



**Anti-Discrimination
Commission Queensland**

Annual Report

2009-10



Annual Report 2009-10

The Anti-Discrimination Commission Queensland (ADCQ or the commission) is committed to providing accessible services to Queenslanders from all cultural and linguistic backgrounds. If you have difficulty in understanding the annual report, please contact us on toll free 1300 130 670 | tty 1300 130 680 to arrange an interpreter.

English: If you'd like us to arrange an interpreter for this report, please call us on 1300 130 670

Spanish: Si usted quiere que le busquemos un intérprete para este reporte, por favor llámenos al teléfono número 1300 130 670

Mandarin: 如果閣下希望我們為這份報告安排傳譯，請撥電 1300 130 670，跟我們聯絡。

Vietnamese: Neáu quy òi vò muoán chuùng toài thu xeáp ñeã coù ngöõoì phieân dòch baùo caùo naøy, xin vui lòng goïi cho chuùng toài qua soá 1300-130-670

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

Farsi: در صورت تمایل به داشتن ترجم برای ترجمه این متن، لطفا با ابا شماره تلفن ۱۳۰۰۱۳۰۶۷۰ تماس حاصل فرمائید.

© Anti-Discrimination Commission Queensland 2010

ISSN 1441-5747 (print)

ISSN 1837-0640 (online)

Copyright protects this material. The ADCQ has no objection to this material being reproduced but asserts its right to be recognised as the author of its material and the right to have its material remain unaltered. Printed copies of this report are available through the commission's head office.



Forest Stewardship Council
Certified



Environmental
Management System



Paper made with some
recycled pulp and fibre



Elemental Chlorine Free

Printed on Monza Silk Recycled Art Paper

Table of contents

Letter of transmission	2
Commissioner's foreword	3
About the ADCQ	5
Human rights promotion	6
Community relations & engagement	9
Complaint management	16
The Anti-Discrimination Tribunal Queensland	23
Corporate governance	28
Summary of financial information	32
Financial statements	35
Appendices	
Appendix A–Glossary of terms	36
Appendix B–Compliance checklist	37
Appendix C–Organisational chart	39
Appendix D–Complaints handling process	40
Appendix E–Map of areas visited 2009-10	41
Appendix F–Publications	42
Appendix G–Carbon emissions explanatory notes	43
Appendix H–Raising awareness about the Carers Charter	45
Tables	
Table 1–Delivery of training by sector, by region	11
Table 2–Types of training sessions	12
Table 3–Details of training sessions	12
Table 4–Website visits 2009-10	15
Table 5–Community language website statistics 2009-10	15
Table 6–Complaints received, accepted and finalised	17
Table 7–State-wide complaint outcomes and by region	20
Table 8–Complaints by ground, by region	21
Table 9–Complaints by area, by region	21
Table 10–Complaints accepted by ground and area	22
Table 11–Types of matters	25
Table 12–Matters finalised 01 July --30 November 2009	25
Table 13–Staff groups	30
Graphs	
Graph 1–Employee profiles	31
Graph 2–Net worth	32
Graph 3–Source of funds 2009-10	33
Graph 4–Application of funds	33
Graph 5–Asset portfolio	34
Graph 6–Liability composition	34

Letter of transmission

09 September 2010

The Honourable Cameron Dick MP,
Attorney-General and Minister for Industrial Relations

Level 18
State Law Building
50 Ann Street
Brisbane QLD 4000

Dear Minister

I am pleased to present the Annual Report 2009-10 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 Reporting Guidelines for Queensland Government Agencies*.

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

Yours sincerely



Neroli Holmes
Acting Commissioner
Anti-Discrimination Commission Queensland

Commissioner's foreword

The Anti-Discrimination Commission Queensland (ADCQ) has experienced some significant changes this year.

In November 2009, after more than a decade with the organisation, Commissioner Susan Booth resigned to take a position in the newly formed Queensland Civil and Administrative Tribunal (QCAT). Since that date, I have been appointed as acting Anti-Discrimination Commissioner.

Under Susan Booth's leadership, the ADCQ's complaint processes were streamlined and education activities increased; the Mabo Oration was commenced and held on three occasions, with leading speakers from Australia's Indigenous community providing thought-provoking commentary on the human rights of Aboriginal and Torres Strait Islander peoples in Australia.

The solid foundations established during Susan Booth's term as Commissioner stand the Commission in good stead to continue to protect and promote human rights in Queensland.

On 1 December 2009, the Queensland Anti-Discrimination Tribunal was amalgamated into QCAT, and the ADCQ ceased to have responsibility for the administrative functions of the Tribunal.

Throughout this year of change, the ADCQ has continued to undertake its role of inquiring into and where possible conciliating complaints of discrimination, sexual harassment and vilification under the *Anti Discrimination Act 1991*.

The ADCQ has worked very hard at maintaining high conciliation rates of complaints, with sixty-one per cent of accepted complaints resolved through conciliation. When the majority of complaints are successfully conciliated, there is a consequential saving in the time and resources needed to determine complaints through the process of a public hearing.

The ADCQ has maintained the quality and increased the timeliness of its complaint handling processes. Sixty-six per cent of complaints have been actioned and finalised within three months of receipt, and eighty-three per cent have been finalised within six months of receipt. The ADCQ's client surveys show high satisfaction rates of both complainants and respondents with the ADCQ's complaint handling services.

The economic downturn experienced across Australia and the world has impacted on the ADCQ's training program, and for the first time in a number of years, there was a decrease in requests from both the public and private sectors for education and training on anti-discrimination issues. Despite a decrease in demand for training, this year over four thousand people received training utilising the range of courses offered by the ADCQ.

In 2009, the ADCQ completed the tendering process for a new database to monitor and manage its complaint, training and contact management systems. The new database went live on 10 December 2009.

The database will provide much more information about who makes complaints; which sectors and types of industries are most commonly complained about; the size of the entity against which a complaint is being made; and which industries and sectors are presently accessing the ADCQ for training and information about the *Anti Discrimination Act 1991*.

The new database will enable the ADCQ to be more strategic in targeting its efforts to offer information and training to the industries and sectors most frequently complained about under the Anti-Discrimination Act 1991.

In September 2009, the ADCQ hosted the National Human Rights Legal, Conciliation and Education Conference in Brisbane. Officers from commonwealth, state, territory and New Zealand anti-discrimination and human rights commissions met to professionally develop staff; share information to optimise best practice service delivery; develop networks between agencies; and receive updates on the latest developments in the area of human rights and equal opportunity.

A number of developments at federal level, including the Australian Government's response to the *National Human Rights Consultation Report* delivered in September 2009, and the tabling in the House of Representatives in March 2010 of the *Disability (Access to Premises – Buildings) Standards 2010* will influence the future direction of human rights in Australia. It is important that Queensland engages in and participates in these developments which will impact upon the human rights protections of all residents of Queensland.

Finally, I would like to acknowledge the hard work and commitment of all staff throughout a year of change at the ADCQ. Their skills, energy and dedication to the protection of human rights have resulted in the many achievements of the ADCQ outlined in this report.

Neroli Holmes.

Neroli Holmes

Acting Commissioner.



QCAT Senior Member, Clare Endicott with Acting Commissioner Neroli Holmes

About the ADCQ

Commission overview

The Anti-Discrimination Commission Queensland (ADCQ) is an independent statutory authority established in 1996 to administer the Queensland *Anti-Discrimination Act 1991* (the Act). The ADCQ services Queensland via four offices located in Brisbane, Rockhampton, Townsville and Cairns. With a charter to resolve complaints and promote human rights in Queensland, the ADCQ engages with stakeholders in all areas of the community including business, government, community groups and the general public

Delivering services to the community

The role of Commissioner is administered from the Brisbane office, travelling regularly to regional centres to ensure issues are addressed and to listen to the concerns of stakeholders in rural and remote areas. ADCQ's head office, located at 53 Albert Street, Brisbane, is the business hub of the ADCQ, providing corporate functions to regional offices, including support services, governance, training and communications services.

Each of the regional offices performs a variety of functions, utilising their small teams of multi-skilled staff to maintain a high quality of service delivery in regional areas. A state-wide governance structure allows for regional staff to regularly participate in meetings and activities which serve to inform the Commissioner of issues and events across the state.

Client needs and discrimination matters in each region can vary significantly. Regional office staff ensure ongoing contact with their communities to keep well informed regarding local issues. The structure of ADCQ, although a small agency, allows for resources to be shared throughout the state to meet changing needs and to ensure continued delivery of complaint management, community relations, training and education services to the entire state.

The ADCQ's vision

ADCQ's vision is for a society reflecting individual and cultural diversity and equality of opportunity for all.

It also supports the Queensland Government's *Toward Q2: Tomorrow's Queensland* vision of a fair community. This vision is realised by promoting equality of opportunity for everyone through timely and effective complaint management, and through education and awareness-raising of human rights.



Recipients of the Disability Action Week awards. ADCQ was represented on the judging panel.

Human rights promotion overview

The ADCQ has a responsibility under the Act, to promote the understanding and acceptance of human rights in Queensland. It also plays an important role in stimulating public discussion of these rights. This is achieved through contribution to legislation and policy that influence human rights, and through media awareness, public events and consultation with diverse sectors of the community.

2009–10 submissions and input into Queensland legislation

In the 2009–10 financial year, the ADCQ provided submissions to state government on the development of Queensland government policies and legislation. These included submissions and input into:

- *Queensland Civil and Administrative Tribunal Rules 2009*
- *Public Interest Disclosure Bill 2010*
- Review of the *Police Powers and Responsibilities Act 2000*
- Discussion paper for the second stage of proposed reforms based on the report Review of the civil and criminal justice system in Queensland by the Hon. Martin Moynihan AO, QC
- State of Queensland's submission to Australia's response to the United Nations Human Rights Committee's Concluding Observations of Australia's Fifth Report under the *International Covenant on Civil and Political Rights*
- State of Queensland's submission to Australia's periodic report to the United Nations Committee on the Elimination of Racial Discrimination (CERD).

The ADCQ also provided comment to the Australian Human Rights Commission on:

- its submission to the United Nations Human Rights Council's Working Group on the Universal Periodic Review (UPR) due in January 2011
- an application for exemption from the *Sex Discrimination Act 1984* to allow an insurer to price policies differentially based on a customer's marital status.

Continuing human rights issues

The Act promotes equal opportunity for everyone and seeks to protect all Queenslanders from unfair discrimination. In last year's annual report, the ADCQ reported on issues it had raised because the rights of some Queenslanders were significantly diminished. Some developments have occurred in relation to those issues in the current reporting period, which are discussed below.

Prisoner access to human rights legislation

The *Corrective Services and Other Legislation Amendment Act 2008* (Qld) prohibits prisoners from lodging complaints with the ADCQ until the completion of a number of internal complaint processes within the prison in which the prisoner is located. The ADCQ has been monitoring the number of complaints received from prisoners since the passing of this legislation. Prior to the passing of the Act in 2007-2008, twenty-four complaints were made by prisoners to the ADCQ. In 2008-2009 nine were lodged, and five complaints could not be accepted as they were lodged prior to the internal complaints mechanism being finalised. This financial year thirteen complaints have been lodged with the ADCQ. Of those, six could not be accepted as they were lodged without completing the internal complaints processes and seven did not fall under the ADCQ's jurisdiction.

The ADCQ is in the process of making further enquiries of both prison authorities, and prisoner advocates to get a clearer understanding of whether the internal complaints processes are providing proper redress for prisoners where there is unlawful discrimination, sexual harassment or vilification.

Reinstating the Act in Cape York Welfare Reform communities

In 2007, the Commonwealth Government passed laws that removed the protections of the Act and the Racial Discrimination Act 1975 from applying to the welfare reforms in Cape York.

The ADCQ wrote to the Queensland Premier and the Commonwealth Minister for Families, Housing, Community Services and Indigenous Affairs requesting the reinstatement of both the federal and state discrimination laws. This year legislation was passed through the Commonwealth Parliament that will reinstate both the *Racial Discrimination Act 1975* and the Queensland Act from 31 December 2010.

