

# LETTER OF TRANSMISSION



30th October 2002

The Honourable Rod Welford MP  
Attorney-General and Minister for Justice  
GPO Box 149  
BRISBANE QLD 4000

Dear Attorney-General

It is my pleasure to submit to you for presentation to Parliament the Annual Report for the Anti-Discrimination Commission Queensland for the year ended 30 June 2002.

Yours sincerely

A handwritten signature in dark blue ink, reading 'Susan Booth'.

**SUSAN BOOTH**  
Acting Anti-Discrimination Commissioner  
Queensland

Anti-Discrimination Commission Queensland  
Level 1, RAMS House, 189 Coronation Drive, Milton, Qld 4064.  
Telephone: 1300 130 670 (Statewide) Facsimile: (07) 3247 0960  
Teletypewriter: 1300 130 680 (Statewide)  
Website: <http://www.adcq.qld.gov.au> e-mail: [info@adcq.qld.gov.au](mailto:info@adcq.qld.gov.au)

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# ADCO ANNUAL REPORT

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## 'Upholding and Advancing Human Rights'

### *Our Vision*

A discrimination-free society that embraces individual and cultural diversity and equal opportunity for all.

### *Our Mission*

To promote, uphold and enforce human rights throughout Queensland.

### *Our Services*

- ▶ *Complaint handling and conciliation*
- ▶ *General enquiry and referral service*
- ▶ *Policy advice and development*
- ▶ *Community education and training*
- ▶ *Human rights investigations and legislative review*
- ▶ *Administrative support to the Anti-Discrimination Tribunal.*

## SNAP SHOT

### Highlights 2001-2002

- *We delivered a record 271 training and information sessions this year. 190 sessions were delivered in South-East Queensland.*
- *We published and launched a series of four information guides which are directed towards the four main respondent groups, and focus on dealing with discrimination issues.*
- *We developed a new strategic plan, to take us through until 2006.*
- *We managed a complaint workload of 2018 matters, and closed 80% of files within a six month period.*
- *We dealt with more than 7000 enquiries with an average time per call of between 15-20 minutes.*
- *We recorded an average 58,627 hits on the website each month*
- *We redeveloped our website to make it fully accessible.*
- *We provided 205 policy advices, an increase of 8.5% on last year's figures*

## OUR GOALS

### Leadership in human rights

- *To be acknowledged as providing respected, independent and fearless leadership in human rights within the Queensland community, including leadership in promoting positive community relations and reconciliation.*

### Community education

- *To promote a discrimination-free society, through provision of accessible/ inclusive/creative educational activities.*

### Legislative enforcement and reform

- *To achieve community recognition and acceptance that the Anti-Discrimination Commission Queensland is a law enforcement agency, in the business of upholding human rights.*

### Resource Management

- *To provide Queensland with high quality, accessible, equitable and innovative anti-discrimination services through the efficient and effective management of Commission resources.*

### Valuing staff

- *To develop a model workplace environment and culture which encourages diversity and innovative work practices and delivers safe and rewarding workplace conditions.*

## AT A GLANCE

### History

The Anti-Discrimination Commission Queensland was established on 10 December 1996 after the expiry of a five year Commonwealth/State agreement. During this time the Commonwealth/State Human Rights and Equal Opportunity Commission administered the Queensland *Anti-Discrimination Act 1991* on behalf of Queensland.

### What we do

The Anti-Discrimination Commission Queensland is an independent statutory body which administers the Queensland *Anti-Discrimination Act 1991*. The Commission conducts education activities and research projects, provides advice about anti-discrimination law and speaks as an independent voice on human rights issues.

The Commission is also the first point of call for lodging complaints of discrimination. The section entitled 'Legislative Enforcement and Reform' sets out more fully what types of unfair treatment amount to 'discrimination'. Discrimination, vilification and sexual harassment complaints which are unable to be resolved may be referred to the Anti-Discrimination Tribunal for hearing and determination.

### Our Budget

Our annual grant for this year was \$3.2 million.

### Our people and where we are

We have a staff of 34 people in Brisbane, Rockhampton, Townsville and Cairns. All our office locations are listed in Appendix 1 and a full Commission structure is at Appendix 3.

### What we value

- *Providing our clients with services that are accessible, timely, of a high quality and culturally appropriate. Fairness, justice and impartiality are hallmarks of our services.*
- *The independence of the Anti-Discrimination Commission Queensland and the Anti-Discrimination Tribunal Queensland from all other organisations including each other.*
- *A workplace culture which encourages diversity and innovative work practices and delivers safe, equitable and rewarding workplace conditions.*
- *The rule of law.*

I'd like to acknowledge the work of Karen Walters who was Commissioner from September 1996 to September 2002. Karen has been a strong advocate for human rights in Queensland. She educated and explained discrimination laws to the people of Queensland for the last six years. This year Karen oversaw the development of the new strategic plan which continues the Commission's focus on promotion of human rights through education and training. The delivery of 271 training sessions is a record for the Commission. It seems the demand for information and training has not yet plateaued.

Another highlight was the joint launch by Karen Walters and the Attorney-General and Minister for Justice, the Honourable Rod Welford, of a set of four guides for respondents. These guides are about preventing discrimination. It's always better for everyone, both employees and the business, that non discriminatory practices are implemented and that discriminatory practices are outlawed before they even occur.

This is the first full year of the operation of the racial and religious vilification laws. The obvious benefit for Queensland was that in the aftermath of the September 11 terrorist attack, Queenslanders had vilification laws to protect our citizens from discrimination and vilification on the basis of race or religion. Of course, it did not stop incidents of discrimination and vilification, culminating in the cowardly bombing of a Brisbane Mosque. Like other states, there were significant numbers of enquiries and reports of potential vilification after September 11, but ultimately few complaints were lodged. This is certainly something that has influenced our desire to reach out more to communities which may be subject to acts of vilification, to ensure that they understand how the laws protect all people from discrimination and vilification. Of course, racial and religious vilification laws have a two-fold effect; while they allow individuals to bring complaints, just as importantly they promote a message to potential vilifiers that as a community, vilification is unlawful and will not be tolerated.

In the year to come we will be focusing on taking the message of a tolerant and inclusive society where rights are protected by the *Anti-Discrimination Act 1991* to communities that we have not reached in previous years.

This year we rebuilt our website. Earlier on we realised that cosmetic changes were not acceptable and that we needed to rebuild the website as an information site ensuring equitable access to the highest possible standard. This project represents ongoing commitment to service and information delivery via the Internet. The next stage of implementation will include new material for identified areas such as Aboriginal and Torres Strait Island people, youth and racial and religious vilification information. Ultimately our plans will address the needs of each stake holder group.

Finally, I want to thank the staff for their on-going commitment to the challenge of working in a human rights environment and to encourage them to maintain their passion and good work over the year ahead.

**Susan Booth**  
**Acting Anti-Discrimination Commissioner**



*Anti-Discrimination Commission office, Brisbane.*

***To be acknowledged as providing respected, independent and fearless leadership in human rights within the Queensland community, including leadership in promoting positive community relations and reconciliation***

Like many agencies, but particularly for a human rights agency, this year's greatest challenge was promoting positive community relations in the aftermath of the events of September 11. We sought, along with government and community leaders, to take a leadership role.

The delivery of a record number of training sessions was matched by a demand for speeches and talks about how to build a community free from racial and religious vilification. We also considered it more necessary than ever that leadership was not just about big forums and talks but also about developing connections with ordinary Queenslanders.

As part of developing stronger connections with Queenslanders, we sought to increase our profile regionally. Staff in our regional offices, with their local knowledge and strong relationships with the local community, inform the Commission's leadership in human rights in a practical way that can never be done from Brisbane. While there is a significant cost in maintaining a regional presence (about one-third of the total budget of the Commission) it delivers a State-wide contribution to the work of the Commission. This year, that contribution included specific training about discrimination in accommodation issues for Australian South Sea Islander people; working with unions; providing training to employment agencies about non-discriminatory practices and promotion of the new racial and religious vilification laws.

## **Our Strategic Leadership Goals**

We consider our leadership is demonstrated by:

- Providing authoritative and expert advice on the application of the law to the public, private and community sectors thus working proactively to prevent discrimination and sexual harassment from occurring.
- Making submissions to reviews and legislative proposals to ensure human rights issues are considered in the shaping of public policy.
- Participating in committees with a view to influencing policy development and facilitating systemic change.
- Using the media as a means to inform public debate on human rights issues.

- Conducting research or action projects either alone or in co-operation with partners, to expand the body of knowledge on human rights issues and raise community awareness. Joint projects maximise the effective use of resources and strengthen relationships with our partner agencies.

## **What targets were set for 2001-2002**

- Participate fully in the Workplace Bullying Taskforce by attending meetings and public forums and providing a written submission to the taskforce.
- Take a leading role in explaining the racial and religious vilification laws in Queensland.
- Strengthen relationships with Indigenous and ethnic communities by developing personal and professional contacts and trust between the Commission and the communities.
- Re-build the website to ensure accessibility of the highest standard.

***Participate fully in the Workplace Bullying Taskforce by attending meetings and public forums and providing a written submission to the taskforce***

We were pleased to have been invited to be a member of the Workplace Bullying Taskforce, the first such taskforce in the world. The Taskforce met regularly to discuss issues and we participated in several country forums. There is no doubt about the extent of the problem or its damaging effect on the workplace. The challenge for the Taskforce was to put forward proposals that clearly address workplace bullying and do not hinder reasonable management prerogatives.

Another issue of particular importance to the Commission, and one which we argued strongly



in our submission, was whether the management of workplace bullying complaints should be undertaken by the Anti-Discrimination Commission Queensland. In our submission we argued that workplace bullying was essentially a workplace health and safety and an industrial issue. Its occurrence signified an unsafe work environment and we recommended that workplace health and safety standards should describe a reasonable approach where bullying allegations are made and further that the industrial relations legislation be amended to include a process for resolving complaints of bullying.

