



ANNUAL REPORT

06/07



ANTI DISCRIMINATION
COMMISSION QUEENSLAND

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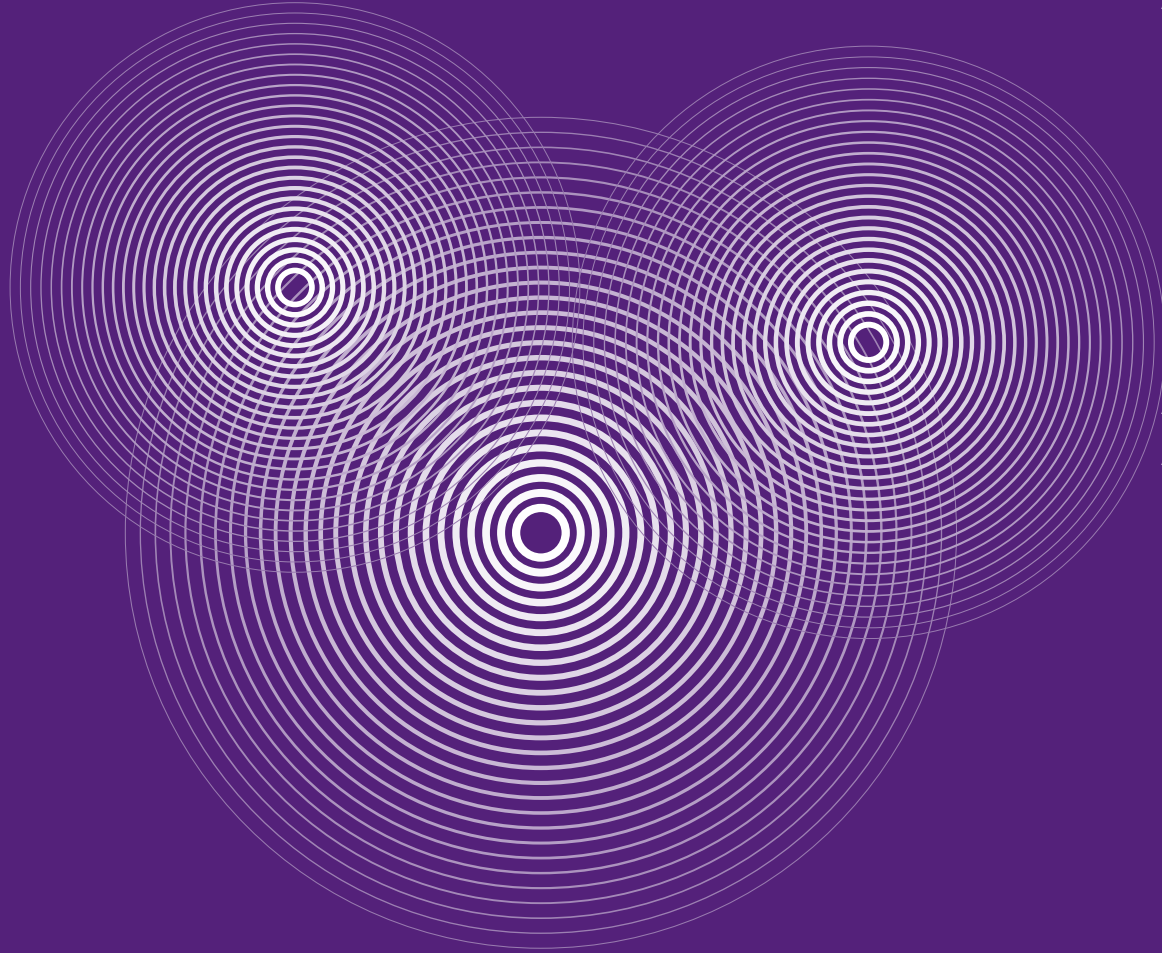
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Arabic: ا رغبتم ا قو حن بتهنة مترجم لأغراض هذا آ تقرير فنرجو آلاتصال بنا على رقم هاتف

Farsi: در صورت تمایل به داشتن ترجم برای ترجمه این تن، طفا با ا با شماره تلفن ۱۳۰۰۱۳۰۶۷۰ تماس حاصل فرمائید.





Contents

Upholding and Advancing Human Rights	2
At a Glance	3
Mabo Oration	5
Commissioner's Report	6
Human Rights Promotion	7
Community Relations	8
Complaint Management	11
Reports from the Regions	19
Resource Management	26
Anti-Discrimination Tribunal	27
Appendices	32
Financial Statements	37

Upholding and Advancing Human Rights

Our Vision

A society reflecting individual and cultural diversity and equality of opportunity for all.

Our Mission

Human Rights Leadership in Queensland through:

- Upholding rights
 - Complaint Resolution
 - Complaint Determination
- Promoting rights
 - Information Services
 - Community Engagement
- Protecting rights
 - Human Rights Advocacy
 - Enhancing Governance

Our Services

- enquiry and complaint management
- advice and information services
- community relations
- human rights promotion

Our Goals

Complaint resolution

- To assess, conciliate and resolve complaints of discrimination, sexual harassment and vilification through an accessible, fair, effective and timely complaint resolution process

Complaint Determination

- To facilitate the effective determination of complaints, exemptions and opinions in an accessible, fair and timely manner within the Anti-Discrimination Tribunal

Information Services

- To provide authoritative and expert information about discrimination and human rights law

Community Engagement

- To promote understanding, acceptance and public discussion of human rights

Human Rights Advocacy

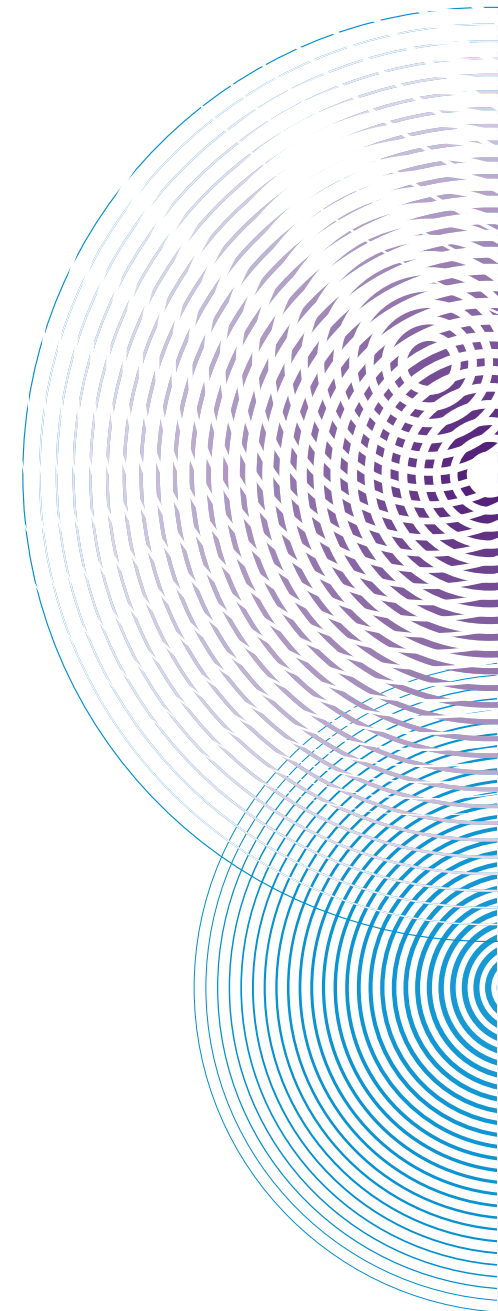
- To identify human rights issues within Queensland and then influence, advocate and effect change through innovative, proactive, independent leadership

Enhancing Governance

- To foster alliances and partnerships within public sector agencies to optimise human rights

Organisational Capability

- To facilitate an organisational culture of performance, management accountability, staff capability and capacity for change



At a Glance

The Anti-Discrimination Commission was established in December 1996 to administer the *Queensland Anti-Discrimination Act 1991*.