Forums and presentations

To promote rights and anti-discrimination laws in Queensland, the Commissioner and Acting Commissioner spoke at a number of conferences, forums and meetings throughout the year including the:

- launch of *Raising my voice*, a book by Malalai Joya who was elected as one of the few women to represent her province in the Constitutional Grand Assembly in Afghanistan
- official launch of NAIDOC week including the launch of the ADCQ's Aboriginal and Torres Strait Islander *Tracking Your Rights* package
- Australian Council for Private Education & Training, Disability Training and Employment Forum: *From goodwill to good business*
- 2009 Human Rights Agencies' *National Legal, Conciliation, Education Conference*
- *Creating Meaningful Lives: a forum for families* – Mamre Parent Program workshop at Twin Waters on the Sunshine Coast
- *Multiculturalism is dead; long live social inclusion* : a panel debate moderated by Phillip Adams at the Queensland Multicultural Summit 2009
- *Women, Disability and Discrimination* - Queensland Disability Network Women's lunch.
- Baha'i Council for Queensland event *Freedom to believe*.
- *Anti-discrimination legislation : implications for schools* - Department of Education and Training video conference
- EIDOS lunchtime seminar series forum on the topic, *Has multiculturalism fallen off the agenda of Australian society?*
- Lexis Nexis *4th Annual Industrial Workplace Relations 2010 Conference*
- Griffith University School of Medicine Southport Campus Year 2 MBBS *Disability Day*.

Focus on Human Rights Promotion

In September 2009 the Anti-Discrimination Commission Queensland hosted the National Human Rights Legal, Conciliation and Education Conference in Brisbane. The purpose of the conference was to bring together human rights representatives from across Australia and New Zealand to share experiences, ideas and learning in order to promote human rights across all states and Commonwealth agencies. The ADCQ's Townsville office took major carriage in organizing the conference.

The event was officially opened by a Torres Strait Islander dance troupe, adding a Queensland touch to the national conference. Keynote speakers at the event were Phil Lynch, the Director and Principal Solicitor of the Human Rights Law Resource Centre

in Melbourne and Simon Rice, Associate Professor and Director of Law Reform and Social Justice at the Australian National University College of Law.

The conference provided an opportunity for discussion about the ways in which human rights legislation can make positive change and generated thoughts on areas for reform and improvement. Commission staff had the opportunity to engage in sessions including Working with respondents in conciliation; Why some people don't want to complain and Dealing with HR complaints that do not involve discrimination.

Other highlights included presentations on the role of Fair Work Australia, the National Human Rights Consultation, sessions on improving training delivery and dealing with toxic negotiators.

Media engagement

The ADCQ takes both a proactive and responsive role in engaging with the print, radio and television media to promote human rights and anti-discrimination laws. Engaging with mainstream and specialist media raises awareness of anti-discrimination legislation and the functions of the ADCQ.

Library services

The ADCQ maintains a specialist library service that is accessible to staff, the Queensland Civil and Administrative Tribunal, advocates, and to complainants, respondents and their legal representatives, at the discretion of the ADCQ. The librarian responds to requests for information in relation to the Act, anti-discrimination policy and maintains the website. This year Library and Information week was celebrated in the joint library facility on level 17, 53 Albert Street, Brisbane. The theme for the week decided by the Australian Library and Information Association was, appropriately, 'Access All Areas'.

Right to information

The ADCQ supports the government's commitment to openness, and maintains a Publication Scheme on the Commission's website.



The Wagga Dance Company opened the National Human Rights Legal, Conciliation and Education Conference.

Community relations and engagement

Working with communities

The ADCQ has a well established education and community awareness program which aims to enhance the community's understanding of Queensland anti-discrimination legislation. Community engagement activities including targeted training, community visits, reference group meetings and policy advices are utilised to reach target groups in all areas of the state. Additionally, the ADCQ maintains an accessible website which provides the community with up-to-date information on human rights issues as well as information on the services offered by the ADCQ. Participation in significant community events is also a key commitment of the ADCQ. This year ADCQ staff participated in NAIDOC celebrations in Brisbane, Ipswich, Rockhampton, Townsville and Cairns; the Pride Festival in Brisbane; Homeless Connect in Brisbane; the Queensland Multicultural Festival; the First Contact Sports and Cultural Festival in Brisbane; International Day for People with Disabilities in Brisbane; Seniors Week and Law Week in Rockhampton; International Human Rights Day, Disability Action Week, and Peace Week in Cairns.

Aboriginal and Torres Strait Islander (A&TSI) staff based in Cairns, Townsville and Brisbane liaised with A&TSI community workers and organisations in Brisbane, Atherton Tableland, Innisfail, Ipswich, Beaudesert, Caboolture, Gold Coast, Cherbourg, Toowoomba, Townsville, Palm Island, Rockhampton, Cairns, Mossman/Port Douglas, Yarrabah, and the Torres Strait.

The ADCQ is committed to multiculturalism in Queensland and through its *Multicultural Action Plan* incorporates diversity into its core business and aims to improve access to services for people from culturally and linguistically diverse (CALD) backgrounds. In the reporting period, staff continued well-established relationships with Local Area Multicultural Partnerships (LAMP) workers to promote ADCQ services and develop communication with CALD communities. As a result of these linkages, ADCQ staff were invited to participate in an array of multicultural events throughout the year.

In 2009-10, the ADCQ engaged with, and delivered targeted education sessions to multicultural groups including the Karen Community, the United Somali Association, the Multicultural Development Association, the Migrant Centre, Toowoomba Filipino Cultural Society, Townsville Intercultural Centre, Queensland African Communities Council, Multicultural Communities Council and the Multicultural Families Organisation.

ADCQ participated in International Human Rights Day events including the *Living Books: local people, remarkable lives* event in Cairns and launched *Reach for the stars, my darling*, an exhibition of anti-discrimination posters sourced from ADCQ archives and other anti-discrimination bodies. The exhibition was held at the Tanks Arts Centre in Cairns during December and January 2009-10.

Community relations around the state

South-East Queensland

South-East Queensland office maintained a significant presence within the community throughout the year by attending a number of key activities.

The ADCQ team was involved in annual events such as NAIDOC week, International Women's Day, Pride and International Human Rights Day. This year we also attended a range of multicultural and sporting festivals to spread the human rights message to a range of community members.

A member of the Brisbane team was part of the selection panel for the Disability Action Week awards. The awards recognise individuals and organisations that have contributed to improving the quality of life for people with a disability in Queensland.

Central Queensland

Central Queensland staff actively participated in a number of community events and forums this financial year. These events included NAIDOC week, St Vincent de Paul Youth Festival, International Women's Day and *Building belonging: Inclusive Communities* week.

A highlight for the Central Queensland office was their hosting of a morning tea to celebrate Seniors Week. The theme for the morning tea was *Stand up and be counted*, and aimed to encourage older members of our community to be active and to feel they can still contribute to society. Over sixty seniors attended the morning tea and were entertained by guest speakers and the local University of the Third Age choir. It was also a great opportunity for seniors to learn about discrimination law and be informed about their rights.

Community visits were also a priority for staff. Throughout the year a range of agencies were visited in the region, including disability organisations, advocacy groups and legal services.

North Queensland

The Northern Region has continued to focus on community engagement with fifty-nine outreaches. Team members made multiple trips to Ingham, Burdekin and Mackay to raise community awareness and to conduct training.

Staff participated in NAIDOC celebrations in Townsville in July and held an information stall at the Family Fun Day at Riverway Park.

Townsville's Indigenous staff visited Charters Towers to attend a *Know Your Rights Youth Workshop* held by a local indigenous community organisation in September 2009. ADCQ presented the *Understanding discrimination and harassment* training package at the workshop which was well attended by young people and traditional elders in the community.

The North Queensland Regional Manager spoke at the Townsville Intercultural Centre's Christmas party and also addressed their International Women's Day and Harmony Day event focusing on women's issues, specifically sex discrimination and sexual harassment. ADCQ also held a successful information stall at this event.

Far North Queensland

In 2009-10 Far North Queensland staff continued to build on community engagement activities which had been established over previous years. Participation in the Indigenous Women's Network was a highlight this year as ADCQ staff had assisted in the establishment of this group the previous year. The network provides a platform for Indigenous women to voice their opinions, opportunities for Indigenous families to connect and share information and increases awareness of human rights and discrimination issues.

The biggest community relations event for the year was the *Living Books* event which has been held in Cairns on International Human Rights Day for the past three years. The ADCQ is the lead agency for the event but the enormous contribution of partner organisations is deserving of recognition. Participating groups included Cairns Regional Council, Migrant Settlement Services, Rights in Action, Cairns and Region Multicultural Association, The Tanks Arts Centre, Disability Services Queensland and the National Council of Women of Australia. The event not only raises the profile of human rights issues in Far North Queensland, it highlights that many people living in our community have experienced human rights abuses. It also provides an excellent forum for the ADCQ to engage proactively with stakeholders. The event was attended by over 400 people.

Training delivery

The ADCQ offers private and public education sessions throughout Queensland. The education program caters to individuals and organisations at all levels, including employees, employers, community organisations, government departments, community organisations and general community members. Anti-discrimination education promotes safe and productive workplaces and enhances community understanding of Queensland anti-discrimination legislation.

Table 1 – Delivery of training by sector, by region

	South East	Central	North	Far North	Total
Private	59	13	16	3	90
Public	46	7	9	6	66
Community	33	9	7	2	53
In-house	25	1	11	3	41
Total	163	30	43	14	250

Training is delivered by all regional offices. The Aboriginal and Torres Strait Islander Unit based in the Brisbane office coordinates Indigenous-specific training which is facilitated by A&TSI staff members in Brisbane, Townsville and Cairns.

In the 2009-10 financial year, ADCQ staff provided training to over four thousand people throughout the state, with approximately seven hundred and sixty-two hours of training delivery taking place. A decline in training requests was noted from the previous year, but feedback on the quality of training provided remained positive.

The *Introduction to the Anti-Discrimination Act* training session was by far the most popular choice for most training participants this year. Interest was also noted in relation to Contact Officer training, and the Indigenous-specific Tracking Your Rights training continues to address a significant community need.

Approximately two-thirds of people trained were from private and public sector organisations, with the remaining training being delivered to community organisations and individuals, either through in-house training or at locations throughout the community.

Training in the private sector included construction, mining, engineering, retail, human resource management, manufacturing, sales and marketing, accommodation and transportation sectors.

Training of public sector agencies included Queensland Police Service, Residential Tenancies Authority, regional councils, Office of the Commissioner for Body Corporate and Community Management, Queensland Civil and Administrative Tribunal and the Departments of Education, Community Safety, Environment and Resource Management, Infrastructure and Planning and Communities and Health.

Trade unions trained included the Queensland Worker’s Union and the Construction, Forestry, Mining and Energy Union.

Training of community organisations encompassed community legal services, disability services, advocacy groups, youth organisations and community centres.

The education sector received training at Griffith University, University of Queensland, James Cook University, Grace College, Australian Institute of Marine Science, Catholic Education Diocese of Townsville, Southern Cross Catholic College, St Margaret’s Anglican Girls’ School, Bremer TAFE and King’s College.



ADCQ trainer with participants at a community organisation training session in Gatton.

Table 2 – Types of training sessions

Sessions	South East	Central	North	Far North	Total
Introduction to the Anti-Discrimination Act	102	21	19	10	152
The Contact Officer	43	7	22	3	75
Fairness – Everyone's Business	7	-	1	-	8
Investigating complaints	5	1	1	-	7
Recruitment & Selection	1	-	-	-	1
Tracking your rights - A&TSI	5	-	-	-	5
Other	-	1	-	1	2
Total	163	30	43	14	250

Table 3—Details of training sessions

	South East	Central	North	Far North	Total
No. of people	2952	378	603	224	4157
Hours of delivery	497	87	145	33	762
Actual Revenue	\$87,305	\$15,467	\$39,369	\$3,772	\$145,913

South-East Queensland

Two full-time trainers operate from the South-East Queensland office to deliver training to corporate, government and community sectors. Two members of the A&TSI Unit also deliver training to community organisations. In all, two thousand nine hundred and fifty-two people in the region received training during one hundred and sixty-three training sessions.

Central Queensland

Staff in Central Queensland delivered thirty education sessions to three hundred and seventy-eight people throughout the region this financial year. Participants were from a broad cross-section of the community, with sessions being conducted for Queensland government employees, community workers, tradespeople, jobseekers and professionals.

The primary focus for the year was offering our free *Introduction to the Anti-Discrimination Act* sessions to community and not-for-profit organisations. This training was considered essential, as it provided community workers with an opportunity to increase their understanding of discrimination law. This information could also be used to assist their clients who are a part of the population who are more likely to experience unlawful discrimination.

North Queensland

Forty-two training sessions were delivered across the northern region including a visit to Palm Island by Townsville's Indigenous staff to deliver two training sessions on *Understanding Discrimination Law and Harassment* for forty participants.

There has been an increase in the demand for *Contact Officer* training from both the private and public sectors with Townsville staff delivering extra sessions in both the *Introduction and Advanced* courses and *Refresher* course in Mackay, Townsville and Ingham.

The demand for training and community education has also been strongly felt from the community sector with training being delivered to university student groups, unions, and carers' groups.