This approach was supported by a significant number of unions and employer associations, although some organisations did prefer that bullying complaints be dealt with by the Anti-Discrimination Commission Queensland. The approach suggested by the Commission was ultimately recommended in the Taskforce Report.

The Anti-Discrimination Commission Queensland will continue to monitor the number of calls and it has agreed to provide information about these calls to the Implementation Taskforce over the year ahead.

#### ***Take a leading role in explaining the racial and religious vilification laws in Queensland***

Despite limited funds for promotion of the new racial and religious vilification laws we spoke at numerous sessions (see our strategic community education goals for further details).

Although some limited promotion of the new laws was done prior to September 11, it seemed ineffective for the wave of vilification that occurred in the immediate aftermath of September 11. Fortunately, this initial wave of vilification does appear to have settled over the year. It must therefore again be a priority to explain the existence of the vilification laws to the people of Queensland.

#### ***Strengthen relationships with Indigenous and ethnic communities by developing personal and professional contacts and trust between the Commission and the communities***

We continued our earlier work with Indigenous communities. This year, in particular, the Far North Queensland and Central regions have prioritised community relations work with the Indigenous community.

In the aftermath of September 11, the Commission also sought to strengthen its ties with ethnic communities. We have continued grassroots consultation and have developed relationships with the Islamic Council of Queensland, the Islamic Women's Council, and peak state bodies including the Ethnic Communities Council. As well as community engagement, we have sought partnerships with Multicultural Affairs and the

Multicultural Development Association to increase the effectiveness of community relations.

#### ***Re-build the website to ensure accessibility of the highest standard***

The new website demonstrates an ongoing commitment to quality, dedication and excellence, and provision of improved services.

Stated simply, the site employs current best practice in universal web design.

It complies with the accessibility guidelines of the Web Accessibility Initiative of the World Wide Web Consortium (W3C). Its design is largely informed by two accessibility principles-

- 1 **Making Content Understandable and Navigable:** This includes not only making the language clear and simple, but also providing understandable mechanisms for navigating within and between pages. Providing navigation tools and orientation information in pages maximises accessibility and useability, as not all users can make use of visual clues such as image maps, proportional scroll bars, side-by-side frames or graphics that guide sighted users of graphical desktop browsers.
- 2 **Ensuring Graceful Transformation:** We have sought to create pages which "transform gracefully". This means that pages remain accessible despite constraints such as physical, sensory and cognitive disabilities and technological barriers.

The guidelines are divided by priority. Priority 1 items address the major issues of web accessibility, while priority 2 and 3 items further improve accessibility. The ADCQ website meets all priority 1 to 3 items and can therefore display the Triple A conformance logo. (See also Website in Community Relations)

A survey of commonly used government websites has revealed that very few have achieved the distinction of claiming a Triple A compliance.

#### **For the Future 2002-2003**

- Continue to monitor workplace bullying complaints, including providing statistics to the Workplace Bullying Implementation Taskforce to monitor trends in this area.
- Continue anti-racism strategies to ensure on-the-ground racism and vilification complaints increase.
- Publish a brochure to assist unions to understand anti-discrimination laws in the workplace context
- Take a leadership role within Queensland government agencies to try to increase accessibility for all Queensland government department websites.

# COMMUNITY RELATIONS

2001-02

*To promote a discrimination-free society, through the provision of accessible, inclusive, creative educational activities.*

## Overview:

The community relations function is a vital one in the Commission. It's clear we need to continue to take a broad perspective of our role – while complaint-handling might fulfil the obligation of the letter of the law, community relations needs to ensure the message about the spirit and intention of the legislation gets out to all Queenslanders.

Community relations work in the Commission comprises a wide range of activities, from organising training sessions, to producing publications, from conducting outreach programs to responding to requests for policy advice, from project work to providing support for regional services. The five member team, consisting of a

manager, community relations officer, senior administration officer, Indigenous liaison officer and librarian, takes a broad view of 'educational activities' and strives to deliver on the non-complaint work of the Commission.

## Our Strategic Community Education Goals

We seek to:

- Design, publish and disseminate a range of information materials in selected languages and formats
- Deliver high quality, culturally appropriate, innovative and targeted educational and training services
- Strengthen and diversify liaison with key stakeholder groups
- Provide accessible, specialist library services to the Commission, the Tribunal and the public

## Training statistics

### Queensland 2001-02

#### *Type of training – number of sessions*

	South-East Qld	Central Qld	North Qld	Far North Qld
General overview	115	16	20	25
Contact Officer	29	5	5	2
Racial/religious vilification	15			
Managers	13			
Disability	6			
Investigating complaints	5			1
Human rights	2			
Recruitment/selection	2		3	2
Other	3		2	
<b>Total</b>	<b>190</b>	<b>21</b>	<b>30</b>	<b>30</b>

#### *Training to sectors – number of sessions*

	South-East Qld	Central Qld	North Qld	Far North Qld
Private	77	5	14	4
Public	45	5	2	9
Schools	33	6	2	4
Community	29	-	7	13
In house courses	6	3	5	-
Other	-	2	-	-
<b>Total</b>	<b>190</b>	<b>21</b>	<b>30</b>	<b>30</b>

- Promote effective use of media by strategic media releases, selected letters to the editor, public comments and accessing regional and specialist media.

**What targets were set for 2001-2002?**

- Finalise the publication of four booklets targeting discrimination issues for a range of groups
- Develop and publish brochures as a result of the review of Commission publications
- Review the design and content of the website, and finalise disability access details.
- Conduct a series of presentations with relevant groups regarding the introduction of racial and religious vilification amendments to the Act
- Develop a co-ordinated plan for training sessions to be conducted in Indigenous communities as a result of the publication of the 'Tracking Your Rights' package
- Develop a strategy for addressing the growing need for community education in regional areas
- Target specific sectors for training, using the statistical database as a guide to assess areas of need
- Investigate staffing options for meeting growing needs for training and community education
- Develop and deliver a new course "Investigating Complaints of Discrimination and Sexual Harassment".

Training: Training is a large part of our core work, and this year 271 sessions were presented. As in past years, most of our training work is in response to demand, and most of the sessions (70%) were presented in South-East Queensland.

Throughout the state, \$95,042 was generated in revenue, while approximately a third of the training was provided at no charge to the client.

The most popular session was an overview of the Act, with 65% of the sessions comprising this content. Almost half our clients this year were from the private sector, which is an increase from last year, where the private and public sector were comparably represented.

We met most of our training goals this year, in terms of training in regional areas, looking at

options for dealing with growing demand for our services, and static staffing, and the development of new courses. This year, for example, we offered each of our three regional offices the support of a Brisbane-based trainer for a week at a time to undertake training or other community relations work. This was a successful initiative and will be offered again next year.

Over the years, demand for training has grown significantly (from 150 sessions in 1997-1998 to 271 in 2001-2002). Without extra staffing resources, we needed to look at alternatives to presenting these sessions ourselves, and developed a range of options. It will certainly be an issue for us next year. As a consequence, we're also starting to investigate the possibilities of training activities other than face-to face sessions, and will continue to look at options such as video production and on-line training programs.

**Evaluation sheets – South-East Queensland**

Number of sessions evaluated		78
Number of participants		1360
Presentation style	Satisfactory	29
	Good	155
	Very good	524
	Excellent	637
The session overall	Satisfactory	31
	Good	77
	Very good	607
	Excellent	547

Unfortunately, we fell short on a couple of goals. While the 'Tracking Your Rights' package was successfully launched last year, we've yet to implement a co-ordinated plan for following up with training in communities. Next year, this will be a priority. We were also unable to use the database to inform the direction of our training and other community relations activities. We were, however, able to use anecdotal information and experience to define some parameters for training.

With the introduction of racial and religious vilification amendments to the Act in June 2001, we developed a specific program of community education. We held briefing sessions for key media organisations, religious and ethnic communities, spoke to a range of individual communities, modified publications to include the changes, and continued to seek opportunities to discuss the issues. This, combined with the events which

followed 11 September last year, has encouraged us to try to work more with communities, particularly emerging communities, and this will be one of our priorities next year.

**Publications**

During the year, we wrote four new publications, and almost completed the re-write of our current series of nine brochures.

The development of information guides to respondent groups was finalised late this year. The four guides, for employers, providers of goods and services, and providers of accommodation and education services, contain practical and specific information about discrimination issues in each of the sectors. As 80% of complaints received by the Commission nominate one of these groups as respondent, our aim is to both encourage the prevention of discrimination, sexual harassment and racial and/or religious vilification, and to promote fairness and understanding in dealing with complaints if they arise.