The Commission is an independent statutory body and employs 37.1 full-time equivalent staff, including a Commissioner, Susan Booth.

We have an office in Brisbane, and run three regional offices in Rockhampton, Townsville and Cairns.

In the 2006-07 financial year we received a grant of \$4.454M from the Queensland government.



THE
MABO
ORATION

'The approach to Indigenous policy should not be ideologically led. It must be directed by research-based policy so we are not the perpetual guinea pigs for government.'

Larissa Behrendt



Acknowledgement to Mary-Paula Ibrahim for photos.

Mabo Oration

The second Mabo Oration, delivered by Professor Larissa Behrendt, was a sellout. 850 people were welcomed with didgeridoo and drum, entertained by singer/ songwriter Kev Carmody, then captivated by the straight-talking orator on the topic *Finding the Promise of Mabo: Law and Social Justice for the First Australians*.

Professor Behrendt talked about the promise of the 1967 Referendum and the promise of the High Court decision in *Mabo*, and the failure of both to address Indigenous inequality and disadvantage.

She challenged governments at all levels to take responsibility for three things as a matter of right: adequate standards of essential services, adequate provision of infrastructures, and investment in human capital. Professor Behrendt went on to encourage the shift of Indigenous policy from ideologies of assimilation and mainstreaming, to the setting of priorities, the development of policy, the delivery of services and the implementation of programs with the involvement of Indigenous people.

A copy of the full speech is available from our website at www.adcq.qld.gov.au or by calling 1300 130 670.

The Mabo Oration is a tribute to Eddie Mabo, whose achievements are slowly being recognised.

The Oration is the Anti-Discrimination Commission Queensland's public commitment to the Aboriginal and Torres Strait Islander peoples of Queensland and is held bi-annually in honour of Eddie Mabo.

Feedback:

A well presented event of considerable moment as befits the theme and Mr Mabo's memory and place in history...Professor Behrendt is an impressive speaker in the field and clearly a factor for constructive engagement.

It was a wonderful event, and I was both moved and entertained by the proceedings.

In organising this space for aboriginal people to speak, and the rest of us to listen, I think you have made a significant contribution to better understanding between black and white Australia...I can see that as this continues over time, the event will become an even more important meeting place and catalyst for change.

Professor Behrendt's oration gave plenty of food for thought and debate which is much needed as we work together towards improving the quality of life for Indigenous Australians. It was also fitting to have Kev Carmody to entertain. In his own way he has made a great contribution to reconciliation in this country.

Mabo Oration photographs I to r:
Craig Kemp, Steve Mam, Kev Carmody,
Albert Holt, Susan Booth, Larissa Behrendt.

Commissioner's report

It has been 15 years since the Queensland *Anti-Discrimination Act 1991* was passed.

When the Act came into effect, it was the most comprehensive in Australia. Since then, two major amending bills further improved the human rights of Queenslanders. However, there has never been a complete review. In the next year, the Commission will undertake a review, which will include developments in other states, many of which have now passed or propose to pass more wide-ranging legislation than the Queensland Act.

During the past 15 years, this Commission has been effective in laying the groundwork to ensure that most Queenslanders understand the basics of overt and often deliberate discrimination. Discrimination however, has become more subtle; new approaches and a legislative review will ensure once again Queensland has broad and appropriate human rights legislation.

The Commission is in a strong position to move forward, having built on the significant milestones reached last year, including the elimination of a longstanding backlog of complaints.

In the past year, while accepted complaint numbers increased slightly, there's been a significant increase in demand for training and in 2006-07 we delivered a record number of training sessions. 304 sessions were conducted, attended by more than 5,000 Queenslanders.

Training is now diverse, although most is still done for business and government. An increasing part of our training contributes to Queensland's booming economy with requests from the mining sector ensuring that remote mining communities promote and train for a discrimination-free workplace that is not only better for their workers, but also increases productivity.

We have also reviewed ways of delivering our core anti-discrimination information. This year, we've used sport and new technologies to highlight our message. We've participated (with the Australian Sports Commission) in training in harassment-free sport and we enthusiastically presented trophies for the *Fair Play Award* in the Muslim/Queensland Police Service Cup, and for the runner-up in the Ethnic Communities Council of Queensland Cup. The development of the Commission's first CD-ROM training package *Fairness – Everyone's Business*, has taken us down yet another path to promote and understand the Act.

This year, some of our long-serving staff reached an important milestone having worked at the Commission for more than a decade. I would like to publicly acknowledge their contribution; the Commission is stronger because of their commitment and knowledge. Other staff, of course, bring their fresh perspectives and together all staff have had a most successful year. I thank them sincerely for the energy and great work.

Susan Booth
Commissioner



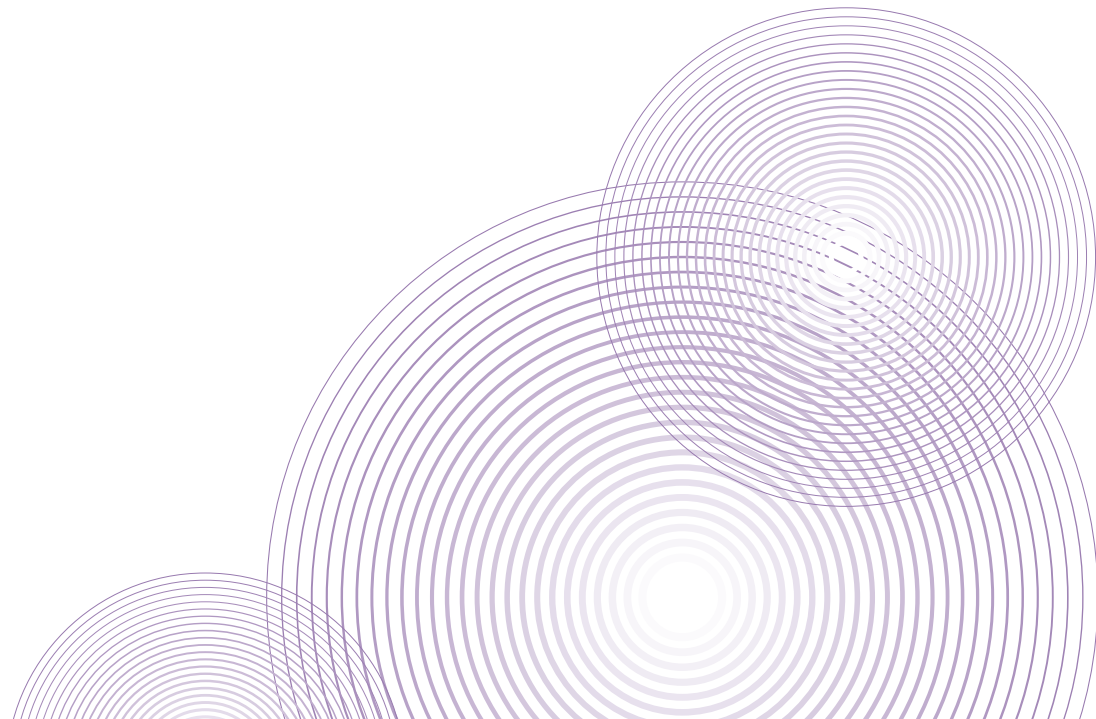
Human rights promotion

The Anti-Discrimination Commission aims to identify human rights issues within Queensland, and works to influence, advocate and effect change through proactive leadership. This includes working with Government when it is developing legislation or policy that may impact on human rights, and working with the public and private sectors to identify and address issues of systemic discrimination.