Townsville's annual generic training week in July 2009 had participants from all sectors attending *Discrimination Law*, *Contact Officer: Introduction and Advanced*, *Investigating Complaints of Discrimination and Harassment* and *Fairness Everyone's Business*. The annual training week has become a much anticipated event which generates a high demand and solid commitment to annual staff training among organisations from all sectors.

Far North Queensland

Fourteen training sessions were delivered to approximately two hundred and twenty-four participants in Far North Queensland this year. This included three sessions, open to the general public with the remaining eleven provided to individual clients in the community and private sectors. Emphasis was placed on the hospitality industry and the disability community sector during the reporting period. One training session was provided for the Sexual Harassment and Discrimination Education Support (SHADES) group at James Cook University and one for Remote Area Aboriginal and Torres Strait Islander Child Care (RAATSICC).

Aboriginal and Torres Strait Islander Unit

The Aboriginal and Torres Strait Islander (A&TSI) Unit maintained their commitment to servicing the Indigenous community in 2009-10 through a number of community engagement strategies.

The indigenous-specific *Tracking Your Rights* training was delivered to Aboriginal and Torres Strait Islander community organisations in Brisbane, students at Loganlea and Bundamba TAFE colleges and members of the Queensland Indigenous Justices of the Peace Program in Cairns.

Unit staff also operated information stalls at the following community events:

- Brisbane NAIDOC Family Fun Day at Musgrave Park
- Ipswich NAIDOC Day held at Goodna
- First Contact National Touch Football Carnival in Brisbane
- Brisbane City Council Homeless Connect event
- International Day of People with a Disability for the Aboriginal and Torres Strait Islander Disability Network Queensland.

Approximately fifty community visits were conducted to organisations in Brisbane, the Gold Coast, Caboolture, Toowoomba, Ipswich and surrounding areas to promote human rights and the services offered by the ADCQ.



ADCQ Far North Queensland office staff.

A&TSI Unit staff also attended the following forums and events in 2009-10:

- The public hearing of the House of Representatives Standing Committee *Inquiry into the high level of involvement of indigenous juveniles and young adults in the criminal justice system*
- UNIFEM breakfast
- Brisbane City Council community relations forum
- Centre for Aboriginal Independence and Enterprise, John Newfong Media Oration
- Brisbane launch of GenerationOne road show
- Mabo Day at Zillmere.

Advisory groups

The ADCQ has five advisory groups that have been established for seven years. These are the disability, youth, unions, advocates and a joint lesbian, gay, bisexual, transgender and intersex group. This year, the advisory groups again played a key role in informing the Commissioner of community concerns and current issues. These informal networks ensured the ADCQ remained relevant to some of the most marginalised communities protected by the Act.

In June 2010 a joint union and advocates advisory group meeting was held to facilitate a presentation by Clare Endicott, Senior Member of the Queensland Civil and Administrative Tribunal. Ms Endicott advised the group on the QCAT processes relating to anti-discrimination matters.

Events and sponsorship

The ADCQ attends festivals and events staged by key stakeholders to liaise with hard-to-reach audiences, when and where they gather. In 2009–10, ADCQ staff were involved with community events including NAIDOC celebrations in Brisbane, Townsville, Rockhampton and Cairns, International Women's Day events in Brisbane and Townsville, Pride Festival in Brisbane, International Human Rights Day celebrations across the state and Harmony Day in Townsville.

The ADCQ provided sponsorship for the Ethnic Communities Council of Queensland 2009 Summit.



Youth Advisory Group participants with Acting Commissioner Neroli Holmes.

Website accessibility

The website is accessible to people with visual and motor skills disabilities and is AAA compliant with the W3C (Worldwide Web Consortium). The website provides information about the Act in twenty-eight languages and has an audio file for speakers of Torres Strait Creole.

During 2009-10 a rise in access to the ADCQ website was noted, with an increase in visits of more than 22%. An overall increase was also noted in access to the community language website. The most significant increases were identified in access to Turkish (+77%), Cook Islands (+49%), Swahili (+46.6%), Dinka (+31.6%), Samoan (+22.7%), Creole (+21.4%) and Indonesian (+18.3%) languages.

Table 4 - Website visits

Month	Total
July	21 728
August	25 857
September	25 235
October	29 105
November	26 410
December	20 754
January	21 773
February	28 913
March	33 915
April	29 634
May	30 329
June	24 335
Total	317 988



Photograph by Michael Marston

Torres Strait Creole language was accessed the most this year.

Table 5 - Community language website statistics

Language	Visits
Albanian	1059
Amharic	846
Arabic	1111
Bosnian	999
Chinese	929
Cook Islands	879
Creole	1676
Croatian	1011
Dinka	794
Farsi	1104
French	990
Indonesian	1316
Italian	1059
Japanese	880
Khmer	344
Kirundi	827
Malay	709
Polish	994
Russian	1045
Serbian	759
Samoan	986
Somali	1064
Spanish	1047
Swahili	849
Tagalog	845
Turkish	689
Vietnamese	1062
Total	25 873

Complaint management

Complaint management overview

The ADCQ has continued to manage complaints in an effective way with consistent results. Careful assessment of complaints ensures that only those clearly alleging discrimination or other breaches of the *Anti-Discrimination Act 1991* proceed to conciliation. This ensures that employers and other respondents are not called on by the ADCQ to respond to complaints which are more appropriately addressed through other avenues.

The number and pattern of complaints made to the ADCQ remains steady with only minor shifts apparent. Complaints arising in the workplace have dropped this year, going against a previous four year trend, but impairment discrimination complaints continue to dominate. Interestingly, both race and racial vilification complaints rose in 2009–10, although the numbers of these complaints remains relatively low.

State-wide complaint trends

A total of 812 complaints were lodged across Queensland in 2009–10, with approximately 62 per cent of complaints originating in South-East Queensland. While the number of complaints lodged has remained around last year's levels, there has been a 6 per cent decrease in the proportion of complaints from South-East Queensland.

With careful assessment of complaints, 422 (approximately 54 per cent) of all complaints lodged were accepted, consistent with the previous two years. The remaining 46 per cent of complaints lodged fell outside of the ADCQ's jurisdiction, so these complainants were referred to the most appropriate agency to assist them.

This year, complaints were accepted on 580 grounds covered by the Act. This is significantly down on the number of accepted grounds of complaints in the previous year and reflects the scrutiny given to complaints prior to acceptance.



The grounds of impairment, sex, race and pregnancy discrimination together with sexual harassment were the top five types of accepted complaints. This pattern is similar to recent years, although the proportion of family responsibilities and victimisation complaints have both dropped, so that they are no longer among the main attributes covered in complaints.

Impairment discrimination complaints continue to be dominant, at 27 per cent of accepted grounds of complaints, up about three per cent on 2008–09 levels. Of accepted impairment complaints, 60 per cent arise in work, while the balance occurs mainly in connection with the provision of goods and services and education areas.

Sexual harassment and sex discrimination complaints declined by 2 and 3 per cent to 13 and 11 per cent, respectively. Of accepted sexual harassment complaints, 83 per cent arise at work, with the balance largely occurring outside the other specific areas covered by the legislation.

The proportion of race discrimination complaints increased by 2 per cent to 11 per cent. With regard to accepted race complaints, 52 per cent arose at work, which is a lower proportion than any other grounds. Of the balance, 18 per cent arose in connection with the provision of goods and services, while 12 per cent arose in each of the areas of accommodation and the administration of state laws and programs.

Pregnancy discrimination increased to 8 per cent of accepted complaints, showing a small but consistent rise over the past 5 years. Family responsibilities made up only 5 per cent compared to 7 per cent of accepted complaints last year. All pregnancy discrimination complaints and 87 per cent of family responsibilities discrimination complaints arose in the work area.

Vilification complaints have increased to 3 per cent from 1 per cent of accepted complaints, with the majority of those still involving racial vilification.

Victimisation complaints dropped to 6 per cent from 8 per cent last year, with just over half arising in the area of work.

Overall, the majority of complaints arose in the work area, with a small decrease in work-related complaints to 66 per cent from 70 per cent last year across Queensland, reversing the trend increase over the previous four years.

Goods and services remained the second highest source of complaint, representing 15 per cent of the total, which is consistent with last year. State laws and programs complaints dropped to 4 per cent, down from 6 per cent last year. The proportion of complaints in the education area remains at similar levels to last year at 4 per cent, while complaints in the accommodation area also increased again to 5 per cent, consistent with the three year upwards trend which had been apparent until last year's drop.

Settlement of complaints

The ADCQ endeavours to assist parties to conciliate disputes through working with complainants and respondents to reach resolution. In 2009–10, 435 conciliation conferences were held across Queensland. This is a significant increase on the 357 conciliation conferences held in the previous year. Of these, 273 (65 per cent) were held in South-East Queensland, with all of the remaining 162 conferences held in regional areas. This state-wide approach to complaint management ensures conciliators are available to settle complaints at the earliest opportunity and so assists the parties to have complaints resolved quickly.

Complaints resolved by conciliation decreased to 61 per cent, which is a drop in the record settlement rates achieved last year. Staff changes across offices impacted on the settlement rates and the new staff continue to improve their conciliation techniques and settlement rates. Despite changes in staff, the settlement rate remains high.

Table 6 – Complaints received assessed and finalised

	South East	Central	North	Far North	Statewide
Complaints received	574	69	80	89	812
Complaints assessed	273	39	50	60	422
Complaints finalised	291	23	54	62	430

Of accepted complaints, 82 per cent were finalised within the ADCQ, with 18 per cent of accepted complaints referred to the Tribunal. The increase in referrals reflects the decrease in settlement rates, although referral generally remains low.

Conciliators continue to identify complaints suitable for early intervention through the use of shuttle telephone negotiations. If settlement is reached through early intervention, parties do not need to attend a formal conciliation conference. It is a particularly useful mode of settlement where the dispute is less complex and the parties wish to continue their association, such as where the complainant remains employed by respondent. Of the 45 complaints where early intervention was attempted, 84 per cent were resolved. Early intervention remains a valuable tool for resolving simple complaints quickly and efficiently, with minimum disruption for all parties.

Satisfaction with the management of complaints remains high with 85 per cent of all parties evaluating the service as satisfactory or very satisfactory, continuing the consistently high satisfaction rates of the past five years.

Timeliness

Improvements in the timeliness of assessing complaints means that the ADCQ is on target at each stage of the complaint management process.

The number of complaints which were assessed within the 28 day legislative timeframe increased significantly from 48 to 55 per cent. Where complaints did not contain sufficient information to enable a final decision to be made, further information was sought from the complainant.

Of accepted complaints, 77 per cent reached conference within the 42 day statutory timeframe. This is a considerable improvement on the 70 per cent last year. Delays in holding conferences in other matters occurred where the parties were unavailable to meet within the timeframe.

Of accepted complaints, 66 per cent were finalised within three months of acceptance. A total of 83 per cent of accepted complaints were finalised within six months, and a total of 91 per cent of complaints were finalised within nine months of acceptance, consistent with last year.

The timeliness of the finalisation of complaints after acceptance shows the continued focus on efficient complaint management processes, once sufficient information has been provided by the complainant to accurately assess whether complaints fall within the ADCQ's jurisdiction.

Focus on complaint handling

The ADCQ is proud of its achievements in the complaint handling area. The success rate for bringing complaints to resolution has risen from 40 per cent in 2003–04 to 61 per cent in 2009–10, although this is down from the record settlement rates of 68 per cent last year.

Changes in staff across the state have resulted in a readjustment of settlement rates while new staff acquire conciliation expertise. The professionalism and dedication of staff throughout the state who handle complaints continues to be a cornerstone of the ADCQ's complaint management achievements.

Resolution of complaints through conciliation has major benefits for parties including reducing the time taken to finalise complaints, less formality in proceedings, less costs incurred and a greater opportunity to reach a shared understanding of what occurred, so that all parties can move on with their lives.

Conciliation agreements are legally binding and may include formal or informal apologies, undertakings to receive training and change policies and, where appropriate, financial compensation. The service is free for both complainants and respondents.

Complaint trends by region

South-East Queensland region

The bulk of complaints continue to flow into the Brisbane office. A total of 574 complaints were received in South-East Queensland. Of these, 483 were assessed by the Brisbane office with the remainder distributed to regional offices to action quickly.

Accepted grounds of complaints in South-East Queensland dropped to 385 in 2009–10, reflecting the state-wide decrease in the accepted grounds. Impairment complaints remain the greatest proportion at 26 per cent of accepted, up from 24 per cent. It is expected that discrimination on the grounds of impairment will continue to remain the largest area of complaint.