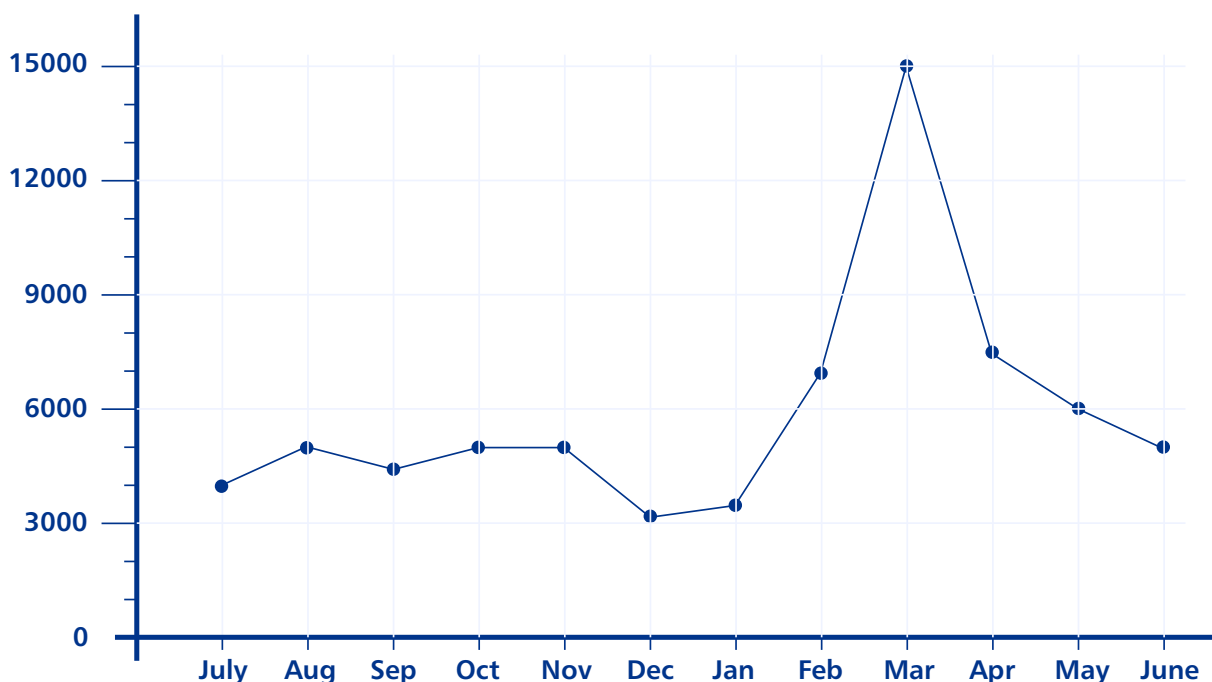
After a review of brochures produced by the Commission, a new series of 12 leaflets has been drafted. For the first time, we'll be publishing information specifically on responding to a

complaint and on the non-complaint handling work of the Commission.

**Website**

One of the main achievements for this year was the upgrade of the website. This involved a six month project, with the aim of making the website fully accessible. Features include:

- a deliberately clean and uncluttered format
- minimal use of graphics, for access by people without 'high-end' equipment
- access to information by people using any web browser
- access to information by people using any adaptive equipment
- option enlarging text and 'tabbing' round the site
- compliance with Triple-A level of the World Wide Web Consortium (W3C) Web Content Accessibility Guidelines
- information available in a range of 17 community languages.



**Website Statistics 2001-02**

**10<sup>th</sup> anniversary celebrations:**

In December 2001, the Commission celebrated ten years of anti-discrimination legislation in Queensland. This was a landmark occasion for us, a time to look at our achievements, to measure our effectiveness and to focus on priorities for the future.

**For the future: 2002-2003**

- Finalise the development of a series of 12 brochures
- Review other publications produced by the Commission
- Deliver two new courses – ‘Train the Trainer’, and ‘Presentation Skills for Staff’
- Target specific training for an identified sector
- Refine the strategy of providing regional support in community relations activities
- Investigate the viability of developing an on-line training program
- Manage a visual arts project, involving the production of video, poster, postcards
- Engage in an anti-racism project partnership with Brisbane City Council
- Pursue a range of collaborative opportunities in terms of project-specific activities such as sponsoring a student in a Ph.D project.

**Comments on training sessions included:**

- Well presented and clear. Enjoyable way to deal with uncomfortable topic.
- Thank you for informative and enthusiastic presentation. The bullying clarification was particularly interesting.
- ...Do you need another one? (trainer) Would love to be an Equity trainer. If this opportunity should ever occur please consider me.
- A lot of information, but very good...You have stimulated my interest in further learning in this area.
- I think that the topics covered and the amount covered was perfect, any more would have probably got into information overload. Great presentation of the topics, made a ‘sticky’ topic very understandable.
- Found the sessions very informative; presented in an interesting way that kept everyone’s attention. Very comfortable and supportive training.
- I know it’s not the Queensland legislation, but bullying is a major harassment problem.
- ...Every time I felt I would nod off, the speaker changed pace or cracked a joke, she does a great job.
- It was very practical and helpful. I’m not sure you could do any more training. Experience in handling complaints would be of greater use than any more training.

*To achieve community recognition and acceptance that the Anti-Discrimination Commission Queensland is a law enforcement agency in the business of upholding human rights.*

After more than a decade of successful operation we need to consider whether the *Anti-Discrimination Act 1991* continues to achieve its goal of equality of opportunity for all.

Queensland has lead other states in some legislative reform areas. For example, Queensland is one of the few states to provide coverage for religious vilification. The need for these laws was unfortunately made so clear when the Kuraby mosque was bombed ten days after September 11. Community leaders could point to laws that not only deal with the criminal nature of such cowardly acts, but also the vilification laws. These laws are an important symbol that as a community we will not tolerate such vilification on the basis of religion.

Yet in other areas Queensland lags behind. Last year we urged immediate reform in the gay/lesbian/bi-sexual/transgender areas. Although some positive discussions have occurred between the community, government and the Commission legislative reform in this area remains unaddressed.

After having some of the best legislation in Australia 10 years ago, we will continue to advocate to protect the human rights of all Queenslanders.

### Complaint Handling

Complaint handling is a large part of the core business of the Commission. Almost a third of the total staff work as conciliators, while almost another third work in associated areas such as handling enquiries, providing policy advice or dealing with legal matters.

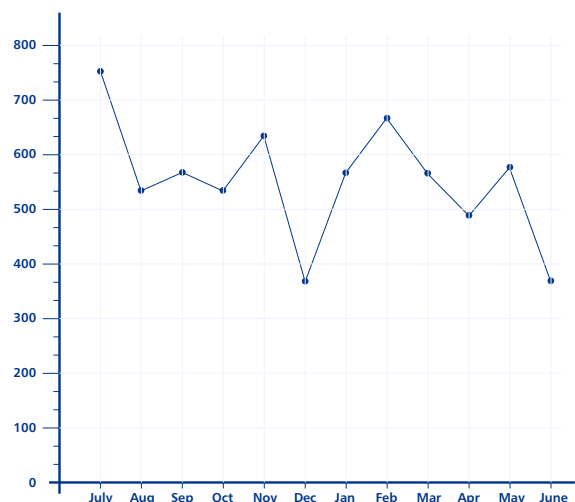
For someone to lodge a complaint with this Commission, they need to show they've been treated less favourably on the basis of one of the grounds under the Act, and in one of the areas covered, than someone without the ground in the same or similar circumstances. The grounds under the Act are:

- sex
- marital status
- pregnancy
- parental status
- breastfeeding (in the area of goods and services only)

- age
- race
- impairment
- religion
- political belief or activity
- trade union activity
- lawful sexual activity
- association with, or relation to, a person identified on the basis of any of the above attributes.

The areas covered by the legislation are:

- work
- education
- accommodation
- goods and services
- superannuation
- insurance
- disposition of land
- club membership and affairs
- administration of state laws and programs



Phone calls - statewide

### Trends

There is no doubt that just as legislative reform is necessary, we also need to look at how we handle complaints. This year complaint numbers have dropped to 1304 from 1423 last year.

This reduction is not reflected in other states. While there is never any clear indication as to why this may be happening some possible reasons include-

- The positive effect of an increased number of training sessions;

- Increased numbers of complaints being accepted in other states, because of their wider coverage;
- Greater understanding of the legislation as a result of our improved website; and
- The inability to make representative complaints in racial and religious vilification matters.

#### Queensland

837 complaints accepted – main grounds 2000-2001	Number %	
Impairment	210	25.1
Race	106	12.6
Sex	120	14.3
Sexual harassment	149	17.8
Age	66	7.9

658 complaints accepted – main grounds 2001-2002	Number %	
Impairment	133	20.2
Race	63	9.6
Sex	101	15.4
Sexual harassment	131	19.9
Age	63	9.6

It is also necessary and appropriate to review the processes and timeliness of complaint handling. While we continue to get excellent levels of satisfaction with complaint handling processes, the reduction in the number of complaints being lodged would indicate the need to monitor whether some of our processes are as accessible as they need to be. It is essential that complainants and respondents can assert and defend their rights under the *Anti-Discrimination Act 1991* in both a timely and equitable manner.

There has been a similar drop in the number of complaints accepted. This year we accepted 658 complaints, down from 837 last year. As well, last year almost 60% of all lodgements converted to accepted complaints, while this year just over 50% were accepted from those lodged. It is clearly timely to monitor complaints lodged to ensure that complaints that satisfy threshold legislative requirements under the Act are converted into accepted complaints.

#### Out of time complaints

While overall complaint workload numbers are reduced from last year, there has been an increase in the number of complaints lodged outside the one year time limit period. As well, there has been a high number of matters where both complainants or respondents have sought judicial review.

The judicial review applications in “out of time” matters have had a significant effect on the workload of complaint handling staff, the legal officer and other supervising staff. Despite the fact that both complainants and respondents sought reviews of a decision in the case to either reject or alternatively accept a complaint, in every case the Supreme Court has upheld the decision of the Commission. We think that this is an outstanding record, but it comes at a price of ensuring care in both the decision itself and in the writing of that decision. In the future the resources involved in assessing and completing out of time complaints need to be monitored.

#### What are the main grounds for complaint?

Impairment and sexual harassment were again the main types of complaint lodged. During this year, 133 complaints comprising 20% of the total number, were accepted on the basis of impairment, while 131 were accepted alleging sexual harassment. This is a similar complaint pattern to both last year and the one prior to that. (See chart)

Statewide, the rate of acceptance for lodged complaints was 50%. In other words, one out of every two complaints lodged was rejected for some reason – either the behaviour complained of was outside the jurisdiction of the legislation, the threshold requirements were not met, the behaviour complained of occurred more than twelve months ago, or perhaps the complaint was referred to another jurisdiction.

In particular, almost half the complaints received on the basis of impairment were not accepted, while nearly two out of every three complaints made on the basis of race, were rejected.