The Anti-Discrimination Commission worked with a number of Government Departments to assist them to develop policy and legislation that involved human rights issues. We worked with Queensland Transport in developing new legislation for young drivers, with Disability Services Queensland in developing policy and legislation to recognise hearing and assistance dogs, with the Department of Employment and Industrial Relations on the Experience Pays Strategy targeting older workers, and with the Queensland Studies Authority on equity issues for primary and secondary school students across Queensland. Discussions have also commenced for the development of an accessible procurement policy in conjunction with a range of other public sector agencies.

The Commission also lodged a number of submissions, including those to the:

- Legal, Constitutional and Administrative Review Committee re the Interim Evaluation of Hands on Parliament Recommendations
- Queensland Industrial Relations Commission on the Pay Equity Enquiry
- House of Representatives Standing Committee on Legal and Constitutional Affairs Inquiry into Older People and the Law
- Inquiry into the Impact of Work Choices on Queensland Workplace Employees and Employers.



Community Relations

Overview

Community relations work contributes significantly to the strategic goals of the Commission.

We manage training delivery, projects, publications development and production, community liaison, Aboriginal and Torres Strait Islander outreach, website content and maintenance, policy advice and community advisory committee organisation and support.

Highlights for 2006-07 included:

- production of a ready-to-go CD ROM for trainers called *Fairness – Everyone’s Business*
- delivery of a record 304 training sessions throughout Queensland
- increased involvement in sporting activities and training as a way of delivering the ‘fairness’ message
- presentation of the second Mabo Oration (see details on page 5)
- development of a video and DVD on the process used in the Tribunal

Training

Delivering training and information sessions is part of our core business, and this year, we achieved a record number of 304 sessions. These were presented throughout Queensland,

and involved more than 5,000 people. Revenue targets were also exceeded, with earnings totalling just over \$191,000.

Regional training numbers were up this year, while 189 sessions were delivered in South-East Queensland, involving almost 3500 people.

Our current courses are:

- Discrimination law – an introduction to the Act
- The Contact Officer
 - introductory
 - advanced
 - refresher
- Investigating Complaints
- Disability issues and the Act
- *Fairness – Everyone’s Business* – a course for trainers
- Recruitment and Selection
- Discrimination law for community organisations
- Harassment-free sport
 - management briefing
 - overview workshop
 - complaint and conflict resolution for clubs
 - defusing conflict and anger in sport
 - member protection information officer



- *Getting in on the Act* - a course for advocates

Consistently, more than 90% of our training is delivered on-site, while we regularly run courses using our own training venues.

As in past years, the introductory course on the Act was the most popular, followed by training for contact officers. The average length of course was just under three hours and more than 820 hours of training was delivered.

Course participants again responded positively to our surveys, with 99% rating sessions as either ‘excellent’ or ‘very good’.

Training

Delivery of training by sector

	South-East	Central	North	Far North	Total
Private	90	16	11	20	137
Public	57	19	21	5	102
Community	17	4	2	11	34
Sport	8	-	-	-	8
In-house	17	-	6	-	23
Total	189	39	40	36	304

Training

Type of sessions

The law	111	34	27	18	190
Contact Officer	45	4	10	18	77
Sport	11	-	-	-	11
Advocates	10	-	-	-	10
<i>Fairness - Everyone's Business</i>	3	-	-	-	3
Other	9	1	3	-	13
Total	189	39	40	36	304

Training

Delivery hours/participants

	Hours	Participants
SE Qld	567	3419
Central	82	723
North	116.5	680
Far North	107	397
Totals	872.5	5219

Delivery of training by business (private sector) statewide

Mining	48 sessions
Energy	18
Education	14
Health	7
Manufacturing	5
Industry	5
Sport	3
Employment	3

Fairness – Everyone’s Business

The development of this training product came as a result of unmet training demand, a need to look at a range of options for presenting information, and a commitment to provide more training support for our regions.

The CD-ROM was specifically designed to be used by trainers in their own workplaces as a ready-to-go product to present a two hour session on discrimination law. The product includes PowerPoint slides, extensive trainer’s notes, six visual scenarios, case law and relevant sections of the Act, handouts, activities, tips for trainers and a glossary of terms.

The CD-ROM comes with the option of a full-day training course in getting the best from it, and can be used as both a stand-alone resource or in conjunction with training provided by the Commission.

Sport

Sport has proven to be a valuable way of getting the ‘discrimination’ and ‘vilification’ messages out. With the issue of fairness in common, we’ve found numerous opportunities to spread the word.

These have included delivery of a suite of five harassment-free sport sessions, presentation of the runner-up trophy at the

Ethnic Communities Council of Queensland/ Queensland Police Service Cup (soccer) and presentation of the fair play trophy at the inaugural Muslim/Queensland Police Service Cup (rugby league).

Some flow-on training has been delivered to individual sporting bodies as a result of this involvement.

Tribunal DVD/video

Work is underway on the development of a new video/DVD. This one (yet to be named) will focus on the process of complaint determination used in the Anti-Discrimination Tribunal.

It forms part two of the ‘complaint’ series of videos, the first being *Working it Through – ADCQ Conciliation Conference*, which was produced in 2004.

Aboriginal and Torres Strait Islander Unit

The unit has again had a busy year, with a strong focus on visiting communities, presenting information sessions, ensuring Aboriginal and Torres Strait Islander representation on each of the five Commission advisory committees, engaging in projects and, of course, working for the successful Mabo Oration 2007.



Complaint Management

Overview

The Complaint Management team has continued to show a significant increase in the rate of resolution of complaints across the state with ongoing high levels of client satisfaction. With the increase in resolution of complaints, fewer complaints are being referred for formal hearing in the Anti-Discrimination Tribunal.

This is an encouraging trend which the Commission will strive to maintain, in line with its mandate to provide an efficient cost effective means of resolving discrimination and related complaints.

Statewide Trends

The pattern of complaints across the state remains stable.

903 complaints were lodged with about 57% of those lodged in Brisbane. About 60% of all complaints were accepted. The other 40% of complaints lodged fell outside the jurisdiction of the Commission and complainants were referred elsewhere. This is consistent with previous years.

This year the number of complaints accepted on multiple grounds increased slightly to 821. This reflects the increasing complexity of complaints which raise multiple issues.

The main grounds of accepted complaints include impairment, sexual harassment, sex, race, victimisation and family responsibilities. This is a similar pattern to recent years. The majority of these complaints arose within the workplace.

Of accepted complaints, impairment discrimination is the most common ground at 27%, up from 24% last year. Sexual harassment complaints have remained comparatively steady, making up 15% of accepted complaints.

Family responsibilities comprises 6% of accepted complaints, up from 4%. Victimisation remains in the top five grounds of complaint with 8% of complaints.

Vilification complaints have dropped to 2% from 6% of accepted complaints in 2005-06, with racial vilification and sexuality vilification still comprising the majority of this relatively small group of complaints.

Consistent with previous years, the main area of complaint is work which represents 63% of accepted complaints, up from 60% and 62% in the previous two years. Goods and services remains the second most common area of complaint, representing 16 % which is consistent with last year.

There has been a small increase in complaints in the area of state laws and programs to 9%, up from 8% last year. The proportion of complaints in the education area remains relatively steady at 4%, while complaints in the accommodation area have dropped to 3% from 6%, consistent with 2004-05 levels.

Conciliation Conferences

During the year there were 432 conciliation conferences held across the state, up from 352. Of those 249 (58%) were held in South-East Queensland with the balance being held in regional offices. This is in line with the statewide approach to complaint management which facilitates the speedy resolution of complaints across the state.

There has been a further jump in complaints resolved statewide with 60% of complaints resolved, up from 48% in 2005-06, 45% in 2004-05, and 40% in 2003-04. This is a consistent trend which reflects the Commission's emphasis on the timely resolution of complaints. After increasing the complaint resolution rate over the past four years, the challenge will now be to maintain this improvement across the state.