Sexual harassment complaints dropped to 12 per cent down from 16 per cent of the total accepted. There has also been a fall in sex discrimination complaints to 10 per cent, down from 15 per cent in the previous year. Sexual harassment remains the second biggest ground for complaint, with the vast majority arising in the workplace.

Race discrimination complaints have risen to 11 per cent, up again from nine per cent and six per cent over the last two years.

The majority of accepted complaints arose in the area of work at 65 per cent, down from 69 per cent. Goods and services lodgements rose from 12 per cent to 14 per cent. Complaints in state laws and programs area also dropped slightly to 6 per cent from 9 per cent, while complaints in the education area remain steady at 3 per cent.

Central Queensland region

Of complaints made in Central Queensland, 27 per cent were brought by employees who feel they were discriminated against at work. Goods and services and education complaints were also significant at about 10 and 8 per cent, respectively.

The main grounds reported were impairment, pregnancy and sex discrimination and sexual harassment.

Impairment discrimination complaints dominate at 33 per cent of accepted complaints, significantly up from 23 per cent last year. Sex discrimination and sexual harassment complaints dropped to 12 per cent of total complaints accepted, while pregnancy discrimination complaints rose to 12 per cent.



State Director, Complaint Management Anne Andersen led a discussion at the National Human Rights Legal, Conciliation and Education Conference.

Northern region

Of complaints accepted, 65 per cent were work related, while 20 per cent were in the area of goods and services.

Complaints on the grounds of impairment, race and sex discrimination and sexual harassment also were the main grounds for complaints in the Northern region, with relatively equal levels of each being accepted. Impairment complaints dropped considerably from about 29 per cent of those received to 18 per cent, well below the state average. Sexual discrimination and race discrimination complaints were relatively stable at 16 and 14 per cent respectively. Sexual harassment complaints remained relatively high at 18 per cent, well above the state average.

Pregnancy discrimination complaints were down from 12 per cent to 6 per cent, against the trend in the remainder of the state.

Far North region

Of accepted complaints, 73 per cent arose in work with a further 18 per cent arising in connection with the provision of goods and services.

Reflecting the state-wide trend, impairment complaints also dominated the attributes most frequently the subject of complaint in those received by the Far North region office. The proportion of complaints of impairment discrimination has increased significantly from 24 per cent to 33 per cent, although the number of complaints has only increased marginally.

The distribution of complaints across the other main grounds is consistent with the state-wide trends. Sexual harassment complaints have decreased from 17 per cent to 11 per cent of accepted complaints. Pregnancy discrimination complaints have increased 3 per cent to 9 per cent while race discrimination complaints remain relatively stable at 9 per cent of accepted complaints.

Table 7 – Statewide complaint outcomes and by region¹

	South East	Central	North	Far North	Statewide
Conciliated	191	14	34	34	273
Referred to Tribunal	52	5	11	13	81
Not referred	15	4	1	7	27
Withdrawn	34	-	5	7	46
Lost Contact	1	-	1	-	2
Complaint lapsed	7	-	1	1	9
Dismissed	3	-	-	3	6
Rejected	1	-	-	1	2
Total	304	23	53	66	446

¹ Complaints may have more than one outcome



Photograph by Michael Marston

Judicial review

There were two applications to the Supreme Court of Queensland for judicial review of decisions of the ADCQ. Both decisions were made under section 138, one to accept and one not to accept, complaints made outside the one year time limit. One application was withdrawn on resolution by agreement of all parties, and the other was determined with the parties to the complaint agreeing to a reconsideration of the decision.

Table 8 – Statewide complaints by ground, by region²

Ground	South East		Central		North		Far North		Statewide	
	No	%	No	%	No	%	No	%	No	%
Impairment	96	24.9	15	30.6	13	18.3	24	32.0	148	25.5
Sexual harassment	47	12.2	6	12.2	13	18.3	8	10.7	74	12.8
Sex	40	10.4	6	12.2	11	15.5	9	12.0	66	11.4
Race	43	11.2	2	4.1	10	14.1	7	9.3	62	10.7
Victimisation	29	7.5	-	-	2	2.8	5	6.7	36	6.2
family responsibilities	22	5.7	3	6.1	4	5.6	2	2.7	31	5.3
Pregnancy	28	7.3	6	12.2	4	5.6	7	9.3	45	7.8
Age	11	2.9	-	-	1	1.4	3	4.0	15	2.6
Sexuality	13	3.4	1	2.0	1	1.4	-	-	15	2.6
Unnecessary information	13	3.4	2	4.1	3	4.2	1	1.3	19	3.3
Parental status	3	0.8	-	-	2	2.8	1	1.3	6	1.0
Association with a person with an attribute	12	3.1	4	8.2	1	1.4	2	2.7	19	3.3
Religious belief or activity	11	2.9	-	-	1	1.4	-	-	12	2.1
Gender identity	4	1.0	-	-	-	-	-	-	4	0.7
Trade union activity			1	2.0	2	2.8	3	4.0	6	1.0
Racial vilification	6	1.6	3	6.1	1	1.4	-	-	10	1.7
Relationship status	3	0.8	-	-	2	2.8	3	4.0	8	1.4
Breastfeeding	1	0.3	-	-	-	-	-	-	1	0.2
Gender identity vilification	2	0.5	-	-	-	-	-	-	2	0.3
Religious vilification	1	0.3	-	-	-	-	-	-	1	.02
Total	385		49		71		75		580	

Table 9 – Statewide complaints by area, by region³

Area	South East		Central		North		Far North		Statewide	
	No	%	No	%	No	%	No	%	No	%
Work	176	59.5	27	67.5	34	63.0	42	66.7	279	61.6
Goods and services	41	13.9	4	10.0	11	20.4	11	17.5	67	14.8
State laws and programs	17	5.7	-	-	1	1.9	1	1.6	19	4.2
Education	10	3.4	3	7.5	3	5.6	-	-	16	3.5
Other (where no area is required)	15	5.1	3	7.5	3	5.6	1	1.6	22	4.9
Accommodation	17	5.7	1	2.5	1	1.9	3	4.8	22	4.9
Pre-Work	15	5.1	1	2.5	1	1.9	4	6.3	21	4.6
Club membership and affairs	4	1.4	1	2.5	-	-	1	1.6	6	1.3
Insurance	1	0.3	-	-	-	-	-	-	1	0.2
Total	296		40		54		63		453	

² Complaints may be accepted under more than one ground

³ Complaints may be accepted under more than one area

Table 10 – Complaints accepted by ground and area ⁴

	Work	Goods and services	State laws and programs	Education	Other	Accom	Pre Work	Club	Insurance	Total	%
Impairment	89	28	5	12	-	6	7	5	1	152	25.3
Sexual harassment	63	2	-	1	10	-	-	-	-	76	12.7
Sex	56	7	-	1	-	1	2	-	-	67	11.2
Race	34	12	7	-	3	8	1	-	-	65	10.8
Victimisation	20	4	4	3	4	-	1	1	-	37	6.2
Family responsibilities	27	2	-	-	-	2	-	-	-	31	5.2
Pregnancy	44	-	-	-	-	-	1	-	-	45	7.5
Age	6	3	-	-	-	1	4	-	-	15	2.5
Sexuality	11	2	-	-	-	1	1	-	-	15	2.5
Unnecessary information	13	1	-	-	3	-	3	-	-	20	3.3
Parental status	3	2	-	-	-	2	-	-	-	7	1.2
Association with, a person with an attribute	9	4	3	2	1	4	-	-	-	23	3.8
Racial vilification	3	-	-	-	6	1	-	-	-	10	1.7
Religious belief or activity	5	4	4	-	-	-	-	-	-	13	2.2
Gender identity	2	1	-	-	-	1	-	-	-	4	0.7
Trade union activity	6	-	-	-	-	-	-	-	-	6	1.0
Relationship status	5	2	-	-	-	-	-	1	-	8	1.3
Breastfeeding	-	1	1	-	-	-	-	-	-	2	0.3
Political belief or activity	1	-	-	-	-	-	-	-	-	1	0.2
Gender identity vilification	-	1	-	-	-	1	-	-	-	2	0.3
Religious vilification	-	1	-	-	-	-	-	-	-	1	0.2
Total	397	77	24	19	27	28	20	7	1	600	100

⁴Complaints may be accepted under more than one ground or area

Tribunal overview

The Anti-Discrimination Tribunal (ADTQ) was amalgamated into the Queensland Civil and Administrative Tribunal (QCAT) on 1 December 2009. The ADTQ registry staff and the President worked hard to ensure there were no outstanding decisions when QCAT commenced on 1 December 2009.

In the five months from 1 July 2009 to 30 November 2009 (the relevant period), the following was achieved.

Hearing and determining complaints of alleged breaches of the Act

Forty-seven complaints were referred to the ADTQ by the ADCQ and twenty-seven complaints (received in this or previous financial years) were finalised by the ADTQ.

In the relevant period, eighty-five per cent of matters finalised at the ADTQ were resolved before the final hearing by conciliation, settlement, withdrawal or by an interlocutory hearing. Sixty-seven per cent of matters conciliated settled at the conciliation conference.

Four matters proceeded to a final public hearing.

Four complaints heard in this or previous years were finalised by a decision delivered after a final public hearing. Of these complaints:-

- a) two complaints were upheld;
- b) two complaints were dismissed

There were three decisions delivered following interlocutory hearings or hearings related to non-final orders such as production of documents, costs or quantum.

Exemptions

The ADTQ also heard and decided applications for exemptions from the operation of particular provisions of the Act. One application for exemption was received in the relevant period, and the exemption was granted in the *Exemption Application re Isaac Regional Council and Others* [2009] QADT17.

Providing opinions to the Commissioner

If the Commissioner asks the ADTQ for its opinion about how the Act applies in a specific situation, the ADTQ may provide the Commissioner with an opinion.

There were no requests for opinions received in the relevant period.

Granting interim orders

Applications to the ADTQ could be made for orders prohibiting a person from taking actions that might prejudice an investigation or conciliation of a complaint, or an order the ADTQ might make after a hearing. No applications for interim orders were received in the relevant period.

Reviewing the Commissioner's decision to lapse complaints

Under section 169 of the Act, the ADTQ may review the Commissioner's decision to lapse a complaint where the Commissioner is of the reasonable opinion that a complainant has lost interest in continuing with a complaint. No applications under this section were received in the relevant period.

Tribunal members

All ADTQ members other than President Douglas Savage SC and Andrew Philp SC chose to transition to QCAT. These members were Judith Reid, Ann Fitzpatrick, Tracy Fantin, Colin Forrest, Marjorie Pagani, Darryl Rangiah SC, Peter Roney, Robert Wensley QC and Elizabeth Wilson.

The staff of the ADT Registry acknowledged and thanked Douglas Savage SC for his work and commitment in the lead-up to the ADTQ's transition to QCAT.

Projects

QCAT Amalgamation

Throughout the five months leading to 1 December 2009, the ADTQ staff were involved in the lead-up to the amalgamation of the ADTQ into QCAT.

Tribunal decisions

Bogle v James [2009] QADT 16 (1 July 2009)

The complainant (Ms Bogle) worked at a coffee shop as a casual employee, and her work hours were structured around the availability of childcare, as she has twin boys and was a single parent.

Her complaint was one of discrimination on the basis of parental status and family responsibilities. She alleged that when she telephoned her employer (Ms James) to tell her that she was unable to attend work because her child was sick, her employment was terminated over the telephone.

The employer had a different version of events. She admitted that she was 'cranky' when she heard that Ms Bogle could not come to work, because it meant that she was unable to have the day off as planned, and that she made a comment about Ms Bogle 'letting her down again' and asked if she could work another day.

Ms James said Ms Bogle did not actually inform her that the reason for her inability to come to work was her son's illness and she denied that she terminated Ms Bogle's employment in the telephone conversation.

The tribunal preferred Ms James' version of the telephone conversation and found that because she did not know about the sick child, she could not have discriminated against the complainant 'on the basis of' her parental or family responsibilities.

Therefore the complaint was dismissed.

Exemption application re: Isaac Regional Council and Ors [2009] QADT 17 (11 September 2009)

Isaac Regional Council developed a housing program to provide 'accessible, relatively low cost' housing to workers otherwise unable to obtain housing in Moranbah in order that business and council services can operate successfully in the community.

Moranbah is a major coal mining centre in Central Queensland, where the demand for housing greatly exceeds supply, resulting in extremely high domestic rental rates. Some mine employees are provided with housing as part of their employment contract.

The Council sought an exemption in order to restrict access to the housing program. Applicants or their spouse or partners would not be considered if they:

- owned, or were in the process of purchasing a private dwelling within 90 kilometres of Moranbah or
- were provided with housing under an employment instrument.