#### South-East Queensland

636 complaints accepted – main grounds 2000-2001	Number %	
Impairment	181	28.5
Sexual harassment	100	15.7
Sex	93	14.6
Race	75	11.8
Age	53	8.3

480 complaints accepted – main grounds 2001-2002	Number %	
Impairment	103	21.5
Sexual harassment	98	20.4
Sex	78	16.3
Race	40	8.3
Age	45	9.4

## Queensland

Complaints accepted – main areas 2000-2001	Number %	
Work	544	65
Goods and services	97	11.6
Complaints accepted – main areas 2001-2002	Number %	
Work	477	72.5
Goods and services	96	14.6

## Queensland

544 complaints accepted – main grounds in work area 2000-2001	Number %	
Impairment	97	17.8
Sexual harassment	137	25.2
Sex	112	20.5
Age	37	6.8
Pregnancy	41	7.5
Race	42	7.5

477 complaints accepted – main grounds in work area 2001-2002	Number %	
Impairment	68	14.2
Sexual harassment	113	23.7
Sex	91	19
Age	49	10
Pregnancy	41	8.6
Race	30	6.3

## Queensland

97 complaints accepted – main grounds in goods and services area 2000-2001	Number %	
Impairment	35	36
Race	15	15.5
Age	16	16.5

96 complaints accepted – main grounds in goods and services area 2001-2002	Number %	
Impairment	42	44
Race	24	25
Age	3	3

### Complaints finalised

533 complaints were carried over from the previous year. Of the 2018 matters handled in the year, 1505 were closed, leaving 513.

### How were complaints finalised?

354 matters lodged with the Commission were rejected as not being within jurisdiction, or not having sufficient substance to proceed.

### Of the accepted complaints:

- 38% were conciliated (slightly down on last year)
- 46% were lapsed or withdrawn which is up 6% and is of concern if people are not able to pursue their complaint through conciliation or to the Tribunal. Many of these could be considered resolved but are not recorded as such.
- 14.5% were referred to the Tribunal which is significantly down on last year (18.5%)
- 1% were declined after investigation

### Timeliness

We maintained good timelines with 78% closed within 6 months and 95% within 12 months.

### For the Future 2002-2003

- Review processes and procedures involved in complaint handling to ensure they are accessible and fair to all parties
- Monitor the proportion of lodged complaints that are accepted to ensure that complaints that allege a contravention of the Act are converted into complaints, including identifying reasons a higher proportion of race-based complaints are not accepted following lodgement.
- Establish an advocates advisory group to advise the Commission about complaint handling processes from an advocate's point of view.
- Continue discussions with Legal Aid Queensland to ensure complainants have fair representation in matters before the Commission
- Monitor resources used in out of time complaints.

# STATEWIDE PROFILE - COMPLAINTS

2001-02

## Workload Summary

	Total	Age of Files on hand - 30/6/2002	Total	Enquiries - 2001-02	Total
Files on Hand at 1/7/2001	533	Over 2 years	9	Telephone enquiries	6539
Files opened	1485	18 months to 2 years	12	Personal enquiries	468
<b>Total Complaint workload</b>	<b>2018</b>	12 to 18 months	<b>36</b>	Total	<b>7007</b>
Files closed	1505	6 to 12 months	140		
Files on hand at 30/6/2002	513	Less than 6 months	316		
		Files on hand at 30/6/2002	513		

## Complaints Lodged - area and ground

	Accom. & Pgms	Laws (Mem.)	Club (Mem.)	Cwlth Laws	Educ.	Work	Goods & Svces	Super & Insur.	Local Govt	Finance & Credit	Other	Total	%
Age	11		1		2	85	10	3	1	1	1	115	8.82
Association		4			1	14	9		1		5	34	2.61
Breastfeeding						3	1					4	0.31
Impairment	11	25	2	2	14	110	74	4	1	1	5	249	19.10
Lawful Sexual Activity		3				25	5					33	2.53
Marital Status	2	8		1		34	7		1	1	5	59	4.52
Parental Status	8	1				14	3				3	29	2.22
Political belief or activity		1	3	2	1	11	15					33	2.53
Pregnancy						46						46	3.53
Race	10	10	1	2	8	72	48		2		18	171	13.11
Racial Vilification	1					3	1				18	23	1.76
Religion	1	2	1	1	1	19	2		1		3	31	2.38
Religious Vilification						2					9	11	0.84
Sex	2	7	2	3	3	98	18	1	1		6	141	10.81
Sexual Harassment	2				1	150	9		1		5	168	12.88
Trade Union Activity						37						37	2.84
Victimisation		1				13	2					16	1.23
Bullying						5						5	0.38
Other	4	15	1	8	2	36	15		1	1	16	99	7.59
<b>TOTAL</b>	<b>52</b>	<b>77</b>	<b>11</b>	<b>19</b>	<b>33</b>	<b>777</b>	<b>219</b>	<b>8</b>	<b>10</b>	<b>4</b>	<b>94</b>	<b>1304</b>	<b>100.00</b>
	3.99	5.90	0.84	1.46	2.53	59.59	16.79	0.61	0.77	0.31	7.21	100.00	

## Complaints Accepted - area and ground

	Accom. & Pgms.	Laws	Educ.	Work	Goods & Svces	Ins.	Local Govt.	Super ann.	Other	Total	%
Age	9			49	3	2				63	9.57
Association			1	5	4					10	1.52
Breastfeeding					1					1	0.15
Impairment	5	8	6	68	42		4			133	20.21
Lawful Sexual Activity	1	2	1	20	1					25	3.80
Marital Status			2	13	1					16	2.43
Parental Status	4			20	2					26	3.95
Political belief or activity			1		2					3	0.46
Pregnancy				41						41	6.23
Race	2	5	2	30	24					63	9.57
Racial Vilification	1								6	7	1.06
Religion			1	9			1			11	1.67
Religious Vilification				1					3	4	0.61
Request for Unlawful Information				2						2	0.30
Sex		2		91	7			1		101	15.35
Sexual Harassment	1		1	113	8		1		7	131	19.91
Trade Union Activity				7						7	1.06
Victimisation	2			3						5	0.76
Other		1		5	1				2	9	1.37
<b>TOTAL</b>	<b>25</b>	<b>22</b>	<b>11</b>	<b>477</b>	<b>96</b>	<b>2</b>	<b>6</b>	<b>1</b>	<b>18</b>	<b>658</b>	<b>100.00</b>
<b>%</b>	<b>3.8</b>	<b>3.3</b>	<b>1.7</b>	<b>72.5</b>	<b>14.6</b>	<b>0.3</b>	<b>0.9</b>	<b>0.2</b>	<b>2.7</b>	<b>100.0</b>	

# CASE STUDIES

2001-02

## Impairment in education

The complainant, who uses a wheelchair, recently completed Year 12 at a private school. She lodged a complaint alleging less favourable treatment because of the failure of the school to install a lift in order to make computer classes and the library accessible for her.

Other issues included exclusions and problems with a camp and an excursion. At conciliation, the complainant and her parents acknowledged that there had been some positive strategies implemented by the school, while the school apologised for any shortcomings.

Settlement was reached with the school agreeing to install a lift, to train staff, and to provide a written apology to the student.

## Parental status in goods and services

A woman alleged she was refused a mobile phone service because she was on a sole parent pension. She said she was refused on two separate occasions by two different people selling the same product.

In response, the company said that a potential customer's credit was assessed on the basis of that person's capacity to pay for the service, and nothing else. The company said they had been unable to identify the people with whom the woman had allegedly spoken, and could therefore not confirm or deny the conversations.

After clarifying its policies and complaint handling procedures in relation to discrimination, the company suggested the woman may have been given incorrect information. The company wanted to apologise for the misinformation, and said that if the woman had been refused a mobile for this reason, it had been against company policy.

The complaint was resolved at conciliation on the basis of a written apology, a prompt re-assessment of the application with a discount given on the service, and an undertaking by the company that it would revisit its credit policy in relation to applications for the service. A state-wide bulletin was also issued to all company employees, re-stating the relevant credit assessment policy and the company's commitment to the Anti-Discrimination Act and its principles.

## Impairment in goods and services

The complainant used a wheelchair and was unable to access the ATM at her bank as it was too high. After notification by the Commission, the branch manager agreed that there was a problem and immediately arranged for the access to be modified by removing the step and lowering the ATM.

## Sexual harassment in work

A mature aged woman complained of sexual harassment by an employer. She alleged that he hugged her after informing her she won the job. She said the behaviour worsened when he tried to hold her hand as she drove him to an appointment, and when he questioned her in detail about her personal life and her living arrangements.

The woman said that on the third day of employment the employer put his hands on the side of her face and forcibly kissed her. The woman, who had been in the workforce for many years, said that she did not expect to be sexually harassed at her age. She said she had previously worked for a large construction company with 95% male staff and had not experienced any sexual harassment then. After leaving the company she received a written apology from the employer asking her to forgive him.

At a conciliation conference, the complaint was settled on a financial basis for the sum of \$10,000.

## Race discrimination in goods and services

An Aboriginal woman who went to a large store alleged she had her bag searched because of her race. She said that she was at the check-out behind a number of non-Aboriginal people when the shop assistant asked to search her belongings.

She alleged that she queried why hers was the only bag being searched when the other customers bags were not, however the shop assistant ignored her concerns. She said she complained to the manager but wasn't satisfied with the response.

During a conciliation conference, the matter was settled by the respondent providing an apology to the woman, and giving an undertaking that staff at the store would apply random bag searches in a non-discriminatory manner. The woman also received a financial settlement of \$1,500 for the humiliation she suffered.

### Age discrimination in pre-work

A woman contacted an employment agency regarding positions available at a fast food outlet. She alleged that she was interviewed by the manager of the outlet and was given a verbal offer of employment. She produced documents which she said were given only to successful applicants, and was asked to fill them out, and was assured by the manager he would ring her with her roster and shift times.

She alleged she was then contacted by the manager advising her that the owner of the franchise had said she was too old for the position, and they wanted someone younger so they could pay them less.

A conciliation conference was convened where the company representative produced independent evidence to indicate the positions were for a youth wage (the advertising for which is permitted under legislation). These documents were not produced until the day of the conference. As a result, a decision to lapse the complaint on the grounds of it being misconceived was made by the Commission.