Overall, 79% of accepted complaints were finalised within the Commission compared to 75% in 2005-06 and 71% in 2004-05. The remaining 21% of accepted complaints were

referred to the Tribunal, down from 25% in 2005-06 and 29% in 2004-05. This is a direct reflection of the greater settlement rates being achieved in the Commission.

Satisfaction with the complaint management process remains high at 84% which is consistent with average rates of satisfaction over the previous 3 years.

Timeliness

Complaints lodged with the Commission continue to be assessed in a timely way. 58% of complaints contain sufficient information to enable a decision to be made to accept or reject the complaint within the 28 day legislative timeframe. Further information was sought from complainants in relation to those complaints not able to be assessed within that timeframe.

75% of accepted complaints were conferenced within the 42 days statutory timeframe. Delays in holding conferences in other matters frequently occurred where the parties were unavailable or too ill to attend earlier.

60% of accepted complaints were finalised within 3 months of acceptance, up from 59% last year. A total of 83% of accepted complaints were finalised within 6 months, down from 88%, and a total of 93% of complaints were finalised within 9 months

of acceptance, down from 99%. The drop in complaints being finalised within 6 and 9 months from acceptance is consistent with an increase in the complexity of many complaints which required extended negotiations to resolve.



**Queensland-wide
Accepted complaints (by ground)**

Ground	Number 06-07	%	Number 05-06	%
Impairment	226	27.5	197	24.3
Sexual harassment	120	14.6	107	13.2
Sex	93	11.3	105	12.9
Race	70	8.5	92	11.3
Victimisation	64	7.8	56	6.9
Family responsibilities	47	5.7	30	3.7
Age	41	5	46	5.7
Pregnancy	41	5	35	4.3
Unnecessary info requested	26	3.2	24	3
Sexuality	24	2.9	16	2
Association with	11	1.3	13	1.6
Racial vilification	9	1.1	14	1.7
Trade union activity	9	1.1	6	0.7
Religious belief or activity	8	1	9	1.1
Relationship status	7	0.9	7	0.9
Gender identity	6	0.7	10	1.2
Sexuality vilification	6	0.7	14	1.7
Parental status	5	0.6	13	1.6
Encouraging contravention	2	0.2	7	0.9
Lawful sexual activity	2	0.2	5	0.6
Breastfeeding	1	0.1	2	0.2
Gender identity vilification	1	0.1	1	0.1
Political belief or activity	1	0.1	0	0
Religious vilification	1	0.1	2	0.2
Discrim advertising	0	0	1	0.1
Total	821	100	812	100

Queensland-wide Accepted complaints (by area)

Area	Number 06-07	%	Number 05-06	%
Work	326	58.0	358	59.6
Goods and services	88	15.7	100	16.6
State laws/programs	51	9.1	49	8.2
Pre-work	27	4.8	0	0
Education	24	4.3	18	3
Other (no area)	22	3.9	34	5.7
Accommodation	18	3.2	34	5.7
Insurance	2	0.4	4	0.7
Local government	2	0.4	1	0.2
Club membership	1	0.2	3	0.5
Pre-accommodation	1	0.2	0	0
Disposal of land	0	0	0	0
Superannuation	0	0	0	0
Total	562	100	601	100

Complaint trends in South-East Queensland

There was an increase in complaints accepted on multiple grounds in South East Queensland in 2006-07 to 502, up from 481, despite an overall drop in accepted complaints to 518 from 547. This reflects the increasing complexity of complaints.

Impairment complaints have shown the greatest increase, now comprising 29% of accepted complaints, up from 26%. It is

expected that impairment complaints will continue to rise due to the aging population and increasing awareness of rights in the disability sector of the community.

Sexual harassment complaints have risen 2% to 14% of accepted complaints while sex discrimination complaints have dropped 2% in the same period to 11%. Sexual harassment remains the second largest ground for complaint with the majority of those complaints arising in the workplace.

Race discrimination complaints have also dropped from 12% to 8%.

The majority of accepted complaints arise from the area of work at 59% with 18% of complaints in South-East Queensland coming from the goods and services area. This is consistent with the statewide pattern for accepted complaints.

**South-East Queensland
Accepted complaints (by ground)**

Ground	Accepted complaint	%
Impairment	143	28.5
Sexual harassment	71	14.1
Sex	56	11.2
Race	42	8.4
Victimisation	39	7.8
Age	29	6
Family responsibilities	24	4.8
Pregnancy	20	4
Sexuality	15	3
Unnecessary info requested	13	2.6
Trade union activity	9	1.8
Religious belief or activity	7	1.4
Association with	7	1.4
Sexuality vilification	5	1
Gender identity	5	1
Relationship status	5	1
Racial vilification	4	0.8
Parental status	3	0.6
Lawful sexual activity	2	0.4
Req/encouraging contravent	2	0.4
Political belief or activity	1	0.2
Total	502	100.00

South-East Queensland Accepted complaints (by area)

Area	Accepted complaints	%
Work	183	52.9
Goods and services	62	17.9
State laws and programs	37	10.7
Pre-work	20	5.8
Education	19	5.5
Other (no area needed)	14	4
Accommodation	9	2.6
Insurance	1	0.3
Local government	1	0.3
Total	346	100.00

South-East Queensland Main grounds for accepted complaints

Ground	2006-07	%	2005-06	%
Impairment	143	28.5	124	25.8
Sexual harassment	71	14.1	59	12.3
Sex	56	11.2	64	13.3
Race	42	8.4	56	11.6
Victimisation	39	7.8	33	6.9
Age	29	5.8	28	5.8
Family responsibilities	24	4	16	3.3
Pregnancy	20	3	14	2.9

Judicial Review

During 2006-07 the Commission received one application made under the *Judicial Review Act 1991* for review by the Supreme Court of a decision not to accept a complaint. The applicant has not pursued this application.



An application made in the previous period for a review of a decision to accept a complaint was heard and determined by the Supreme Court during this period. That application was dismissed, and the decision and conduct of the Commission was affirmed.

Conciliated Outcomes

The following cases are examples of complaints settled in conciliation conferences, both in the Commission and the Tribunal. Some details of the cases may have been changed to ensure confidentiality.

Impairment in goods and services and accommodation

A man who uses a mobility scooter lived in a residential unit complex. He had considerable difficulty entering and leaving the building

using his scooter because of the gradient of the access ramps.

At the conference, the building operators agreed to modify access to the complex by providing two new ramps.

Impairment at work

A woman lodged a complaint of impairment discrimination after her employment was ended.

She said she'd been injured at work and had advised her employer that she was receiving medical treatment for the injury. When she asked for WorkCover forms to claim for her accident, she said her employment was terminated.

In response to the complaint, the manager said the woman was a casual employee, with no expectation of continuing work, and that her termination was because of operational requirements.

At the conference, the parties agreed to refrain from making derogatory comments about each other, and a payment was made to the woman.

Sexuality at work

An openly gay man working in the hospitality industry lodged a complaint of discrimination on the basis of sexuality.

He said that when a new supervisor started working with him, he was told the customers don't want to see a 'fag' here. He said his working hours were then reduced. While he continued working for a while, he eventually resigned from his job.

The business owner denied the comments had been made or that the man's working hours had been reduced because of his sexuality.

The complaint was settled at conference with a payment to the man. The owner also provided the man with a statement of regret, and both parties agreed to stop making disparaging comments about each other.

Age in work

A man had worked as a volunteer at a regular sporting event for more than ten years. When he volunteered to work for the current event, he was told he wasn't needed as the organiser wanted to use someone younger.

He lodged a complaint of discrimination based on age.

The event organisers, in response to the complaint, denied they'd told the man they wanted someone younger. They said there'd been a change in the way they were running the event, and that the volunteer's previous

role was no longer available. They said he could work in another role at the event.