Without an exemption in place, there would be grounds for a complaint on the ground of relationship status and no defence in the Act would apply.

Member Ann Fitzpatrick found that granting the exemption would be in the public interest, and granted the exemption for the maximum period allowed of five years.

Jaiswal v Mulheron & Denraydon Holdings Pty Ltd [2009] QADT 19 (16 November 2009)

Mr Jaiswal lodged a complaint of racial discrimination in the provision of goods and services. The complainant is Indian by birth and a follower of the Sikh religion. He is dark skinned and wears a turban. His position is the director of a business which runs an Indian restaurant, which contracted the first respondent's company to supply and install kitchen equipment.

A dispute arose about the final payment owing for work done on one hand, and allegations of defective work on the other. The first respondent (Mr Mulheron) saw his role as collecting a debt owed to his company. After an abusive phone call and visit by Mr Mulheron, the dispute was put in the hands of Mr Jaiswal's solicitor.

Mr Jaiswal said (and it was not denied by the respondent) that he was threatened and repeatedly abused in racist terms. This included being called a 'lying black cxxx'; 'fxxxxx black bastard – cxxx'; 'lying cheating black cxxx'; 'Indian cxxx'; questioning Mr Jaiswal's residency status and saying 'I am also hard to contain myself when I see that cxxx with his tea towel on his head.' A facsimile sent to the complainant's solicitor included a list of jokes about Indians, which Member Philp SC described as 'crass and disgusting'. Another facsimile stated that Mr Jaiswal is 'a piece of shit from a dirty filthy race of rat eaters.'

The Member considered whether the abuse suffered by Mr Jaiswal was 'in connection with the supply of goods and services'. In finding that it was, he said that supply of goods and services must necessarily include all aspects of the contract including its performance and the settlement of disputes arising under it, whether such settlement is by negotiation or litigation. In other words, the First Respondent's aim in 'getting his brass' must fall within the supply of goods and services as payment for those services is an integral part of any contract for such supply.

An award against both respondents of \$40 000 was made, plus a further amount of \$10 000 for interest.

The respondents were also ordered to pay the complainant's costs.

Table 11 – Types of matters ⁵

Types of matters	01/07/09-30/11/09
Complaints referred	47
Exemption application	1
Request for opinion	0
Interim application	0
Miscellaneous	5
Total	53

Table 12 – Matters finalised ⁶

Matters finalised	Dismissed	Upheld	Settled/ conciliated/ withdrawn prior to hearing	Other	Total
Complaints	2	2	23	-	27
Exemption application	0	1	0	-	1
Request for opinion	-	-	-	-	-
Interim application	-	-	-	-	-
Re-hearing after appeal	-	-	-	-	-
Miscellaneous	-	-	-	-	-
Totals	2	3	23	0	28

⁵ Complaints referred includes matters where referral was requested in the financial year

⁶ Complaints includes some matters referred in a previous financial year

Kelly v Moore and GJ & AM Moore Pty Ltd [2009] QADT 20 (17 November 2009)

The complainant was a casual worker at a caravan park of which the first respondent (Mr Moore) is a director. Soon after commencing work, it became known amongst the staff that the complainant was gay, and thereafter his sexuality was a topic of discussion in the workplace.

Mr Kelly alleged that Mr Moore frequently asked him about his sexual habits and the identity of his sexual partners, and called him a 'shirt lifter'. Mr Kelly said he resigned because of his treatment in the workplace.

The respondents contended that Mr Kelly freely discussed his sexuality and sexual practices at work.

President Douglas Savage SC found that there was banter in the workplace; that it was not friendly and was unwelcome to the complainant. He also found that on at least two occasions Mr Moore referred to the complainant as a 'shirt lifter' in a manner that Mr Kelly found offensive.

The complaint of sexuality discrimination in work succeeded. General damages of \$2000 (inclusive of interest) were awarded to the complainant. There was no award for economic loss as the President found that Mr Kelly would have not stayed in the job for long because of his inability to comply with the work systems. There was no evidence of physical or mental ill health and so no damages were awarded under this heading. The respondent offered a limited apology which the President described as 'a genuine attempt to make amends.'

There was no order for costs as all parties were self-represented.

Diggles v Heery and Australian Laboratory Services Pty Ltd [2009] QADT 22 (23 November 2009)

A complaint of impairment discrimination in the area of work was accepted by the Commissioner, even though the parties had previously entered into an agreement where the complainant received a sum of money in settlement of all future claims. Section 137 of the Act enables the Commissioner to accept a complaint from a person who has previously agreed with another not to complain, if the Commissioner believes it is fair to do so.

After referral of the complaint to the tribunal the respondents applied to have the complaint dismissed on the basis that the previous agreement was a bar to the complaint.

The tribunal held it did not have power to dismiss a complaint on the basis of the terms of the previous agreement. The Commissioner had express power to accept the complaint, and the tribunal must accept the complaint referred by the Commissioner.

Ms Diggles represented herself on the application, and there was no order as to costs.

Fraser v Mission Australia and Mikits [2009] QADT 23 (30 November 2009)

The complainant was employed as the State Marketing Manager for the respondent on a fixed term contract. She became pregnant and took maternity leave, returning to work part-time.

While Ms Fraser was on maternity leave, the Mission Australia CEO undertook an organisation-wide review of operations. Shortly after the complainant returned to work part-time, her position was abolished as part of the corporate restructure and her employment terminated. Another full-time position of lower status (Marketing Co-ordinator), with less managerial work was created. She was not considered for this position.

Ms Fraser lodged a complaint of discrimination on the grounds of parental status and family responsibilities in the area of work. She claimed that she was selected for redundancy because she was unable to work full-time, due to parental/family responsibilities and that she was not offered redeployment opportunities.

In all respects Ms Fraser's complaint failed, with Member Robert Wensley QC stating that her redundancy had 'nothing whatsoever to do with her family or parental status.'

He found that the redundancy was 'wholly and solely based on the economic and organisational needs of Mission Australia.' He also found that the second respondent, Mr Mikits made a genuine effort to find redeployment opportunities for the complainant, but there were no such opportunities.

Despite failing to prove her case, the Member found the complainant to be 'a careful, thoughtful and honest witness, very committed to her cause' but that 'some deductions made or inferences drawn by her, involved conjecture, and some of it was simply wrong as to the facts.'

There was no order as to costs.



Commissioner Susan Booth welcomed delegates to the National Conference.

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 Industrial Relations. The functions of the Anti-Discrimination Tribunal were transferred to the Queensland Civil and Administrative Tribunal from 1 December 2009.

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 Act for a term of not longer than seven years. ADCQ staff 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, Complaints Management
- Manager, Support Services.

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 satisfactory relationships and partnerships with stakeholders.

The members of the Leadership Group are:

- Anti-Discrimination Commissioner
- Deputy Commissioner
- State Director, Complaints Management
- Principal Legal Officer
- Manager, Support Services
- Manager, Community Relations
- Manager, Far North Queensland Region
- Manager, North Queensland Region
- Manager, Central Queensland Region
- Principal Conciliators
- Coordinator ATSI Unit

Commission staff

The ADCQ maintains offices in Brisbane, Cairns, Townsville and Rockhampton. At 30 June 2010, we employed 35 permanent, temporary and casual staff. This figure excludes people on leave without pay. The proportion of permanent staff decreased from 73 to 69 per cent over the last year. The permanent staff retention rate during 2009–10 was 87.8 per cent. The permanent staff separation rate was 12.2 per cent.

Shared services

The ADCQ has service level agreements with the Department of Justice and Attorney-General and the Shared Services Agency 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.

Carbon emissions

The ADCQ is committed to supporting the Queensland Government's *Toward Q2 – Tomorrow's Queensland* target to cut Queensland's greenhouse gas emissions by one-third by 2020. This commitment includes implementation of the government's climate change and other environmental strategies such as the *ClimateQ: toward a greener Queensland strategy*.

The premises in Brisbane has a 4 Star Green Star office design rating achieved through:

- energy efficient design and use of recycled material
- water harvesting and use of storm water and grey water
- proximity to major public transport systems
- energy efficient lighting and appliances.

The ADCQ's carbon footprint from 1 April 2009 to 31 March 2010 was estimated as 164 tonnes of carbon dioxide —see Appendix G.

Statutory obligations

Ethical behaviour

The ADCQ developed a *Code of Conduct* in accordance with the requirements of the *Public Sector Ethics Act 1994*. The code provides guidance on the way staff behave in the workplace, and when representing the ADCQ outside the workplace, clearly explaining the standard of conduct expected of all employees.

The code challenges staff members to understand and implement principles representing acceptable conduct for public officers. It outlines responsibilities as public officials and provides guidance when faced with ethics-related issues.

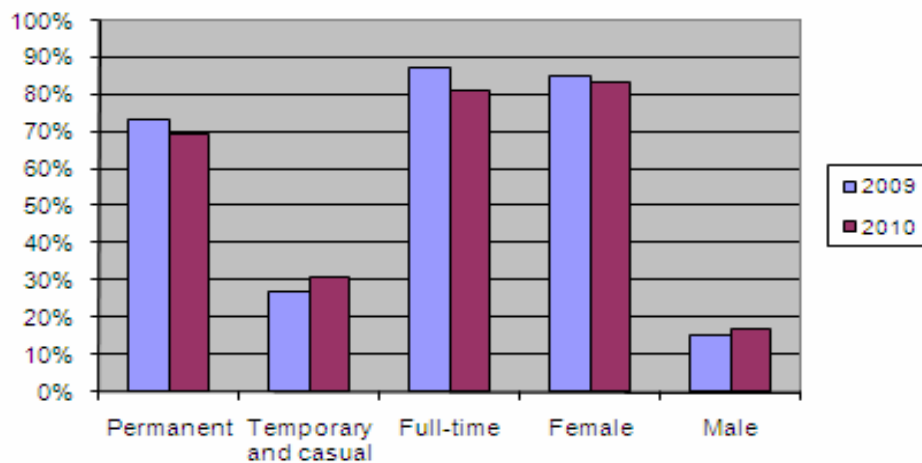
The code applies to every person employed by the ADCQ and is an official ADCQ policy. Breaches of the code may be subject to appropriate disciplinary action as outlined in the *Public Service Act 2008*.

The code is freely available to ADCQ staff on the intranet and can be accessed by the public at no cost as it forms part of our Publications Scheme under the *Right to Information Act 2009*. The code is drawn to the attention of each new employee as part of the ADCQ's induction program.

Table 13 – Staff groups

Group	Employees
Executive management	3
Legal	1
Corporate support	5
Information technology	1
Conciliation	10
Community relations	5
Regional services	10
Total	35

Graph 1-Employee profiles



Information systems and record keeping

The ADCQ recognises the significant value of its information resources to the achievement of corporate goals. Controls are implemented and monitored to safeguard the integrity, availability and confidentiality of information in order to maintain business continuity. 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*.

Whistleblower protection

No disclosures were received during the year under section 28A of the *Whistleblowers Protection Act 1994*. No disclosures were referred to the ADCQ during the year under section 28A of the *Whistleblowers Protection Act 1994*.

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.

The external audit report and certificate of our financial statements can be found on the CD-ROM 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.

Consultancies

The ADCQ did not engage any consultants during 2009–10.

Summary of financial information

Summary of financial information overview

The operating result for the ADCQ for 2009-10 was a modest surplus of approximately \$12 000 which was a sound result.

The major activities undertaken during the year include:

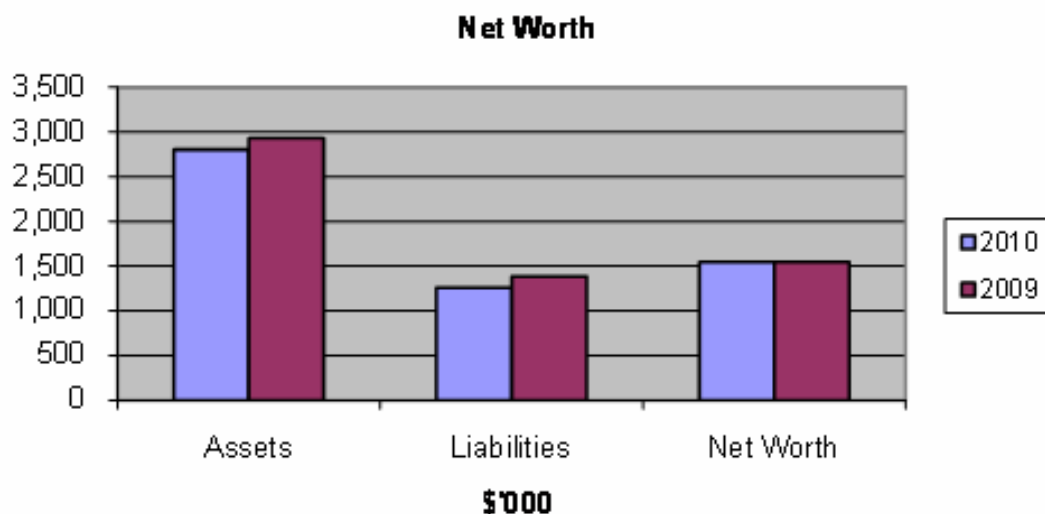
- implementing a corporate complaints, training and contact management system
- purchasing new software to allow for migration to Windows 2007 and Office 2010 during 2010-11
- transferring the functions of the Anti-Discrimination Tribunal to QCAT.