The conference itself however was a valuable process in that the company relayed the information directly to the woman, along with their belief that she would be a valuable employee given her skill and experience. The woman was able to convey how the process had affected her, and her reasons for lodging the complaint.

The company acknowledged that the process undertaken by the manager at the time was not the most effective, and that the information provided by the employment agency could have been clearer. The company made an offer to settle for \$2,000, which was accepted by the woman.

### Sexual harassment in work

A woman complained to her employer that a colleague had sexually harassed her. She alleged that he had made inappropriate comments to her and had placed his hands on her shoulders.

She said the company had dealt with her complaint by transferring her to another section while leaving the alleged harasser in his position. The company said this was an appropriate way to have dealt with the complaint. The transfer had in fact been to the woman's detriment as she was unable to access overtime in the new position.

The woman said when she approached the company to request a transfer back to her original position, she was told this couldn't happen until she had withdrawn her complaint against them. The Commission advised both the woman and the company of the victimisation provisions under the legislation. The woman accepted an offer to transfer back to her original position, and withdrew her complaint. This complaint was dealt with via early intervention.

### Age discrimination in insurance

During the process of applying for a loan, a man was refused motor vehicle insurance by the credit provider's preferred insurer. He was told the insurance company didn't offer this type of insurance to new clients over the age of 70. The man lodged a complaint against the insurer.

The insurer agreed that it didn't offer motor vehicle insurance to new customers over 70. They referred to the high number of claims of first year customers, combined with the insurer's own practice of charging increased premiums for people over 70, but did not provide any statistical or actuarial data on which their policy was based. (It should be noted that insurers are allowed to refuse insurance if they can support their position with statistical data).

The company had been reviewing its policies prior to the complaint being lodged. While the complaint was still being considered, the insurer advised that it had changed its policy and it now offered insurance to new customers over 70. The company also expressed regret at any inconvenience caused to the complainant. On this basis the complaint was discontinued.

# REPORT FROM THE REGIONS

2001-02

## Overview:

A key element of the structure of the Commission is the location of offices in three major regional cities – Rockhampton, Townsville and Cairns. It's unusual in an organisation this size (fewer than 35 staff) that such a commitment is made to a regional presence, however it's always been a priority for us to ensure accessibility to all Queenslanders.

Together, the regional offices manage about a third of each of the community relations and the complaint management workload, and provide an invaluable local presence and profile for the Commission.

Over the last year, each office, run by a staff of three, has both maintained consistency in delivering training sessions and in handling complaints, and has also been able to focus on particular regional issues in a way that a centralised agency could not.



## Central Queensland

The appointment of a new Regional Director in January this year was an opportunity for the Rockhampton office to expand its operations across the range of services offered by the Commission. Late in the financial year, staff were also joined by the first Indigenous trainee to work for the Commission. With this boost to staffing, the office has been able to broaden its activity base and to focus on a number of initiatives.

## Training:

Staff in Central Queensland presented 21 training sessions during this year, to almost 600 people across the range of sectors throughout the region. Just over \$10,000 was generated, while almost half the sessions were delivered free of charge.

Training statistics	Number
Overview of the Act	16
Contact Officer	5

One of the initiatives developed by staff involved an array of preventative strategies throughout the Central Queensland region, aimed at both understanding the basis for and content of discrimination legislation.

Targeted in the plan were key groups in the region who were identified as having a need for further education in discrimination law. These groups, located in the employment and education sectors, included employment agencies, secondary school students, unions and contact officers.

## Employment agencies

After extensive consultation between staff and employment agencies, it became clear that the agencies were not fully aware of their obligations under the Queensland *Anti-Discrimination Act 1991*. Practices such as asking irrelevant questions on employment registration forms, and bowing to employer requests to discriminate when referring jobseekers were widespread in the industry. Staff whetted the appetite of agencies by offering free advice on their policies, registration forms and employment referral practices. A training plan has now been developed which will encourage agencies to capitalise in the marketplace on the provision of non-discriminatory practices in their service provision.

## Schools

Staff delivered awareness sessions to students at every major secondary school in Rockhampton. The sessions were designed to raise the students' awareness of their rights and responsibilities in relation to discrimination law, particularly with regard to employment and accommodation issues. Further work is planned in the sector on issues of bullying and racism.

## Unions

The Rockhampton team has also been networking with a number of unions in the region, Awareness sessions were held with delegates and staff of over 20 unions to increase understanding of the protection offered to workers under the *Anti-Discrimination Act 1991*. Preparations are being

made to provide sessions to more than 1000 staff in the mining sector, in the next year.

**Contact Officers**

The Rockhampton Office has also taken every opportunity to train contact officers in the private and government sectors. Contact officers are seen as key players in the elimination of discrimination in the workplace and more work will target these networks in employer organisations.

The focus for the 2002-2003 financial year includes providing training for real estate agencies, Aboriginal and Torres Strait Islander organisations and providing community education on racial issues throughout the entire region, particularly in schools and workplaces.

**Complaint handling**

Complaint statistics followed similar trends from the previous year. Of 104 lodgements, 64 were accepted as complaints under the legislation, compared to 66 for 2000-2001. The complaints are continuing to become more complex in nature with the parameters of the legislation being tested on a regular basis.

The work area comprised 69% of the total complaints for the year. As with previous years, impairment and sexual harassment were the most common types of work complaints lodged. Complaints on the basis of age, particularly in the employment sector have been steadily increasing over the last 4 years, and this year comprised 16% of the work area, and more than 10% of all complaints accepted.

The second largest area for complaints was in goods and services, which comprised nearly 19% of the total accepted for the year. Complaints on the basis of impairment, age and sex were fairly evenly represented, while five other attributes were also included this year.

**Central Queensland**

<b>66 complaints accepted — main grounds 2000-2001</b>	<b>Number %</b>	
Age	7	10.6
Impairment	12	18.2
Sex	7	10.6
Sexual harassment	17	25.8
Race	4	6.1
Pregnancy	6	9.1

<b>64 complaints accepted – main grounds 2001-2002</b>	<b>Number %</b>	
Age	10	15.6
Impairment	11	17.2
Sex	8	12.5
Sexual harassment	9	14.1
Race	6	9.4
Pregnancy	3	4.7

**North Queensland**

The past year in this region has been a busy one, in continuing and expanding its education program, and in dealing with a steady number of complaints.

Among the year’s highlights were a Race Forum held in Mackay, the annual Cultural Fest, the Gay Lesbian Bisexual Transgender Police Liaison Forum and consultations throughout the region with the Australian South Sea Islander community.

**Community relations**

The Race Forum, organised by the Response to Racism Committee and supported by the City Council, attracted more than 70 people interested in addressing strategies to combat racism. Participants were particularly interested in knowing about the latest changes to state anti-discrimination legislation, which now includes racial and religious vilification. The forum was held in response to neo-Nazi incidents including pamphlet distribution in the Mackay area, and further action is being considered by those who attended. Commission staff also met with Australian South Sea Islanders regarding these issues.

With the glorious Strand as a backdrop, September’s Cultural Fest showcased continuous dance performances, stalls and exotic food. The sounds of African, Pacific Islander and Japanese drums, Latin beats, music from Italy, the Cook Islands, South America, Tokelau, Papua New Guinea, New Zealand and Ireland were complemented by dancers from the Middle East, Philippines, Greece, Thailand, Argentina, Spain, India and Indigenous Australia. Commission staff were keen to participate and provided attendees with a range of information about discrimination, particularly race. Held annually, the Fest draws a crowd of 40,000.

North Queensland staff attended consultations

with Australian South Sea Islanders throughout the region. The consultations, organised by Multicultural Affairs Queensland, were held to gauge responses by the community on a range of issues. In response to concerns raised, Commission staff followed up with an awareness session on discrimination issues.

A forum was held in Townsville to lay the foundations for the new Gay Lesbian Bisexual Transgender Police Liaison Consultative Group. Staff attending the forum provided information on discrimination issues, particularly those in relation to lawful sexual activity which is covered by anti-discrimination legislation in Queensland. Staff continue to support the gay, lesbian, bisexual and transgender communities through this group and the GLBT Anti-Violence Committee.

### Training

Thirty training sessions were run across the region. \$19635 was generated in revenue. More than 50% of these sessions were delivered to the private sector, 28% to the community sector, and only 8% to the public sector. Demand for training, including repeat business, remains high. The major client this financial period was the mining sector. The business, mining and government sectors are increasingly accessing Commission training. Most training was done in Townsville, Mackay, Bowen and Mt Isa.

Mackay was also the focus for an extended period of training this year. Three courses were delivered for the first time in this area, and attracted a wide range of participants.

### North Queensland

Training statistics	Number
Overview of the Act	20
Contact Officer	5
Recruitment/Selection	3
Other	2

### Complaint handling

The enquiry service remains popular – there were 998 telephone and personal enquiries to the Townsville office. As more employers are becoming aware of the information service, usage has risen.

This year, we accepted a total of 64 complaints, from 161 lodgements. This compares with figures

in the 2000-2001 year of 178 lodgements, translating to 90 complaints. Impairment has re-emerged as the leading ground for complaints at 20.3%, followed by sexual harassment at 18.8%. Race complaints are third at 17.2% and the number of complaints is the second highest to Brisbane. Under the new racial vilification legislation, which came into effect just as this financial year started, there were three complaints, one of which was withdrawn, one declined and one accepted.

Staff have concentrated on providing quality client service and this was reflected in high client satisfaction rates as gauged from client service evaluation. 96% of complainants and respondents expressed satisfaction with the Commission's complaint process.

### North Queensland

90 complaints accepted – main grounds 2000-2001	Number %	
Impairment	14	15.6
Race	12	13.3
Sex	16	17.8
Sexual harassment	22	24.4
Age	4	4.4

64 complaints accepted – main grounds 2001-2002	Number %	
Impairment	13	20.3
Race	11	17.2
Sex	7	10.9
Sexual harassment	12	18.8
Age	6	9.4

### Far North Queensland

#### Community Relations

The most significant effort in this regard was round the issue of 'move on' powers. During the year, the Cairns City Council proposed registering several public places as notified areas under the Police Powers and Responsibilities Act 2000. The Commission responded in the form of a submission, opposing the proposal on the basis that the majority of these areas listed for

notification were largely known as areas where Indigenous people meet.