A conference was organised where the organiser offered the man a different role at the event and agreed to consider re-instating his previous role the next time the event was held. The volunteer accepted this offer and the complaint was settled.

Race and victimisation in work

An African-born man claimed he was shouted at by his supervisor and told that his problems were ‘because of where you come from’.

After he lodged a complaint of discrimination on the basis of race, he says he was called into several meetings with his employer and asked to withdraw his complaint or things would ‘get nasty’.

The employer responded to the complaint, agreeing the worker had been shouted at, but not because of his race. The employer said the worker had made serious mistakes. They also said the workplace was a multicultural one with people from a range of backgrounds.

Regarding the claim of victimisation, the employer denied the allegations and said they tried to maintain a harmonious workplace.

The complaint was settled at the conference, with the employer offering a statement of

regret and agreeing to undertake training in discrimination law. There was also agreement to change the complaint process used by the employer.

Age in pre-work

A woman applied for a job in an office. She was offered the job, but during her first day at work, she was told the offer had been withdrawn as she was too old for the job.

She lodged a complaint of discrimination and the company was asked to respond to the complaint.

The company owner agreed that the woman had initially been offered the job, but that when he discussed it with other staff members, he decided to re-advertise it. He said the woman had been down the list in terms of choices, and that by re-advertising they would get a bigger pool of applicants and more qualified people. He also said it had been some time since the job



had been initially advertised.

A conference was organised, and the complaint was settled with payment to the woman for a day’s work and for any additional stress to her caused by the situation.

Impairment in goods and services

A woman alleged she was unable to enter a competition because part of the entry requirements were that she be able to read a code word that was flashed up on the television screen during a particular program.

She said she couldn’t read the code word because of her medical condition, and lodged a complaint of discrimination on the basis of impairment.

In their response, the television station said they worked within the guidelines of the Australian Subscription Television and Radio Association Code of Practice. They also said they work closely with the Human Rights and Equal Opportunity Commission regarding captioning of programs, and that they are well ahead of the targets set for Australian subscription television.

The complaint was settled at the conference, with the television station agreeing to use an audio descriptor for the code word in any future competition.

Reports from the Regions

Central Queensland *Community Relations*

The office in Rockhampton responded to locally current issues when focusing its community activities during 2006-07.

Staff improved contacts with the local Aboriginal community through participation in NAIDOC week and the Woorabinda Negotiation Table, in which managers of all regional state government agencies and members of the Woorabinda community work together to improve services.

New links were forged with the Islamic community through a workshop and the opening of the mosque in Rockhampton.

Training and Education

During the year we ran 39 training sessions for 723 people, mainly from the mining industry and local government, to raise awareness of human rights principles and to train contact officers to deal with discrimination complaints.

The Commission also ran a Tracking Your Rights training session for Woorabinda residents to improve their understanding of anti-discrimination law and the service the Commission provides.

Revenue generated from training this year was \$20,867.

Complaint Handling

The majority of complaints (71%) received were related to issues arising from work, with impairment being the predominant ground, followed by sexual harassment and race discrimination. 35% of accepted complaints were finalised within three months and 58% within six months, with 83% of clients expressing satisfaction with the complaint management service.



Accepted complaints (by ground)

Ground	Accepted complaints	%
Impairment	34	28.6
Sexual harassment	17	14.3
Race	12	10.1
Sex	12	10.1
Victimisation	10	8.4
Family responsibilities	8	6.7
Pregnancy	7	5.9
Unnecessary info requested	7	5.9
Sexuality	6	5
Association with	3	2.5
Age	2	1.7
Relationship status	1	0.8
Total	119	100.00

Accepted complaints (by area)

Area	Accepted complaints	%
Work	58	71.6
Goods and services	10	12.3
State laws and programs	5	6.2
Education	3	3.7
Pre-work	2	2.5
Accommodation	1	1.2
Insurance	1	1.2
Other (no area needed)	1	1.2
Total	81	100.00

Main grounds for accepted complaints

Ground	2006-07	%	2005-06	%
Impairment	34	28.6	27	24.5
Sexual harassment	17	14.3	12	10.9
Race	12	10.1	12	10.9
Sex	12	10.1	17	15.5
Victimisation	10	8.4	8	7.3
Pregnancy	7	5.9	9	8.2

North Queensland Community Relations

One of the highlights for the region was the hosting of the Human Rights and Equal Opportunity Commission (HREOC) *National Inquiry into Discrimination Against People in Same-Sex Relationships*. The event attracted more than thirty people from Townsville to Cairns to tell their stories of discrimination. Townsville was the only centre outside Brisbane to hold hearings, because of the activism of the local gay, lesbian, bi-sexual, transgender and intersex communities.

Townsville office staff featured in weekly broadcasts with Indigenous radio station 4KIG throughout the year. Discussion included discrimination, vilification and harassment issues, as well as complaint processes and involvement in the National Indigenous Cadetship Project.

As in past years, staff participated in NAIDOC Week activities, including the march through the city and information stalls at functions.

The office fields a significant number of preventative enquiries from employers regarding lawful discrimination. Under the Act, it is lawful in certain circumstances, to establish and advertise Identified Positions for groups including women and Aboriginal and

Torres Strait Islander employees. Employers and advertisers regularly use this service.

Training and Education

Training continues to be a major focus in this region. During 2006-07 we ran 40 sessions, involving 680 participants. \$36,373 was generated, and 99.8% of clients expressed satisfaction with the service.

Townsville again ran its annual, week-long, in-house training program. Participants across the region attended courses in discrimination law, Contact Officer training, recruitment and selection and conducting investigations. This block of training is well supported each year and has become an anticipated event in the region's calendar.

Accepted complaints (by ground)

Ground	Accepted complaint	%
Impairment	28	26.9
Sexual harassment	19	18.3
Sex	18	17.3
Victimisation	11	10.6
Family responsibilities	7	6.7
Pregnancy	6	5.8
Age	4	3.8
Race	4	3.8
Sexuality	2	1.9
Unnecessary info requested	2	1.9
Parental status	1	1
Relationship status	1	1
Religious belief or activity	1	1
Total	104	100

Accepted complaints (by area)

Area	Accepted complaint	%
Work	46	73
Goods and services	5	7.9
Accommodation	3	4.8
Other (no area needed)	3	4.8
State laws and programs	3	4.8
Education	1	1.6
Pre-accommodation	1	1.6
Pre-work	1	1.6
Total	63	100.00

Main grounds for accepted complaints

	2006-07	%	2005-06	%
Impairment	28	26.9	25	19.7
Sexual harassment	19	18.3	20	15.7
Sex	18	17.3	17	13.4
Victimisation	11	10.6	13	10.2
Family responsibilities	7	6.7	7	5.5
Race	4	3.8	12	9.4



Complaint handling

Complaints trends show an increase of nearly 7% in accepted complaints of discrimination on the basis of impairment, from 19.7% last year to 26.9% this year.

The percentage of complaints about work is also up 13% from last year, while complaints about goods and services are down by 9.1%.

The northern region achieved a number of complaint handling efficiencies this year, including dealing with all complaints within six months (89% within three months). This compares with 81% of all complaints dealt with in 2005-06 within three months.

Satisfaction rates with complaint handling services were also up from 96% to 98% in 2006-07.

The office achieved improved rates of assessment and times for conciliation conferences, where 59% of all matters were settled.

Far North Queensland Community Relations

The region hosted two important visits this year. The first involved a trip to Thursday Island by the Commissioner Susan Booth and others, to meet with community leaders

and groups about issues affecting remote communities such as those in the Torres Strait.

The second was a visit to Cairns by the Commissioner to speak at the Far North Queensland Law Association International Women's Day event and to speak at a forum providing information to the community on the rights of women in the workplace.