The financial effects of these major activities are provided in detail in the audited financial statements provided on disc 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 2010. This provides a measure of our equity level. ADCQ assets at 30 June 2010 were \$2.8 million and liabilities were \$1.3 million, resulting in a total equity of \$1.5 million. In this financial year, cash assets decreased by \$0.3 million due to investment in intangible assets. Liabilities decreased by \$0.1 million. These changes reflect the investment in corporate systems and the reduction in the lease incentive liability relating to the new office accommodation. The ADCQ's financial position remains strong.

Graph 2-Net worth



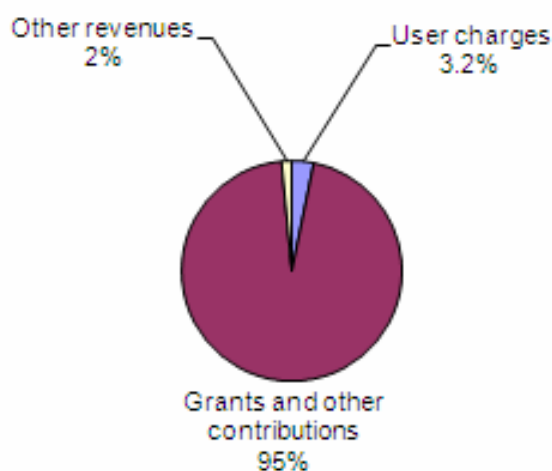
Financial performance

The Income Statement shows the total income for 2009–10 as \$4.9 million and expenditure as \$4.9 million. The ADCQ finished the year with an operating surplus of a little over \$12000.

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, the provision of training on a fee-for-service basis and the sale of publications. The investment climate strengthened over the year due to improvements in global financial conditions.

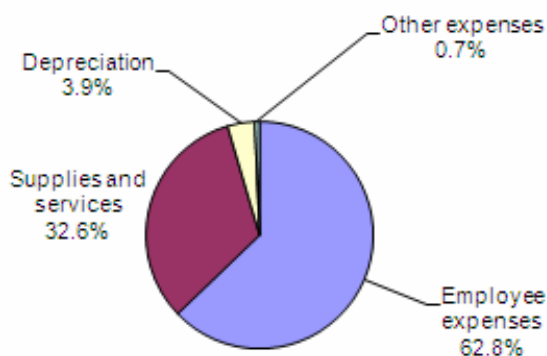
Graph 3—Source of funds 2009–10



Expenses

Total operating expenses for 2009–10 were \$4.9 million, a decrease of \$0.5 million over 2008–09. This decrease mainly relates to completion of the relocation of the Brisbane office to Albert Street and transfer of the functions of the Anti-Discrimination Tribunal to QCAT from 1 December 2009. 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 33 per cent. Depreciation costs have increased from last financial year as a result of the significant investment in non-current assets during the past two financial years.

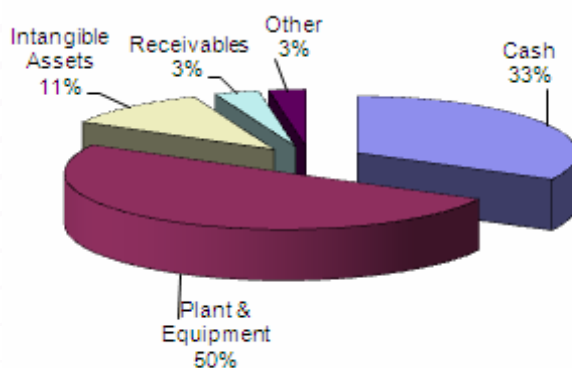
Graph 4—Application of funds



Assets

Total assets did not change materially over the course of the financial year and are valued at \$2.8 million at 30 June 2010. The increase in intangible assets of \$0.3 million is due to the implementation of the corporate complaints, training and contact management system. Current assets are valued at \$1.1 million and are available to meet current liabilities which are valued at \$0.5 million – the ADCQ remains well positioned to meet all its obligations as they fall due.

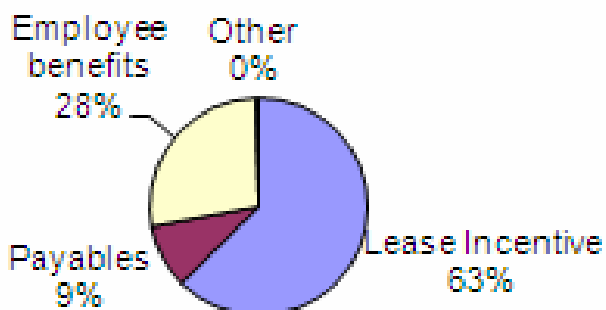
Graph 5–Asset portfolio



Liabilities

Total liabilities at 30 June 2010 were about \$1.3 million. The largest single liability is \$0.8 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



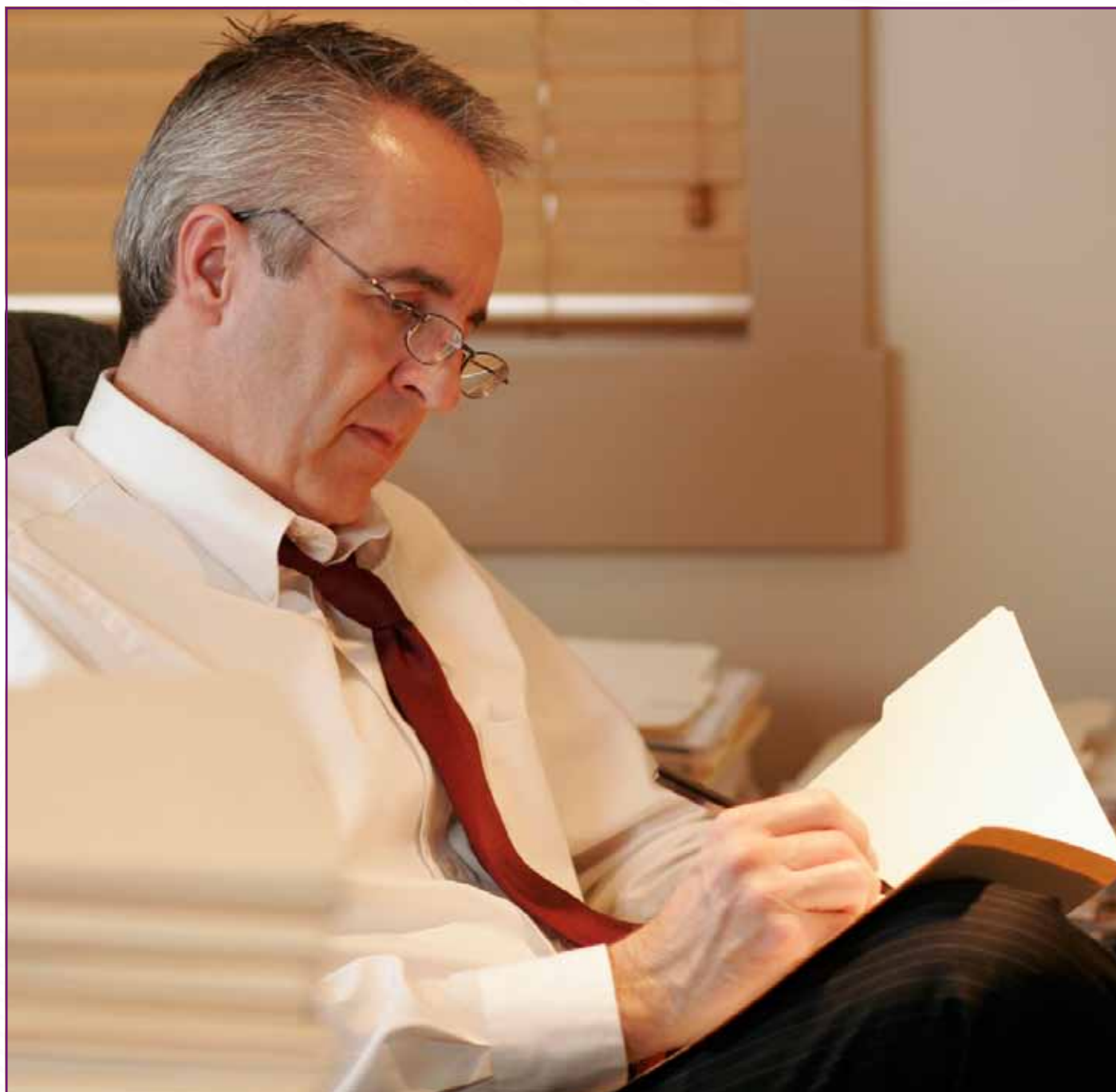
Financial statements

Certification of financial statements

The Certification of financial statements is on the disc that accompanies printed copies of the annual report or can be viewed at www.adcq.qld.gov.au.

Independent auditor's report

The independent auditor's report is on the disc that accompanies printed copies of the annual report or can be viewed at www.adcq.qld.gov.au.



Appendix A–Glossary of terms

Term	Description
the Act	<i>the Anti-Discrimination Act 1991 (Qld)</i>
Actuarial data	Data relating to the statistical calculation of risk or life expectancy
ADCQ	Anti-Discrimination Commission Queensland
ADTQ	Anti-Discrimination Tribunal Queensland (Note: from 1 December 2009, the functions of the ADTQ will be transferred to the Qld Civil and Administrative Tribunal)
The code	The ADCQ Code of Conduct (http://www.adcq.qld.gov.au/Right_to_Info/Published_info_Policies.html)
Complaint	Means a complaint made under the Act. A complaint must: <ul style="list-style-type: none"> • 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 1 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 Anti-Discrimination Tribunal Queensland for a public hearing to decide whether there has been a breach of the <i>Anti-Discrimination Act 1991</i> .
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 for 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.
Green Star rating	Green Star is a national, voluntary environmental rating system that evaluates the environmental design and construction of buildings. The Green Building Council of Australia makes a formal assessment of a building which results in Certification. The building must comply with certain criteria to achieve a Green Star rating. http://www.gbca.org.au/
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.
Interlocutory hearing	Proceedings during the course of, and incidental to the formal hearing, relating to the process of the hearing as opposed to the substance of the matter
Leadership Group	The Leadership Group is one of the key strategic advisory bodies for 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.
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

