cost of $50,416.48.

# Summary of financial information

**Overview**

The operating result for the ADCQ for 2012–13 was a modest surplus of approximately $20 000 which was a sound result.

The major activities undertaken during the year include:

* Schools Project aimed at educating young people who are about to enter the workforce on their rights and responsibilities in the workplace;
* Small Business Project aimed at developing resources to support small business operators to meet their obligations under the Act;
* Conducting an operational review of the ADCQ;
* Creation of a new website to provide a platform for enhanced community engagement and to generate efficiencies within ADCQ;
* Replacement of obsolete telecommunications services to reduce costs and provide better conferencing facilities;
* investing in the ICT network to provide sufficient capacity to support new technology and applications which increase services and reduce costs.

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 2013. This provides a measure of our equity level. ADCQ’s assets at 30 June 2013 were $2.6 million and liabilities were $1 million, resulting in a total equity of $1.6 million. The ADCQ’s financial position remains strong.

Graph 2 - Net worth

**Financial performance**

The Income Statement shows the total income for 2012–13 as $5.221 million and expenditure as $5.201 million. The ADCQ finished the year with an operating surplus of approximately $20,000.

**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 2012 - 13**

**Expenses**

Total operating expenses for 2012–13 were $5.201 million. The largest expense category is employee-related costs, which account for almost 63 per cent of total expenses. The second biggest category is supplies and services, which account for approximately 32 per cent.

Graph 4 - Application of funds



Table 15 - Comparison to Budget and Estimated Actual (Est Act) reported in Agency Service Delivery Statements"

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  | **Variance to:** |
|  | **Budget** | **Est Act** | **Actual** | **Budget** | **Est Act** |
|  | **$'000** | **$'000** | **$'000** | **$'000** | **$'000** |
| **Revenue** |  |  |  |  |  |
| User charges | 197 | 197 | 173 | -24 | -24 |
| Revenue from Interest | 71 | 71 | 48 | -23 | -23 |
| Grants | 5,038 | 4,970 | 4,970 | -68 | 0 |
| Other | 10 | 10 | 30 | 20 | 20 |
| **Total revenues** | **5,316** | **5,248** | **5,221** | **-95** | **-27** |
| **Expenses** |  |  |  |  |  |
| Employee expenses | 3,490 | 3,346 | 3,277 | 213 | 69 |
| Supplies and services | 1,508 | 1,585 | 1,663 | -155 | -78 |
| Grants and subsidies | 11 | 10 | 10 | 1 | 0 |
| Depreciation/amortisation | 280 | 279 | 223 | 57 | 56 |
| Other expenses | 27 | 28 | 28 | -1 | 0 |
| **Total expenses** | **5,316** | **5,248** | **5,201** | **115** | **47** |
| **Result - Surplus/(Deficit)** | **0** | **0** | **20** | **20** | **20** |

\* Totals may not add due to rounding.

Explanation of Major Variations

* Actual revenue from Grants is $68,000 less than the initial budget due to delays in finalising wage increases under Enterprise Bargaining arrangements. This means the provision included in the initial budget was not needed and was removed. A consequential reduction in Employee expenses was also required.
* Savings in Employee expenses resulted from vacancies in the Brisbane and Townsville Offices. These savings were offset by the costs of one redundancy payment.
* The increase in Supplies and services relates to funding the operational review of the ADCQ, investment in staff training and costs associated with the implementation of new telecommunications services. These investments were funded from savings made elsewhere in the budget.
* Savings in Depreciation/amortisation resulted from the later than expected finalisation of the new website and increasing the useful life of the Brisbane tenancy assets.

**Assets**

Total assets did not change materially over the course of the financial year and are valued at $2.6 million at 30 June 2013. Current assets are valued at $0.8 million and are available to meet current liabilities which are valued at $0.4 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 2013 were about $1 million. The largest single liability is $0.5 million for a lease incentive associated with the new office accommodation. This liability will be discharged over the life of the fit-out assets created during the relocation. It has no cash effect as it is balanced by the increased asset value in the ADCQ. The remaining liabilities mainly relate to accrued employee entitlements and trade creditors.

Graph 6 - Liability composition



# Financial statements

[**Certification of financial statements**](#_Toc230068497)