This year staff attended the Laura Dance Festival, a nationally recognised bi-annual Indigenous Cultural Festival of statewide Indigenous clans.

A great deal of effort has been made to increase awareness of the role of the Commission in both the disability and multicultural sectors in the Cairns and Tableland area. Attending regular Multicultural Advisory Group Meetings and speaking at forums such as the Disability Advisory Council have been beneficial in raising awareness of the anti-discrimination legislation and the role of the Commission.

Training and Education

This year the Cairns office has run more training sessions over a greater area. 36 sessions were delivered in Cairns and more remote areas such as Thursday Island, Hammond Island, Mount Isa and Cloncurry.

Almost 400 people participated. A significant increase in training has also been experienced in the mining sector with more than 30% of sessions being provided to mining company managers and staff. Training revenue increased to more than \$25,000 for the year.

Complaint Handling

Complaints accepted on the grounds of impairment remain the highest at 21.9% followed by sexual harassment complaints at 13.5% and race complaints at 12.5%.

The area of work continues to attract more than 50% of complaints accepted in the region with complaints accepted in the area of goods and services making up more than 15% of the overall accepted complaints.

Conciliators in the region continue to resolve the majority of complaints at Commission stage with 72% of complaints resolved at conciliation conferences and 90% overall resolution of complaints within the Commission. This trend reflects the Commission's emphasis on timely resolution of complaints.

Accepted complaints (by ground)

Ground	Accepted complaints	%
Impairment	21	21.9
Sexual harassment	13	13.5
Race	12	12.5
Family responsibilities	8	8.3
Pregnancy	8	8.3
Sex	7	7.3
Age	6	6.3
Racial vilification	5	5.2
Unnecessary info requested	4	4.2
Victimisation	4	4.2
Association with	1	1
Breastfeeding	1	1
Gender identity	1	1
Gender identity vilification	1	1
Parental status	1	1
Religious vilification	1	1
Sexuality	1	1
Sexuality vilification	1	1
Total	96	100.00

Accepted complaints (by area)

Area	Accepted complaints	%
Work	39	54.2
Goods and services	11	15.3
State laws and programs	6	8.3
Accommodation	5	6.9
Other (no area needed)	4	5.6
Pre-work	4	5.6
Club membership and affairs	1	1.4
Education	1	1.4
Local government	1	1.4
Total	72	100.00

Main grounds for accepted complaints

	2006-07	%	2005-06	%
Impairment	21	21.9	21	22.3
Sexual harassment	13	13.5	16	17
Race	12	12.5	12	12.8
Pregnancy	8	8.3	3	3.2
Sex	7	7.3	7	7.4
Age	6	6.3	6	6.4

Resource management

The Support Services Unit provides the Commission with effective resource management through the provision of financial, human resource, information management and asset services.

Achievements for 2006-07

A review of records management functions within the Commission was commenced and an external records management contractor was engaged to commence phase two of the project. The new records management system will be in place by 30 June 2008.

The Commission's intranet site, Compass, went 'live' in early July 2006. This site provides staff with up-to-date and easily accessible information on all Commission policies, procedures, forms and news.

A new contact management database containing all Commission contacts and mailing lists, was implemented. This system enables more efficient management of the Commission's contact resources.

We started work on identifying and evaluating a new case management system to replace the current CHARMS database. Work started on

the re-location of the Commission's Brisbane office from current accommodation at Milton back into the CBD. The Commission will be co-locating with the Queensland Ombudsman, Health Quality and Complaints Commission, and the Commission for Children and Young People and Child Guardian. The new premises are scheduled for completion in early 2009.

We also started updating the Commission's complaint management protocols and

establishing an improved system for collecting and assessing complaint data. These updates are to be completed by 10 November 2007.

Financial statements

Full financial statements are provided on the CD-ROM inside the back cover of this report. If you need a hard copy of the financial statements contact the Commission on 1300 130 670.



Anti-Discrimination Tribunal

The Tribunal hears and determines complaints of discrimination, harassment, vilification and victimisation which are referred to it by the Commission.

It may also grant exemptions from the Act, provide opinions to the Commissioner about the application of the Act, grant interim orders and review the Commissioner's decision to lapse complaints for delay.

The Tribunal is like a court, but its processes are less formal. People can represent themselves or can be represented by lawyers or advocates with the Tribunal's permission.

This year 110 complaints were referred to the Tribunal by the Commission and a total of 140 complaints (received in this or previous financial years) were finalised.

In 2006-07, 89% of matters finalised at the Tribunal were resolved before the final hearing by conciliation, settlement, withdrawal or by an interlocutory hearing. Of these, the majority were settled at a conciliation conference or by negotiation between the parties. This year 57% of matters that were conciliated settled at the conference.

Twenty-two matters proceeded to a final public hearing, including four that settled after the hearing started and four hearings that will continue into the next year. Of the matters proceeding to final hearing, seven went for five days or longer, reflecting the increasing complexity of matters being determined by the Tribunal.

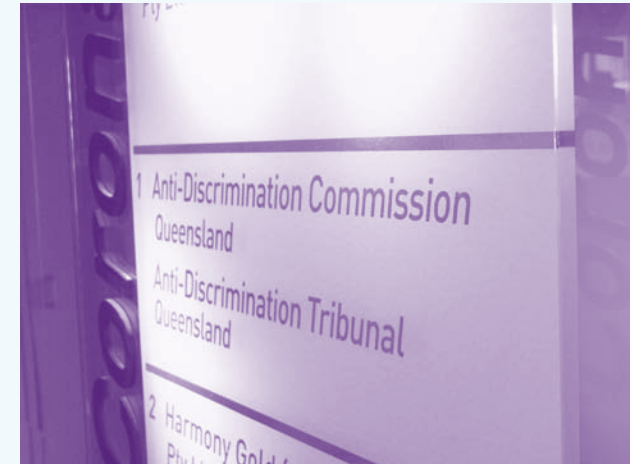
There have also been 20 decisions delivered following an interlocutory hearing (a hearing deciding a preliminary legal point).

Twelve complaints were finalised by a final public hearing. Of these final hearings:-

- a) 5 complaints were upheld;
- b) 7 complaints were dismissed

In two Supreme Court appeals, the Court upheld the decision of the Tribunal. In *Virgin Blue Airlines Pty Ltd v Hopper & Ors* [2007] QSC 075, the Supreme Court upheld the finding of age discrimination in the work area and in *State of Queensland v Mahommed* [2007] QSC 18, the Court upheld a finding of religious discrimination regarding the provision of Halal meals to a prisoner. There are three further appeals against Tribunal decisions which are yet to be decided by the Supreme Court.

The Tribunal's decision to dismiss a complaint of alleged age discrimination in the education



area was affirmed by the Court of Appeal in *Malaxetxebarria v. State of Queensland* [2007] QCA 132

Exemptions

The Tribunal also hears and decides applications for exemptions from the operation of particular provisions of the Act.

Six applications for exemptions were received this year and four were allowed. These exemptions related to services provided by a social dinner agency, a women's fitness centre, provision of accommodation for people over the age of 50 and provision of low cost housing to single people.

Two applications for exemption are awaiting finalisation.

No requests for an opinion were received this year.

Interim orders

Applications to the Tribunal can be made for orders prohibiting a person from doing something that might prejudice the investigation or conciliation of a complaint or an order the Tribunal might make after a hearing.

One application for interim orders was received this year, which was subsequently withdrawn. Another application received in the previous year was granted.

The Tribunal Members

There are ten members based in Brisbane, three in Cairns and one in Townsville.