FA *Financial Accountability Act 2009*

FPMS *Financial and Performance Management Standard 2009*

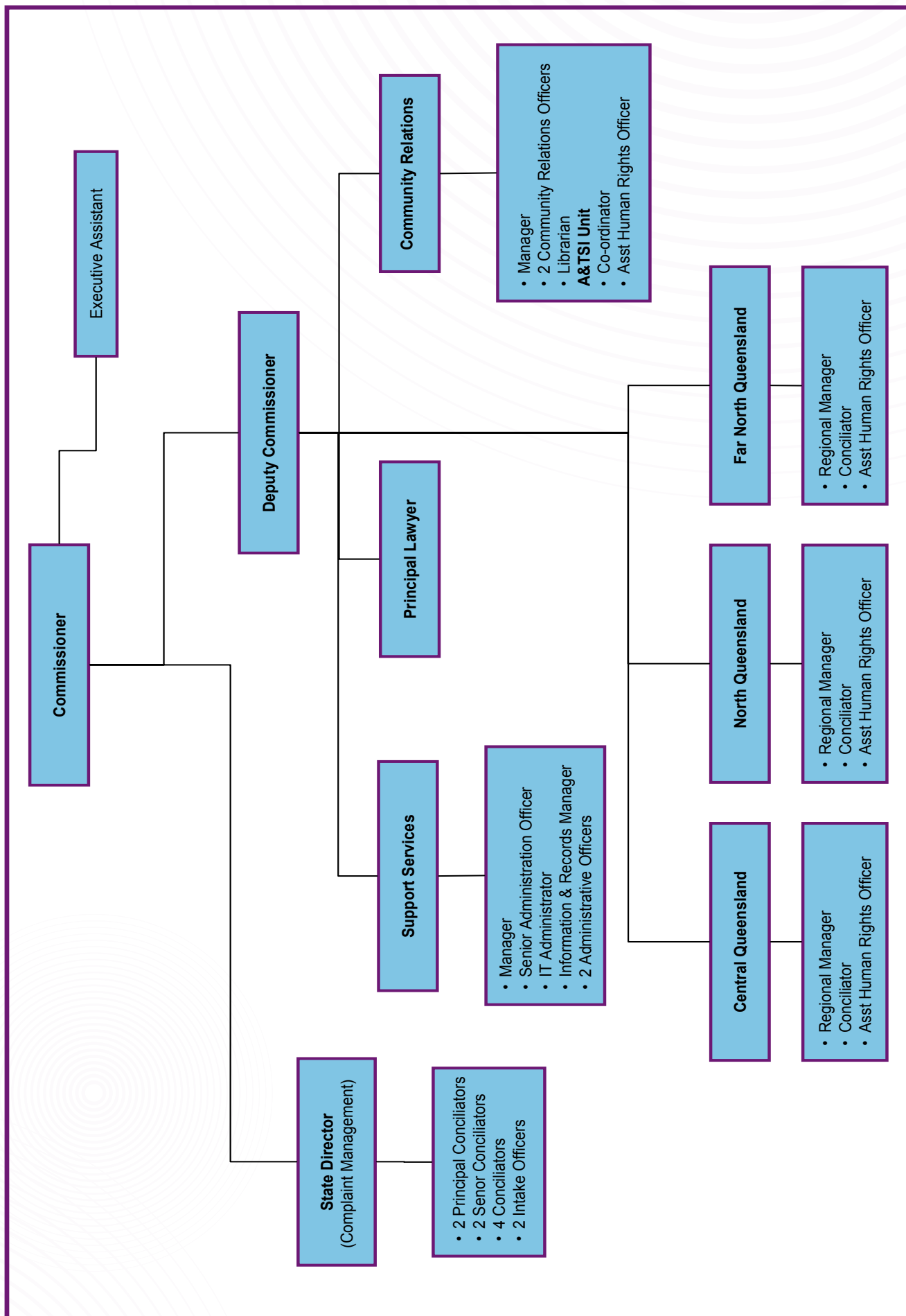
ARRs *Annual Report Requirements for Queensland Government Agencies*

Summary of Requirement		Basis for Requirement	Annual Report Reference
Accessibility	Table of contents	ARRs – section 8.1	Page 2
	Glossary		Appendix A
	Public Availability	ARRs – section 8.2	Inside front cover
	Interpreter service statement	Queensland Government Language Services Policy	Inside front cover
	Copyright Notice	Copyright Act 1968	Inside front cover
Letter of Compliance	A letter of compliance from the accountable officer or statutory body to the relevant Minister(s)	ARRs – section 9	1
Introductory Information	Agency role and main functions	ARRs – section 10.3	3.1,3.2
	Operating environment		
	External scrutiny	ARRs – section 10.3	2
	Machinery of Government changes	ARRs – section 10.3	8.9
Review of proposed forward operations	ARRs – section 10.3	N/A	
Non-Financial Performance	Government objectives for the community	ARRs – section 11.2	3.3
	Agency objectives and performance indicators	ARRs – section 11.5	3.1, 3.2, 3.3
	Agency outputs and output performance measures	ARRs – section 11.6	4.1, 5.1, 6.1, 7.1, 8.1
Financial Performance	Summary of financial performance	ARRs – section 12.1	9.1
	Disclosure of budget v actual results	ARRs – section 12.2	Optional
	Chief Finance Officer (CFO) Statement	ARRs – section 12.3	10.1 and on disc
Governance – Management and Structure	Organisational structure	ARRs – section 13.1	Appendix C
	Executive management	ARRs – section 13.2	8.2
	Related entities	ARRs – section 13.3	N/A
	Schedule of statutory authorities or instrumentalities	ARRs – section 13.4	N/A
	Boards and committees	ARRs – section 13.5	N/A
	Public Sector Ethics Act 1994 - implementation statement giving details of the action taken during the reporting period	Public Sector Ethics Act 1994 (section 23 and Schedule)	8.6
	Whistleblowers Protection Act 1994 - public interest disclosures received	Whistleblowers Protection Act 1994 (sections 30 – 31 and Schedule)	8.8

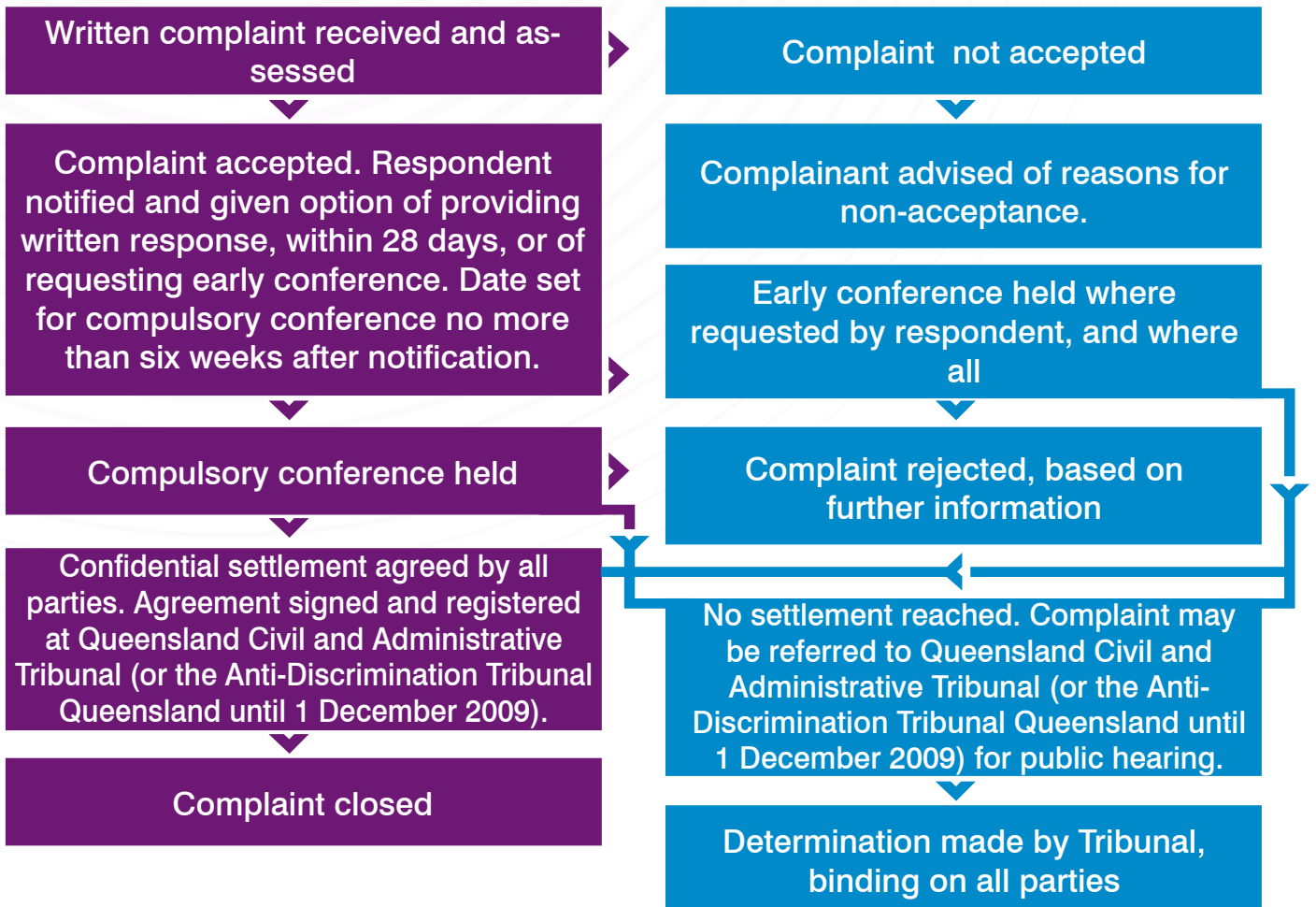
Summary of Requirement		Basis for Requirement	Annual Report Reference
Governance – Risk Management and Accountability	Risk management	ARRs – section 14.1	8.10
	Audit committee	ARRs –section 14.2	8.9
	Internal Audit	ARRs – section 14.3	8.9
Governance – Human Resources	Workforce planning, attraction and retention	ARRs – section 15.1	8.3
	Early Retirement, Redundancy and Retrenchment	Directive No.17/09 Early Retirement, Redundancy and Retrenchment	N/A
	Initiatives for Women	ARRs – section 15.1 and 15.3	8.3 Graph 1
Governance - Operations	Consultancies	ARRs – section 16.1	8.11
	Overseas travel	ARRs – section 16.2	N/A
	Information systems and recordkeeping	Public Records Act 2002	8.7
	Waste management	Environmental Protection (Waste Management) Policy 2000, Environmental Protection Act 1994	N/A
Other Prescribed Requirements	Indigenous matters (Queensland Government Reconciliation Action Plan 2009-2012)	Queensland Government Reconciliation Action Plan 2009-2012	5.3
	Shared Services	ARRs – section 17.1	8.4
	Carbon Emissions	Premier’s Statement	8.5
Optional Information that may be Reported	Corrections to previous annual reports	ARRs – section 18.2	Optional
	Right to Information	Right to Information Act 1992	Optional
	Information Privacy	Information Privacy Act 2009	Optional
	Native Title	N/A	Optional
Financial Statements	Annual general purpose financial statements	Financial Reporting Requirements for Queensland Government Agencies	On disc
	Certification of financial statements	FA Act – section 62 FP<S – sections 42, 43 and 50	10.1 and on disc
	Independent Auditors Report	FA Act – section 62 FPMS – section 50	10.2 and on disc
	Remuneration disclosures	Financial Reporting Requirements for Queensland Government Agencies	On disc

Appendix C—Organisational chart

ADCQ Organisational Chart as at 1 December 2009

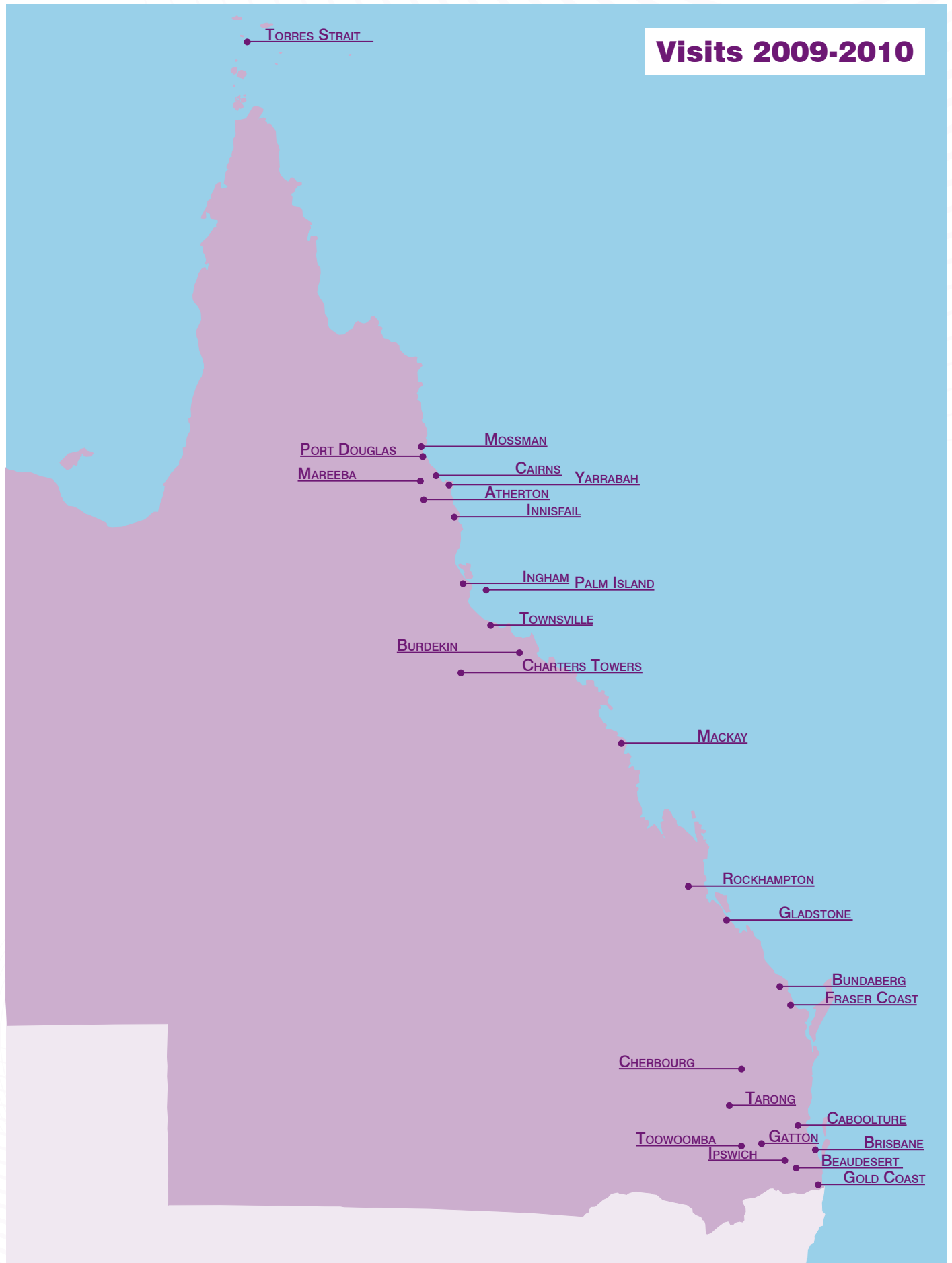


Appendix D—Complaints handling process



Appendix E-Map of areas visited in 2009-10

Visits 2009-2010



Appendix F—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 commissions 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