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 |
| the Code | The Code of Conduct for the Queensland Public Service  |
| 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 Anti-Discrimination Act 1991, 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 sub-committee 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. |
| QCAT | Queensland Civil and Administrative Tribunal |
| 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
 | ARRs – section 8 | Page 3 |
| Accessibility | * Table of contents
* Glossary
 | ARRs – section 10.1 | Page 2Appendix A |
| * Public availability
 | ARRs – section 10.2 | Inside cover |
| * Interpreter service statement
 | Queensland Government Language Services PolicyARRs – section 10.3 | Inside cover |
| * Copyright notice
 | Copyright Act 1968ARRs – section 10.4 | Inside cover |
| * Information licensing
 | Queensland Government Enterprise Architecture – Information licensing ARRs – section 10.5 | Inside cover |
| General information | * Introductory Information
 | ARRs – section 11.1 | Page 6 |
| * Agency role and main functions
 | ARRs – section 11.2 | Page 6 |
| * Operating environment
 | ARRs – section 11.3 | Page 6 |
| * Machinery of Government changes
 | ARRs – section 11.4 | N/A |
| Non-financial performance | * Government objectives for the community
 | ARRs – section 12.1 | Page 7 |
| * Other whole-of-government plans / specific initiatives
 | ARRs – section 12.2 | N/A |
| * Agency objectives and performance indicators
 | ARRs – section 12.3 | Page 7,9 |
| * Agency service areas, service standards and other measures
 | ARRs – section 12.4 | Page 9 |
| Financial performance | * Summary of financial performance
 | ARRs – section 13.1 | Page 41 |
| * Chief Finance Officer (CFO) statement
 | ARRs – section 13.2 | Page 44Appendix G |
| Governance – management and structure | Organisational structure | ARRs – section 14.1 | Appendix E |
| Executive management | ARRs – section 14.2 | Page 35 |
| Related entities | ARRs – section 14.3 | N/A |
| Boards and committees | ARRs – section 14.4 | N/A |
| Public Sector Ethics Act 1994 | Public Sector Ethics Act 1994(section 23 and Schedule)ARRs – section 14.5 | Page 38 |
| Governance – risk management and accountability | Risk management | ARRs – section 15.1 | Page 39 |
| External Scrutiny | ARRs – section 15.2 | N/A |
| Audit committee | ARRs – section 15.3 | Page 38 |
| Internal Audit | ARRs – section 15.4 | Page 38 |
| Public Sector Renewal Program | ARRs – section 15.5 | N/A |
| Information systems and recordkeeping | ARRs – section 15.7 | Page 38 |
| Governance – human resources | Workforce planning, attraction and retention and performance | ARRs – section 16.1 | Page 37 |
| Early retirement, redundancy and retrenchment | Directive No.11/12 Early Retirement, Redundancy and RetrenchmentARRs – section 16.2 | Page 39 |
| Voluntary Separation Program | ARRs – section 16.3 | N/A |
| Open Data | Open Data | ARRs – section 17 | Page 39 |
| Financial statements | Certification of financial statements | FAA – section 62FPMS – sections 42, 43 and 50ARRs – section 18.1 | Page 44Appendix G |
| Independent Auditors Report | FAA – section 62FPMS – section 50ARRs – section 18.2 | Page 44 |
| Remuneration disclosures | Financial Reporting Requirements for Queensland Government AgenciesARRs – section 18.3 | Appendix G |

FAA Financial Accountability Act 2009

FPMS Financial and Performance Management Standard 2009

ARRs 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 and 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 and breastfeeding discrimination
* Racial and religious discrimination and vilification
* Racial discrimination and vilification - Aboriginal and Torres Strait Islander peoples
* Relationship status, parental status & family responsibilities discrimination
* Sex discrimination
* Sexual harassment
* Sexuality discrimination and vilification
* It’s OK to complain (joint independent complaint agencies brochure, produced in multiple languages)

**Fact sheets - available as web download from www.adcq.qld.gov.au**

* Direct and indirect discrimination
* Exemptions
* Vicarious liability
* Victimisation
* Identified positions for Aboriginal & Torres Strait Islander people
* Incapacity and work
* Discrimination and religious-based schools and educational institutions

**Information guides - available as web download from** [**www.adcq.qld.gov.au**](http://www.adcq.qld.gov.au)

* Discrimination in accommodation – guide for accommodation providers
* Discrimination in education – a guide for education providers
* Discrimination in provision of goods & services – guide for service providers
* Discrimination in employment – a guide for employment providers

**Posters**

* Race – ‘We’re all the same and we’re all different’
* Reaching out to Aboriginal & Torres Strait Islander peoples…
* Sexual harassment – ‘Are you stepping on someone’s toes?’
* General – ‘Fair treatment – the way to go!’
* Universal Declaration of Human Rights (easy reference guide)
* Where do human rights begin? (Eleanor Roosevelt quote)

**Postcards**

* Race - We’re all the same and we’re all different’
* Sexual harassment – ‘Are you stepping on someone’s toes?’

**Rights cards**

* Racial & religious hatred in Arabic, Bosnian, English, Farsi and Indonesian
* Aboriginal & Torres Strait Islander peoples
* LGBTI community
* Muslim community
* Young people

# Appendix D–Complaint handling process



# Appendix E– Organisational structure



# **Appendix F– Map of areas visited in 2012**-13



# **Appendix G – Certified Financial Statement**

1. Anti-Discrimination Act 1991, section 175 [↑](#footnote-ref-1)
2. Anti-Discrimination Act 1991, section 113 [↑](#footnote-ref-2)
3. Anti-Discrimination Act 1991, section 144 [↑](#footnote-ref-3)
4. Anti-Discrimination Act 1991, section 169 [↑](#footnote-ref-4)
5. Anti-Discrimination Act 1991, section 228 [↑](#footnote-ref-5)