The submission raised a number of key points

- that sufficient powers existed to deal with unlawful behaviour in public
- that areas for Indigenous people to meet in public were disappearing due to development
- the potential for direct and indirect discrimination
- the negative effect on the community in legislating in this manner
- the potential problems for people with a disability.

On receipt of the submission, the Police Minister approved a smaller number of areas for notification, and referred one area back to the Council to request an opinion from the Anti-Discrimination Tribunal regarding the issue of discrimination.

The Far North Queensland office also focused on increasing the profile of the Commission by holding free information sessions in a number of towns throughout the region. Mount Isa has now become part of this region, after being managed by the Townsville office, and further efforts will be made next year to build on this work.

**Training**

Thirty sessions were held in the region over the year, generating \$6575. A third of these sessions were delivered to 3 clients, one in each of the private, public and community sectors. As was the case in other regions and in South-East Queensland, most sessions provided a general overview of the legislation.

Staff also undertook a range of speaking engagements to conferences, workshops and seminars on disability, racial and religious vilification and general human rights issues.

**Far North Queensland**

<b>Training statistics</b>	<b>Number of sessions</b>
Overview of the Act	25
Recruitment and Selection	2
Contact Officer	2
Investigation	1

**Complaint handling**

Far North Queensland experienced a slight increase in the number of complaints accepted this year, from 45 in the 2000-2001 year to 50 this year. This could probably be attributed to the transfer of the Mount Isa area to this region during the year.

One interesting point about these statistics is that while 50 complaints were accepted as being within jurisdiction, 202 complaints were lodged. This is an acceptance rate of only 25%. In particular, only 2 of 14 age discrimination complaints met the threshold requirements, 6 of 27 impairment complaints, and 6 of 46 complaints on the basis of race.

As the statistics show, the only type of discrimination to show a decrease in terms of complaint numbers, is race discrimination. All the other main categories show increases in both numbers and percentages.

**Far North Queensland**

<b>45 complaints accepted – main grounds 2000-2001</b>	<b>Number %</b>	
Race	15	33.3
Sexual harassment	10	22.2
Sex	4	8.9
Impairment	3	6.7
Pregnancy	3	6.7

<b>50 complaints accepted – main grounds 2001-2002</b>	<b>Number %</b>	
Race	6	12
Sexual harassment	12	24
Sex	8	16
Impairment	6	12
Pregnancy	6	12

*We realise that the delivery of high quality, accessible, equitable and innovative anti-discrimination services in Queensland can only be achieved through the efficient and effective management of the Commission's financial, human, asset and information technology resources.*

## 2001-02 Summary

### Financial Summary

The Commission's total equity position in 2001-02 has decreased by \$27,000 from the previous financial year (see Statement of Financial Position). This is the result of not being able to effectively fund the replacement of Commission assets in lieu of funding employee provisions and payments to creditors.

A combination of one-off costs and increasing recurrent costs (including employee entitlements and creditors) realised an operating deficit of \$27,000 in 2001-02 (see Statement of Financial Performance). The deficit would have been greater had the Commission not incurred a number of periodic position vacancies that reduced employee expenses.

Funds held to offset employee provisions and the payment of creditors have subsequently increased the Commission's cash at bank by \$75,000 as at 30 June 2002 (see Statement of Cashflows). However, the need to fund these liabilities has impacted on the Commission's ability to maintain an effective asset replacement program and subsequently, its non-current asset value decreased by \$51,000 in 2001-02 (see Statement of Financial Position).

### Our Resource Management Goals

To this end, we aim to:

- Enhance the budget process by developing effective links between resource allocation and service delivery.
- Develop and maintain an efficient and effective information management framework that promotes the delivery of quality, timely and accessible services.
- Create and maintain a workplace environment that is rewarding to staff and responsive to change.
- Increase the level of accessibility to information and services to stakeholders and rural and regional communities.

### What targets were set for 2001-02 ?

This year, we set ourselves some specific targets:

- Establish a Workplace Relations Program that focuses on improving work practices, workplace conditions and career development and training for Commission staff.
- Conduct a whole-of-Commission strategic planning workshop to improve links between defined outcomes, service delivery and resource allocation.
- Provide in-house financial management training to managers responsible for budget management.
- Improve the Commission's information technology framework by enhancing security in regard to Internet and e-mail
- Establish a Commission Intranet to provide Commission staff with up to date information in relation to policies, procedures, precedents, industry developments etc.
- Establish systematic information gathering and reporting systems that collect meaningful data that aids in improving service delivery and supports funding submissions.

### Did we meet our 2001-02 targets ?

#### Establishment of a Workplace Relations Program

The program was established to address a broad range of staff issues such as career development and training, interpersonal communication, recruitment and selection and job satisfaction to name a few. The program involves a number of modules that will address these issues individually.

The first module commenced in 2001-02 addressed the issue of "Skills Development". This module focuses on enhancing staff's job satisfaction in relation to their current positions by ensuring they have the skills and competencies required to effectively perform their responsibilities.

The planned outcomes of the 'Skills Development Module' are to:

- provide managers with a list of training strategies that address the skills and competencies required to perform each position under their supervision;
- update current position descriptions to ensure they are relevant and meaningful;

- develop training packages for each position they supervise, that will form the basis of staff induction practices and on-going staff performance plans;
- create an informed and supportive understanding and agreement, between supervisors and staff, of the true nature of the work performed and the skills and competencies required in that regard; and
- allow staff to be aware of the skills and competencies required in positions other than their own, which will assist them in pursuing promotions and or relieving opportunities in the Commission and or elsewhere.

**Whole of Commission Strategic Planning Process**

In 2001-02, the Commission for the first time conducted a strategic planning workshop that involved the input of all staff throughout the State. Commission staff provided strategic and operational input over a three day off-site workshop that will shape the Commission's future strategic direction and subsequently be incorporated into the official strategic plan. This workshop was followed by a two day Management Planning Workshop that refined the information gathered into an official strategic plan that will ultimately provide the foundation for developing the Commission's operational plans and individual performance plans.

**In-House Financial Management Training**

Managers and staff received various levels of training in relation to financial management standards, practices and accountabilities governing Queensland Government agencies. This training was deployed via a range of forums throughout 2001-02 such as management meetings, staff meetings, the strategic planning workshops and specified training sessions. The objective was to ensure all staff achieved a better understanding of financial management requirements, the budgetary process and the Government's 'Managing for Outcomes' framework and subsequently the links between resource management and service delivery.

Disseminating this knowledge to staff will hopefully improve the effectiveness of their involvement and input in a range of financial and budgetary processes throughout each year.

**Improve Information Technology Security**

In the light of recent international and national events, the Commission upgraded its security software in relation to Internet and e-mail services, that will safeguard the organisation against viruses and filter web contents.

**Establishment of a Commission Intranet**

A number of priorities in relation to the Commission's information technology requirements has deferred the planned establishment of a Commission Intranet to 2002-03.

**Establishment of Systematic Information Gathering and Reporting Systems**

The Complaint Management Database (CHARMS) was upgraded to Version 5 during 2001-02, and has provided a more comprehensive and tailored range of reports that will allow the Commission to produce more useful and meaningful performance information. The upgrade has also included indepth training for staff to ensure data input is accurate and consistent, and to ensure the integrity of reporting information.

**For the Future – 2002-03**

- Further refine the Complaint Management Database (CHARMS) Version 5 to provide significant improvements to data recording and reporting that will in turn improve the Commission's capacity to analyse trends and improve the quality and timeliness of services.
- Establish a Commission Intranet that will provide Commission staff with up to date information in relation to policies, procedures, precedents and industry developments.
- Develop a new set of output performance measures and targets that provide more meaningful and accountable information in relation to the Commission's service delivery performance. The new measures and targets will be submitted to Cabinet Budget Review Committee for approval in 2002-03.

## AT A GLANCE

### *History*

The Tribunal was established in 1991. Its first member was appointed in 1992. The Tribunal hears and determines discrimination complaints that cannot be resolved by conciliation.

### *What we do*

The Tribunal is an independent Tribunal established under the *Anti Discrimination Act 1991*. Its key functions are (1) to hear and determine complaints of discrimination, sexual harassment and racial and religious vilification (2) to hear applications for exemptions and (3) to provide opinions to the Anti Discrimination Commissioner.

### *Our people and where we are*

The Tribunal has seven part-time members, all of whom are solicitors or barristers based in Brisbane, Townsville and Cairns. The Tribunal Registry has two full-time staff. The Registry Office is located in Brisbane.

### *Where the Tribunal conducts hearings and conciliation conferences*

The Tribunal hears complaints and conducts conciliation conferences at the place where the alleged discrimination occurred, or the place that is most convenient to all the parties. This financial year the Tribunal has heard cases or conducted conciliation conferences in Brisbane, Townsville, Cairns, Mt Isa, Mackay, Rockhampton and the Sunshine and Gold Coasts.

## What the Tribunal does

The Act created two entities for the enforcement of its provisions. One of the important functions of the Anti-Discrimination Commission is to inquire into and attempt to conciliate complaints of discrimination, sexual harassment and racial and religious vilification and to carry out investigations into contraventions of the Act. Matters which are not resolved by the Commission are referred to the Tribunal for hearing and determination.

The Tribunal has 5 major functions:

### **Hearing and determining complaints under the *Anti-Discrimination Act 1991***

The Tribunal hears and determines complaints as to whether the Act has been contravened.

This year a total of 75 complaints were referred to the Tribunal by the Commission for hearing. A total of 94 were finalised (this total includes matters referred in previous years). Details of workload and throughput are set out in Tables 1 to 2.