Information guides - available as web download from 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?'
- Pregnancy discrimination – Stella tightrope walker
- Impairment discrimination – statues
- General – 'Fair treatment – the way to go!'
- Universal Declaration of Human Rights (easy reference guide)

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

Video/DVD

- 'Fair go' – guide to the legislation
- 'Working it through': guide to conciliation

Appendix G—Carbon emissions explanatory notes

The ADCQ is committed to supporting the Queensland Government's *Toward Q2 – Tomorrow's Queensland* target to cut Queenslanders' greenhouse gas emissions by one third by 2020. This commitment includes implementation of the Government's environmental and climate change strategies, such as the *ClimateQ: toward a greener Queensland strategy*.

Six gases have been identified under the Kyoto Protocol as the main greenhouse gas emissions that need to be reduced. The gases are carbon dioxide, hydrofluorocarbons, methane, nitrous oxides, perfluorocarbons and sulphur hexafluoride. As part of standard emission measurement practices these gases are mainly reported as carbon dioxide equivalent emissions (CO₂-e).

The Queensland Government has established minimum greenhouse gas emissions reporting requirements for agencies covering their main greenhouse gas emitting business activities, namely those linked to (i) vehicle use, (ii) electricity consumption and (iii) air travel. These activities are sources of both direct and indirect greenhouse gas emissions.

It should be noted that comprehensive reporting of greenhouse gas emissions by agencies is sometimes limited due to the complexity of their operational boundaries within the public sector, especially in situations where internal government shared services providers are used.

While the best available data has been used, in some instances estimates have had to be reported due to the limitation of data collection processes or systems. For example, in those government-owned office buildings where there are multiple government agency tenants and the electricity usage cannot be solely attributed to any one particular agency, the electricity usage by the tenanted agencies may be proportioned based on the floor area they occupy.

Importantly, any attempted comparison of emission levels with those of previous periods must first ensure that all the relevant parameters are exactly the same and have not been affected by changes such as: differences in the configuration and make-up of the department's building portfolio; changes to building functionality and/or occupancy levels; or changes to the emissions conversion factors used (which can vary each year as published in the Australian Government's *National Greenhouse Accounts Factors Workbook*).

The following table outlines the emissions relating to the ADCQ.

Activity	Greenhouse gas emissions (tonnes of CO ₂)	Less emission offsets (tonnes of CO ₂)	NET greenhouse gas emissions (tonnes of CO ₂)	Explanatory notes
Vehicle usage				
• QFleet leased vehicles	3.7	-	3.7	1
• Department-owned vehicles	-	-	-	
• Hired vehicles	8.4	-	8.4	2
Electricity consumption				
• Purchased directly from an electricity retailer	145.0	-	145.0	3
• Sourced through a third party	-	-	-	4
Air travel				
• Domestic air travel on commercial airlines	6.5	-	6.5	5
• International air travel on commercial airlines	-	-	-	5

1. The emissions figure has been aggregated using *National Greenhouse Emissions Reporting (NGER) guidelines* and represents emissions for four primary fuel types: unleaded petrol, diesel, liquefied petroleum gas (LPG) and E10. Emissions shown are estimates based on actual kilometres travelled and available fuel consumption records. The emission offsets figure relates to purchased national Greenhouse Friendly™ certified carbon offsets for vehicles that did not comply with the minimum Greenhouse Vehicle Guide (GVG) ratings.

2. The hire car vehicle emissions attributable to Avis Australia vehicles booked under the Standing Offer Arrangement managed by the Queensland Government Chief Procurement Office have been calculated by Avis Australia. The emission offsets figure relates to purchased national Greenhouse Friendly™ certified carbon offsets.

3. This emissions figure is based on available building-related electricity consumption records for the period 1 April 2009 to 31 March 2010. For these records the emissions reported are limited to those linked to electricity purchased directly from an energy retailer for this department's own buildings and any space it leases. Incomplete electricity consumption records have been extrapolated where necessary. The electricity consumption has then been converted to carbon emissions using the combined Scope 2 and Scope 3 conversion factor of 1.01 kg CO₂-e/kWh as published in the Australian Government's *National Greenhouse Accounts Factors Workbook* (June 2009).

The emission offsets figure includes GreenPower accredited renewable energy procured through Ecofund by the Department of Public Works on behalf of each department. The process involved the centralised bulk purchase of Queensland-based GreenPower Renewable Energy Certificates (RECs), and subsequently surrendering them to the Australian Government's Office of the Renewable Energy Regulator.

4. This emissions figure is based on emissions associated with electricity use in leased spaces where the electricity is not directly purchased by the tenant department from an energy retailer eg. where the electricity costs form part of lease charges.

This figure includes estimated consumption (where specific details aren't available) and actual electricity records received from government and private sector landlords. Incomplete electricity consumption records have been apportioned and/or extrapolated where necessary. For example, in those major government office buildings owned by the Department of Public Works and do not have separate electricity sub-metering for tenants, the electricity consumption and associated emissions have been apportioned 45% to the landlord, and 55% to the tenants – in line with industry practice and historical benchmarking.

The emission offsets figure includes GreenPower accredited renewable energy procured through Ecofund by the Department of Public Works on behalf of each department.

5. Air travel includes all flights recorded by the Queensland Government Chief Procurement Office (QGCPPO) during the period 1 April 2009 to 31 March 2010, specifically:

- international air travel on commercial airlines; and
- domestic air travel on commercial airlines.

For all air travel the following methodology is used. QGCPPO calculates the kilometres flown from data provided. The kilometre figure is divided by 100 and multiplied by an industry average number of litres of fuel burnt per passenger per 100 kms. A factor of 5 has been used for all air travel (sourced from the International Civil Aviation Organisation). The use of this method gives the average litres of fuel burnt for a flight, per passenger. This figure is subsequently converted from litres into kilograms and then from kilograms into tonnes, before being multiplied by 3.157 (which represents the amount of CO₂ tonnes produced by burning one tonne of aviation fuel sourced from the International Civil Aviation Organisation).

The emission offsets figure for air travel relates to purchased national Greenhouse Friendly™ certified carbon offsets.

Appendix H - Raising awareness about the Carers Charter

Introduction

- The Carers (Recognition) Act 2008 (Carers Act) recognises and supports the role of carers and requires public authorities to report on how they have implemented the Carers Act, including the Carers Charter.
- Apart from the legislative requirements in the Carers Act, recognising and supporting carers makes good business sense, contributes to a good public image for the organisation and contributes to improving the lives of carers, which helps everyone in the community.
- The following information highlights the services and activities that have enabled the ADCQ to comply with the Carers Act for the period 1 July 2009 – 30 June 2010.

Raising awareness about the Carers Charter

Requirements in the Carers (Recognition) Act 2008

Section 9(1)(a) – *A public authority must ensure the authority and its officers and employees have an awareness and understanding of the carers charter.*

Outline strategies and activities that were undertaken to raise staff awareness and understanding of the Carers Charter.

Information about discrimination on the basis of family responsibilities is included in mandatory training for all new staff of the Commission. Family responsibilities is widely defined to include the responsibility to care for and support parents, grandparent's, children, grandchildren, siblings and spouse.

Reflecting the principles of the Carers Charter

Requirements in the Carers (Recognition) Act 2008

Section 9(1)(b) – *A public authority must ensure the authority and its officers and employees take action to reflect the principles of the charter in providing services of the authority which affect carers and the persons they care for*

Outline services and activities that reflect the principles of the Carers Charter

Carers Charter principles	Departmental services and/or activities in 2009-10
1 - The State recognises the effort and dedication of carers in our community and that carers provide a vital service.	The role of carer as representative, agent or authorised person is recognised in the Anti-Discrimination Act 1991 administered by the Commission. Discrimination against a person because of their family responsibilities is prohibited under the Anti-Discrimination Act 1991.
2 - Carers deserve the respect of our community and should be supported within their community by all levels of government, institutions and organisations.	The Commission's policies and procedures respect carers by including them and the people they care for in the complaint resolution services and processes.

Outline services and activities that reflect the principles of the Carers Charter

Carers Charter principles	Departmental services and/or activities in 2009-10
3 - The views and needs of carers must be taken into account together with the views, needs and best interests of the people they care for when making policy decisions.	The Commission's policies and procedures respect carers by including them and the people they care for in the complaint resolution services and processes.
4 - The importance of carers' work means the role of carers should be recognised by including carers, or their representative bodies, in the assessment, planning, delivery and review of services affecting carers.	Representatives of carers are invited to advisory committee meetings at the Commission to provide feedback on the needs of carers with respect to the Commission's services. Commission staff liaise with range of community groups which provide support and representation for carers and those they care for.
5 - Complaints made by carers in relation to services that impact on them must be given careful consideration.	Complaints policies and procedures able to be accessed by carers. Complaints received are actioned appropriately.
6 - Carers should be recognised (a) for their unique knowledge and experience; and as individuals with their own needs.	HR policies provide flexible work arrangements to assist carers meet commitments eg. flexible working hours, part time work arrangements and carer's sick leave.
7 - The relationship between a carer and the person they care for should be respected and honoured.	Policies and procedures enable care recipients to identify their carer to the Commission and to access services with their carer as support person, advocate or agent.
8 - Children and young people who are carers should be specifically supported by all of our community.	Policies and procedures enable care recipients to identify their carer to the Commission and to access services with their carer as support person, advocate or agent.
9 - The caring responsibilities of children and young people should be minimised.	Not applicable to the services of the Commission.
10 - Carers need access to a wide range of responsive and affordable services to support them and their decision making in their role as a carer.	Information and services are available in a range of format that can be easily accessed by carers and the people they care for.
11 - Remote and rurally based carers face additional difficulties caused by isolation.	The Commission has offices in Brisbane, Rockhampton, Townsville and Cairns which provide information and services across Queensland in a range of formats that can be easily accessed by carers and the people they care for.

Involving carers in strategic policy and planning decisions

Requirements in the Carers (Recognition) Act 2008

Section 9(2) – A public authority must consult with the representative bodies that the authority is satisfied represent the carers affected when making strategic policy or planning decisions relevant to carers and the persons they care for.

- 1. How have carers and/or representative bodies been consulted in relevant strategic policy or planning decisions relevant to carers and the persons they care for? (for example consultation processes, extracts of policies and relevant initiatives with carers)**

Feedback from advisory committees which include carers and representatives of carers and the people they care for is taken into account in strategic policy and planning decisions





Anti-Discrimination Commission Queensland

ADCQ South East Region (Head Office)

Level 17, 53 Albert Street, Brisbane

PO Box 15565, City East Qld 4002

telephone: 1300 130 670

tty: 1300 130 680

fax: +61 7 3247 0960

ADCQ Central Region

Level 1, James Larcombe Place,

209 Bolsover Street, Rockhampton

PO Box 1390, Rockhampton Qld 4700

telephone: +61 7 4938 4466

fax: +61 7 4938 4459

ADCQ Northern Region

Level 2, St James Place, 155–157

Denham Street, Townsville Qld 4810

telephone: +61 7 4799 7020

fax: +61 7 4799 7021

ADCQ Far Northern Region

McLeod Chambers, 78 Spence Street, Cairns

PO Box 4699, Cairns Qld 4870

telephone: +61 7 4039 8600

fax: +61 7 4039 8609

email: info@adcq.qld.gov.au

web: www.adcq.qld.gov.au