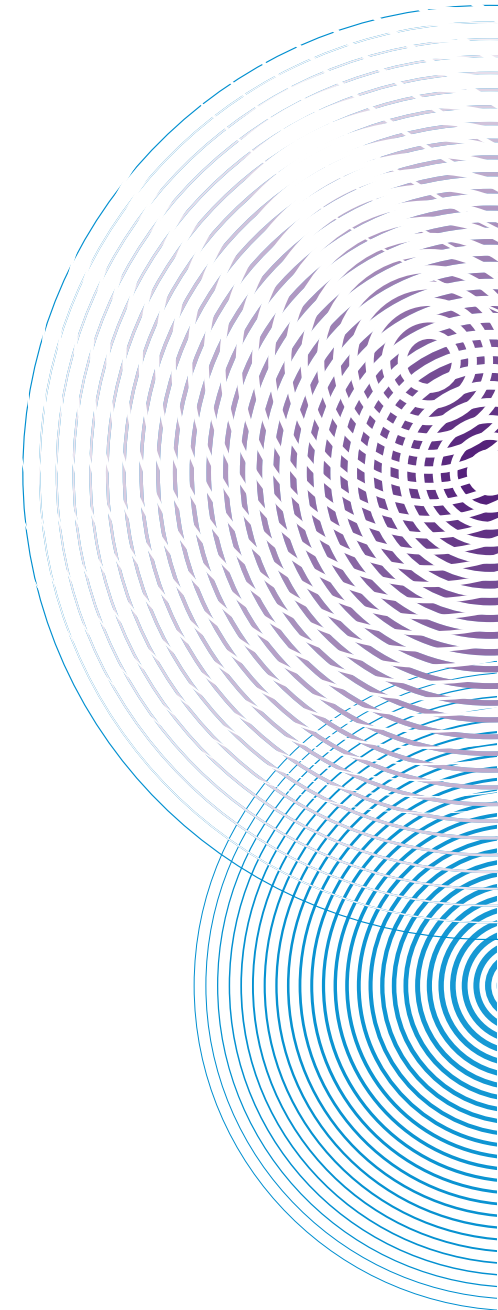
Jean Dalton SC is the President of the Tribunal. The other members are: David Boddice SC, Tracy Fantin, Colin Forrest, Jenny Hogan, Peter Murphy SC, Marjorie Pagani, Andrew Philp SC, Darryl Rangiah, Peter Roney, Douglas Savage SC, Ruth Venables, Robert Wensley QC and Elizabeth Wilson.

Conference

A conference for all Tribunal Members was held in November 2006. Training regarding cross-cultural communication with Aboriginal and Torres Strait Islander people and Islamic

cultural awareness was provided and a number of important legal and procedural issues were considered.

A manual for Tribunal Registry staff has been substantially completed and work on a video/DVD resource regarding the Tribunal's processes has commenced.



Matters received

	2006-07	2005-06
Complaints referred	110	175
Exemption application	6	5
Interim application	1	3
Miscellaneous	8	1
Total	125	184

Matters finalised 2006-07

	Dismissed	Upheld	Settled/ conciliated/ withdrawn prior to hearing	Other	Total
Complaints referred	7	5	113	15	140
Exemption application	-	4	-	-	4
Interim application	-	-	1	-	1
Miscellaneous	-	-	-	2	2
Totals	7	9	114	17	147

Some decisions of the Tribunal

McKnoulty v State of Queensland (Department of Corrective Services) and Ors [2007] QADT 15 (27 April 2007)

A complaint by a prisoner was unsuccessful when he was unable to show that his failure to progress to a lower security classification was as the result of his impairment. Costs were also awarded against him.

N on behalf of N v State of Queensland (No 2) [2007] QADT 12 (30 March 2007)

A complainant who failed to attend the final hearing had a costs order made against her by the Tribunal. N, who brought the complaint on behalf of her son, successfully appealed this decision in the Supreme Court. The Court said that she had not been given the opportunity to explain whether there was a 'reasonable excuse' for her non attendance. The matter was then remitted back to the Tribunal, but after hearing from N about why she did not attend the earlier hearing, the Member found no reasonable excuse had been provided, and affirmed the original costs order.

M v A and U [2007] QADT 8 (16 March 2007)

Two shop keepers who verbally abused a female sex worker were found to have breached the Act. One yelled out words to the effect of 'Drag Queen'. When M complained

to him about the abuse, he refused her service at the grocery store. Compensation has not yet been determined.

Perry v State of Queensland & Ors [2006] QADT 46 (20 December 2006)

A female police officer who brought a complaint against five of her male co-workers in a Police Traffic Branch succeeded in proving three incidents of discrimination. The complainant was the only woman in a workplace where pranks, rumours, jokes and teasing were commonplace.

The parties were to advise the Tribunal if a further hearing was required to decide the amount of compensation.

Banks v Zivanovic & Others [2006] QADT 43 (13 December 2006)

A large hairdressing chain was ordered to pay \$7,500 for hurt and humiliation suffered by a former apprentice who was found to have been discriminated against because of her pregnancy. A small amount for lost wages was also awarded.

Cockin v P & N Beverages Aust Pty Ltd & Ors [2006] QADT 42 (13 December 2006)

A man with a visual impairment worked as a cleaner and machine operator. The worker's shifts were reduced after he was assessed by a doctor who recommended that he work

only day shifts (no longer than 10 hours) and that he be allowed to use a tool which was generally considered unsafe. A total of \$8,500 was awarded for impairment discrimination and victimisation.

Dunrobin & Dunrobin v Kylmarc Pty Ltd t/as the Queenslander Hotel & Hardy [2006] QADT 39 (8 November 2006)

Two Aboriginal people were unsuccessful in their complaint after being refused drink service in a hotel. As they left the hotel they saw two white men being served beers. At the hearing the explanation was given that the two white men were hotel workers being served their 'knock off drinks.' While dismissing the complaint, the President was critical of the respondents. In refusing to award them costs, she noted that it would have been an easy matter to explain the situation to the complainants and that they had no real idea of the explanation for the refusal of service until the hearing.

Edwards v Hillier & Educang Ltd t/as Forest Lake College [2006] QADT 34 (11 August 2006)

A private secondary college was ordered to pay significant damages to a former employee who job-shared the registrar's position. After the job was made a full time, sole occupant position, the woman (who was pregnant) applied for it, was unsuccessful and was

offered an inferior position at less than half the salary. More than \$45,000 was awarded. In addition the college was subsequently ordered to pay the complainant's costs of \$44,349.22. *Edwards v Hillier & Educang Ltd t/as Forest Lake College [2006] QADT 38 (27 October 2006)*

Booth v Regent Taxis Ltd & Ors [2006] QADT 35 (14 September 2006)

A female taxi driver made a complaint of sexual harassment about another taxi driver (male). She claimed that the owner of the taxi as well as the taxi company were vicariously liable for his behaviour. The complainant's evidence and credibility were found to be lacking. The complaint was dismissed and the complainant was ordered to pay the respondent's costs.

Fischer v Byrnes [2006] QADT 33 (8 August 2006)

\$12,675 was awarded to a mature aged woman who worked doing general bar attendant duties in a country hotel. The respondent did not attend the hearing. The Member found that the woman had been sexually harassed by her employer, subjected to ongoing humiliation and intimidation on an almost daily basis for about five months. The respondent made comments in front of the woman's husband and son, insinuating that they were having a sexual relationship. An apology for the

distress caused was also ordered to be placed in the Gympie Times.

Jones & Bunda v Porra, O'Rourke & Monacrest Pty Ltd [2006] QADT 32 (3 August 2006)

A complaint of discrimination on the grounds of parental status and race in rental accommodation failed. The Aboriginal couple who made the complaint thought they missed out on a rental property because of their race and the number of children they have (five). The real estate agent said that the owner chose a different applicant without being given details of the couples' race.

The complaint was dismissed, but the Member acknowledged the complainants' lifetimes of experiencing racial discrimination and their belief that they were discriminated against. The complainants were ordered to pay the respondents' costs.

Exemption application re : Brisbane Housing Company Ltd [2007] QADT 9 (19 March 2007) regarding low cost housing for single people.