The Tribunal employs a strict case management system which involves the holding of a directions hearing as soon as possible after the referral of a complaint from the Anti Discrimination Commissioner. At the directions hearing, the parties are consulted as to an appropriate timetable for the filing of documents, and completing other steps to ready the matter for hearing. The timetable is intended to deal with

each step of the proceeding. It is monitored and enforced eg. a costs order may be made against a defaulting party. We endeavour to be flexible in holding directions hearings by telephone for parties or legal representatives who are unable to attend in person.

The Tribunal continues to have considerable success in conciliating complaints. The majority of matters finalised for hearing are conciliated or settled prior to hearing. Only 10% of complaints finalised in the Tribunal in the last year have gone to hearing. 90% of matters referred were conciliated, settled or withdrawn prior to hearing. Most conciliations are undertaken by the Registrar of the Tribunal. The success of these conciliations rests in large measure upon the willingness of the parties to attend in person and negotiate face to face towards a resolution of their dispute.

In this financial year, eleven matters were determined by the Tribunal. Two decisions were delivered on matters heard in the previous financial year and nine hearings were held. Six matters were dismissed, one was upheld and two were settled during the hearing. Case notes on some of these matters are included later in this report. In addition, numerous interlocutory applications were heard and determined on complaints referred to the Tribunal.

It is important to note that the Anti-Discrimination Act envisages that the hearings of the Tribunal should not be formal and legalistic. In particular, the Tribunal is not bound by the rules of evidence

and must act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.

### **Hearing Applications for Exemptions**

The Tribunal has the function of granting exemptions under the Act. Four applications for exemption were received during the relevant period. Two applications for exemption were determined in the period. The first was made by APN News & Media Limited & Others in relation to the attribute of age concerning the benefits to which an employee will become entitled upon being made redundant. This application was granted. The other application was made by Mt Isa Mines Limited in relation to the attribute of age concerning an early retirement scheme. This application was also granted. One application was withdrawn and four applications are still to be determined as at 30 June 2002.

### **Providing opinions to the Anti Discrimination Commissioner**

The Tribunal has the function of providing opinions about the application of the Act pursuant to sections 228 and 229 of the Act. An opinion was provided by the Tribunal in relation to a rostering proposal within the Qld Police Service.

### **Hearing Applications for Interim Orders**

The Tribunal has the function of hearing applications for orders prohibiting a person from doing an Act that might prejudice an order that the Tribunal might make after a hearing. Seven applications for an interim order were filed in the relevant period. One application was granted, five were dismissed and one was withdrawn prior to hearing.

### **Reviewing some decisions of the Anti Discrimination Commissioner**

The Tribunal may grant extensions of time to complainants in certain circumstances before their complaint is referred to the Tribunal, and may review the Commissioner's decision to lapse a complaint where the Commissioner is of the opinion that a complainant has lost interest in continuing with a complaint. Six of these matters were filed and seven determined in the relevant period (including matters which were still to be determined from the previous financial year).

### **Targets – for 2001/02**

To review the Tribunal's procedures after consulting with regular users of the Tribunal – After consulting with regular users of the Tribunal, the President in consultation with the members reviewed the Tribunal's procedures. As a result of that review, all Tribunal forms were revised and six new Practice Directions relating to Tribunal procedure were introduced.

To develop a fully accessible website providing information on the Tribunal and its procedures – The Tribunal is in the final stages of developing a fully accessible website. It is anticipated that the launch of the Tribunal's website will take place in July 2002.

### **Targets – for the future 2002/03**

To finalise a kit to assist self represented parties to conduct matters before the Tribunal.

## **WHO ARE THE TRIBUNAL MEMBERS & STAFF**

The members of the Tribunal are appointed on a part time basis by the Governor in Council and are barristers or solicitors of not less than 5 years standing. During this year the terms of appointment of three members expired. Member Wyvill was reappointed on 27 June 2002. The members during this year have been:

- Mr Walter Sofronoff QC (President) – Barrister at Law, Brisbane – (appointed 15.06.01)
- Ms Suzette Coates – Solicitor, North Queensland – (appointed 26.09.98);
- Ms Jean Dalton – Barrister at Law, Brisbane – (appointed 15.06.01)
- Ms Marjorie Pagani – Barrister at Law, Townsville – (term expired 30.06.01);
- Associate Professor Philip Tahmindjis – Head of School of Law, QUT, Brisbane – (appointed 18.05.00)

- Mr Colin White – Barrister at Law, Townsville – (term expired 30.06.02); and
- Mr Lewis Wyvill QC – Barrister at Law, Brisbane – (reappointed 27.06.02).

The Tribunal Registry has two full time staff, the Registrar and a Tribunal Assistant. Since September 1998 the Registrar's position has been undertaken by a job share arrangement.

The Tribunal members meet on a biannual basis. The purpose of the biannual conference is to ensure that there is a consistent approach by members in their application of the law, so as to ensure a high standard of decision making by the Tribunal. The members met in Brisbane for a day on 30 November 2001.

## CASE NOTES OF SOME MATTERS DETERMINED BY THE TRIBUNAL THIS YEAR

The cases determined by the Tribunal this year involved complaints of discrimination on the basis of race, marital status, impairment, pregnancy, parental status, sex, age and sexual harassment in the areas of work. The Tribunal also considered for the first time a complaint of religious vilification in the matter of *Deen v. Lamb* when the complainant sought an urgent interim order. In addition, the Tribunal heard and determined a number of procedural issues.

Some of the key decisions are summarised below.

### *Skinner & Smith v. Lightning Bolt Pty Ltd*

Member Wyvill – HEA00/103&104

Mr Skinner and Mr Smith were dismissed on the same day from their employment as storemen with the respondent company, Lightning Bolt Pty Ltd. Each received one week's pay in lieu of notice and the Employment Separation certificate stated the reason for termination as "Insufficient work owing to down turn in trade."

At the time of their terminations, the complainants were aged 58 and 57 years respectively. Mr Skinner returned to his former place of employment to collect a reference, and observed two younger men doing the work that he and Mr Smith used to do. These men were aged 36 and 21 years. At the time of their terminations, Mr Skinner and Mr Smith had been employed with Lightning Bolt Pty Ltd for less than three months. A complaint of age discrimination in employment was made.

Lightning Bolt Pty Ltd contended that one of its major clients had gone into liquidation, owing them a significant amount of money. This was a double blow in terms of potential for future trade as well as the debt. A cost reduction exercise was implemented as a result of this, which included the terminations of Mr Skinner and Mr Smith, on a "last on, first off" basis.

In evidence it appears that the new men employed lacked experience and for a time the store was "out of whack".

Member Wyvill found that at the time of dismissal there was no lack of work for Mr Skinner and Mr Smith at Lightning Bolt Pty Ltd, and that the loss of a major client did not give rise to a need to reduce the number of storemen. He further found that Mr Skinner and Mr Smith were not dismissed as a step in a cost reduction exercise.

On a number of occasions Member Wyvill discounted the evidence of witnesses for Lightning Bolt Pty Ltd, and was satisfied that a substantial reason for the dismissals was the age of Mr Skinner and Mr Smith. He found that Mr Skinner and Mr Smith were entitled to an amount of compensation for the loss or damage occasioned by the contravention of the Act.

### Outcome

Mr Skinner: Member Wyvill took into account that Mr Skinner had been in continuous employment, and had in fact left a permanent job to take up the position with Lightning Bolt. Mr Skinner was shocked at the manner of his dismissal; felt lied to by people he had trusted; was distressed to be replaced by a younger man and upset at the hardship and distress which his family had suffered as a result. Mr Skinner had made over 300 applications for work and succeeded in securing only occasional casual work since his dismissal. The Member considered that there may be some chance to secure further casual, if not permanent work in the future. A total of \$72,582 was awarded to Mr Skinner.

Mr Smith: Mr Smith had left a more lucrative job to take up the position with Lightning Bolt; was shocked and devastated by his dismissal and the manner in which it was done; suffered a severe personal impact including loss of interest in everything, anxiety and sleeplessness. Mr Smith made 93 applications for work and finally secured permanent

employment. There was an indication that many of the adverse effects of the dismissal lessened with the return to employment. He was awarded a total of \$8,906.

Lightning Bolt Pty Ltd was ordered to pay the costs of Mr Skinner and Mr Smith.

### *Deen v. Lamb*

President Sofronoff QC – MIS01/109

The matter relates to the views expressed in an election pamphlet distributed by Mr Lamb who was a candidate in the 2001 federal election. The pamphlet contained an exposition of some of Mr Lamb's opinions which included his views about the content of the Koran, and about persons who believe in its teachings. The complainant (Mr Deen), a Muslim was the Chairman of the Islamic Council of Queensland. He applied for interim relief by prohibiting further publication of the pamphlet.

President Sofronoff was of the opinion that Mr Lamb had, by distributing the pamphlet (a public act), incited serious contempt and hatred for Muslims as a whole.

However, the defence in section 124A(2)(c) applied. This defence provides "that it is not unlawful to do a public act with the relevant tendency to incite, provided it is done reasonably and in good faith for a purpose in the public interest, including public discussion or debate and exposition of any matter."

The President stated: "It is plain that...the legislature did not intend to stifle debate, even acrimonious debate, upon matters of public interest and importance.....even acts and publications that do indeed incite hatred, serious contempt and severe ridicule are to be tolerated provided certain conditions are met. One of those conditions is that the person acts in good faith."

It was found that Mr Lamb had produced and distributed the pamphlet in good faith, and for the specified purpose of attempting to persuade electors, by a disclosure of his opinions, that he deserved their vote. The application for interim relief was dismissed.