Exemption application re : Miami Recreational Facilities Pty Ltd [2007] QADT 7 (7 March 2007) regarding a women's fitness centre

Exemption application re : Beach House Group P/L [2006] QADT 30 (19 July 2006)

regarding provision of accommodation to people over 50.

Exemption application re : Annette's Network [2006] QADT 29 (19 July 2006) regarding services provided by a social dinner agency.

Appendices

Appendix 1

Location of Commission Offices

Brisbane

Level 1, 189 Coronation Drive Milton
PO Box 2122 Milton Q 4064

Telephone 1300 130 670 (statewide)
TTY 1300 130 680 (statewide)
Facsimile (07) 3247 0960

Rockhampton

1st floor, James Larcombe Place
209 Bolsover Street Rockhampton
PO Box 1390 Rockhampton Q 4700

Telephone 1300 130 670 (statewide)
TTY 1300 130 680 (statewide)
Facsimile (07) 4938 4459

Townsville

Level 2, St James Place,
155-157 Denham Street
Townsville Q 4810

Telephone 1300 130 670 (statewide)
TTY 1300 130 680 (statewide)
Facsimile (07) 4799 7021

Cairns

McLeod Chambers
78 Spence Street Cairns
PO Box 4699
Cairns Q 4870

Telephone 1300 130 670 (statewide)
TTY 1300 130 680 (statewide)
Facsimile (07) 4039 8609

Email info@adcq.qld.gov.au
Website <http://www.adcq.qld.gov.au>

Anti-Discrimination Tribunal

Level 1, 189 Coronation Drive Milton Q 4064
GPO Box 487 Brisbane Q 4001

Telephone (07) 3239 6408
TTY (07) 3239 0718
Facsimile (07) 3239 6397
Email ADT@adcq.qld.gov.au

Appendix 2

Publications

Guides for employers: available from the website

- Discrimination in employment
- Discrimination in the provision of goods and services
- Discrimination in the provision of accommodation
- Discrimination in the provision of education services

Brochure series

- Ten things you should know about fair treatment in Queensland
- Getting to know the law
- Age discrimination
- Impairment discrimination
- Sex discrimination
- Relationship status, parental status and family responsibilities discrimination
- Lawful sexual activity discrimination
- Pregnancy and breastfeeding discrimination
- Gender identity discrimination and vilification
- Sexuality discrimination and vilification
- Racial and religious discrimination and vilification
- Sexual harassment
- Making a complaint
- Responding to a complaint
- All about conciliation conferences

Brochures (in partnership with other Commissions)

It's OK to complain – in

- Amharic
- Arabic
- Mandarin
- Croatian
- Dari
- English
- Farsi
- Samoan

- Spanish
- Tigrinya
- Vietnamese

Posters

- Fair treatment – the way to go
- Race discrimination
- Impairment discrimination
- Pregnancy discrimination
- Sexual harassment
- Universal Declaration of Human Rights
- *It's OK to complain* (in partnership with other Commissions)

Postcards

- race discrimination
- sexual harassment

Rights cards

- Aboriginal and Torres Strait Islander communities
- Sexual harassment
- Young people
- LGBTI (lesbian, gay, bi-sexual, transgender, intersex) communities
- Racial and religious vilification (in Arabic, Bosnian, Indonesian, Farsi and English)

DVD/video/CD series

- Fair Go (captioned format)
- *Working it Through – the conciliation process* (captioned format)

Newsletter

Balancing the Act

CD-ROM package

Fairness – Everyone's Business

Appendix 3

Organisational Chart

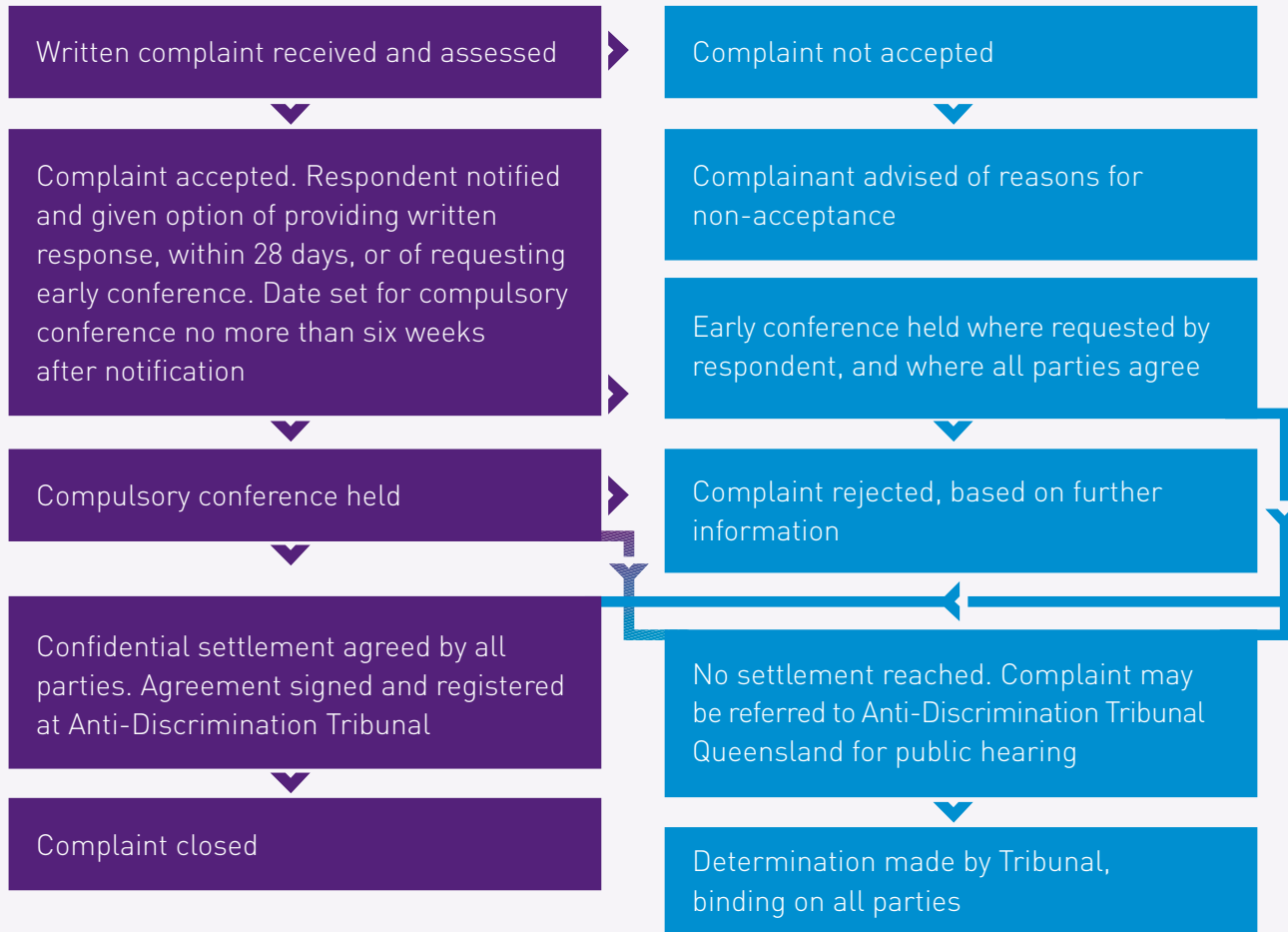
Appendix 4

Complaint handling process

Organisational Chart



Complaint Handling Process at the Anti-Discrimination Commission Queensland



ANTI DISCRIMINATION
COMMISSION QUEENSLAND

Tollfree 1300 130 670 (statewide)

TTY 1300 130 680 (statewide)

Fax 07 3247 0960

www.adcq.qld.gov.au