### *Rhodes v. Calendula Pty Ltd t/a Figtree Gardens Aged Care Residential Hostel*

*Kalnins, Andrews and Clasing*

Member Wyvill – HEA00/41

### Background

Ms Rhodes worked as a part-time assistant in nursing care in a residential care facility. Ms Rhodes had been on sick leave for several months in 1999 relating to her asthma condition, bronchitis and emphysema with only a brief return to work during that period. In her absence her rostered hours had been reduced to 17.5 hours/fortnight whereas she had previously worked between 50 and a little over 60 hours/fortnight. When she sought to resume her employment she was offered no more than the reduced hours and she resigned. The medical evidence was that at this stage she may have been capable of working up to 40 hours/fortnight.

### Outcome

Member Wyvill decided that the decision to reduce her hours contained no provision for an increase in Ms Rhodes hours of employment; that it was to apply whenever Ms Rhodes sought to return to work and it was to continue for an indefinite period of time. It was discriminatory in that it denied her the opportunity of increasing her hours as her health improved. He awarded her \$2,600 for the loss of chance to engage in employment in accordance with her standard of fitness. She also received the sum of \$4,500, including \$450 interest, as general damages for the hurt and humiliation she received when she attempted to resume her employment.

Calendula Pty Ltd was ordered to pay the complainant her costs on a party and party basis in accordance with scale E in the Scale of Costs applicable in Magistrates Courts.

# ANTI-DISCRIMINATION TRIBUNAL

## TABLES

**TABLE 2.1 TRIBUNAL - Matters Received - Year to 30 June 2002**

PERIOD	EXEMPTION APPLICATIONS	COMPLAINTS REFERRED	REQUESTS FOR OPINIONS	APPLICATIONS FOR INTERIM ORDERS		MISC. MATTERS	TOTAL
				s. 144	Procedural		
<b>Full Year 2000/01</b>	4	117	2	0	61	11	<b>195</b>
<b>Full Year 2001/02</b>	4	76	0	7	43	5	<b>135</b>

Table1 Matters Received - Year to 30 June 2002  
A total of 135 matters have been received by the Tribunal this financial year.

**TABLE 2 TRIBUNAL - Breakdown of Matters Finalised - Year to 30 June 2002**

	EXEMPTION APPLICATIONS	COMPLAINTS REFERRED	REQUESTS FOR OPINIONS	APPLICATIONS FOR INTERIM ORDERS		MISC. MATTERS	TOTAL
				s. 144	Procedural		
<b>Dismissed</b>		9		5		6	<b>20</b>
<b>Upheld</b>	2	4		1	43	1	<b>51</b>
<b>Conciliated - prior to Hearing – ADTQ</b>		28					<b>28</b>
<b>Conciliated - prior to Hearing – ADCQ</b>							
<b>Settled prior to Hearing</b>		30					<b>30</b>
<b>Withdrawn prior to Hearing</b>	1	23		1			<b>25</b>
<b>Opinion given</b>			1				<b>1</b>
<b>Opinion refused</b>							
<b>TOTAL FINALISED</b>	<b>3</b>	<b>94</b>	<b>1</b>	<b>7</b>	<b>43</b>	<b>7</b>	<b>155</b>

Table 2 Breakdown of matters which have been finalised year to 30 June 2001





# FINANCIAL STATEMENTS

1/7/2001 - 30/6/2002

**ANTI-DISCRIMINATION COMMISSION QUEENSLAND**  
**STATEMENT OF FINANCIAL PERFORMANCE**  
*for the year ended 30 June 2002*

	<i>Notes</i>	<b>2002</b>	<b>2001</b>
		<b>\$000</b>	<b>\$000</b>
<b>Revenues from ordinary activities</b>			
User charges	3	94	97
Grants and other contributions	4	3,244	3,206
Other	5	76	57
<b>Total revenues from ordinary activities</b>		<b>3,414</b>	<b>3,360</b>
<b>Expenses from ordinary activities</b>			
Employee expenses	6	2,254	2,189
Supplies and services	7	1,097	1,069
Depreciation and amortisation	8	82	106
Other	9	8	8
<b>Total expenses from ordinary activities</b>		<b>3,441</b>	<b>3,372</b>
<b>Net surplus (deficit) from ordinary activities</b>	19	<b>(27)</b>	<b>(12)</b>
<b>Total changes in equity other than those resulting from transactions with owners as owners</b>		<b>(27)</b>	<b>(12)</b>



*The above Statement of Financial Performance should be read in conjunction with the accompanying notes.*

**ANTI-DISCRIMINATION COMMISSION QUEENSLAND**  
**STATEMENT OF FINANCIAL POSITION**  
*as at 30 June 2002*

	<i>Notes</i>	<b>2002</b> <b>\$000</b>	<b>2001</b> <b>\$000</b>
<b>CURRENT ASSETS</b>			
Cash assets	<i>10</i>	440	365
Receivables	<i>11</i>	28	28
Inventories	<i>12</i>	9	9
Other	<i>13</i>	1	1
<b>Total current assets</b>		<b>478</b>	<b>403</b>
<b>NON-CURRENT ASSETS</b>			
Property, plant and equipment	<i>14</i>	78	90
Intangible assets	<i>15</i>	44	83
<b>Total non-current assets</b>		<b>122</b>	<b>173</b>
<b>TOTAL ASSETS</b>		<b>600</b>	<b>576</b>
<b>CURRENT LIABILITIES</b>			
Payables	<i>16</i>	71	37
Provisions	<i>17</i>	168	151
<b>Total current liabilities</b>		<b>239</b>	<b>188</b>
<b>TOTAL LIABILITIES</b>		<b>239</b>	<b>188</b>
<b>NET ASSETS (LIABILITIES)</b>		<b>361</b>	<b>388</b>
<b>EQUITY</b>			
Contributed equity	<i>18</i>	155	155
Retained surpluses (Accumulated deficits)		206	233
<b>TOTAL EQUITY</b>		<b>361</b>	<b>388</b>



*The above Statement of Financial Position should be read in conjunction with the accompanying notes.*

**ANTI-DISCRIMINATION COMMISSION QUEENSLAND**  
**STATEMENT OF CASH FLOWS**  
*for the year ended 30 June 2002*

	<i>Notes</i>	<b>2002</b>	<b>2001</b>
		<b>\$000</b>	<b>\$000</b>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<i>Inflows:</i>			
User charges		90	113
Grants and other contributions		3,254	3,216
Interest received		32	34
GST input tax credits received from the Australian Tax Office		86	77
Other		34	23
<i>Outflows:</i>			
Employee expenses		(2,194)	(2,189)
Supplies and services		(1,173)	(1,169)
GST remitted to the Australian Tax Office		(16)	(11)
Other		(6)	(4)
<b>Net cash provided by (used in) operating activities</b>	<i>19</i>	<b>107</b>	<b>90</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<i>Inflows</i>			
Sales of property, plant and equipment		..	2
<i>Outflows:</i>			
Payments for plant and equipment		(29)	(27)
Payments for intangibles		(3)	(6)
<b>Net cash provided by (used in) investing activities</b>		<b>(32)</b>	<b>(31)</b>
<b>Net increase (decrease) in cash held</b>		<b>75</b>	<b>59</b>
<b>Cash at beginning of financial year</b>		<b>365</b>	<b>306</b>
<b>Cash at end of financial year</b>	<i>10</i>	<b>440</b>	<b>365</b>



*The above Statement of Cash Flows should be read in conjunction with the accompanying notes.*

**ANTI-DISCRIMINATION COMMISSION QUEENSLAND**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*for the year ended 30 June 2002*

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**1. Objective and Funding of the Commission**

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

The Commission's functions are set out in section 235 of the Act.

They fall into two broad categories. The first is a redress function:

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

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

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

The *Anti-Discrimination Act 1991* also establishes the Anti-Discrimination Tribunal. Complaints which are unable to be conciliated may be referred to the Anti-Discrimination Tribunal for hearing and determination.

The Tribunal's functions are set out in section 248 of the Act and include:

- to hear and determine complaints;
- to grant exemptions from the Act;
- to provide opinions about the application of the Act; and
- to review some decisions of the Anti-Discrimination Commissioner.

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

The Commission provides some of the following services on a fee for service basis:

- publications; and
- training workshops.



**ANTI-DISCRIMINATION COMMISSION QUEENSLAND**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*for the year ended 30 June 2002*

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**2. Summary of Significant Accounting Policies**

**(a) Basis of Accounting**

These financial statements are a general purpose financial report and have been prepared in accordance with applicable Australian Accounting Standards and other authoritative pronouncements.

Except where stated the financial statements have been prepared in accordance with the historical cost convention. The accounting policies adopted are consistent with those of the previous year.

The accrual basis of accounting has been adopted.

**(b) The Reporting Entity**

The financial statements include all assets, liabilities, equities, revenues and expenses of the Anti-Discrimination Commission. The Commission does not control any other entities.

**(c) User Charges**

User charges are recognised as revenue when invoices for the related services are issued.

**(d) Grants and other Contributions**

The Commission is funded through a grant from the Department of Justice and Attorney-General which is appropriated by parliament. Grants are recognised as revenue when the Commission obtains control over the relevant assets. The Commission has full discretion in the use of the funds in achieving its objectives.

**(e) Cash Assets**

For financial reporting purposes, cash includes all cash and cheques received but not banked.



**ANTI-DISCRIMINATION COMMISSION QUEENSLAND**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*for the year ended 30 June 2002*

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**(f) Receivables**

Trade debtors are recognised at the normal amount due at the time of sale or service delivery, settlement on trade debtors being generally required within 30 days from the invoice date.

The collectability of receivables is assessed periodically with adequate provision being made for doubtful debts. All known bad debts have been written-off at 30 June.

**(g) Inventories**

Inventories are valued at the lower of cost and net realisable value. Cost is determined as the value given as consideration plus costs incidental to the acquisition.

**(h) Acquisition of Assets**

Actual cost is used for the initial recording of all acquisitions of assets controlled by the Commission. Assets acquired at no cost or for nominal considerations are recognised at their fair value at date of acquisition.

Cost is determined as the value given as consideration plus costs incidental to the acquisition, including all other costs incurred in getting the assets ready for use.

**(i) Property, Plant and Equipment**

All items of property, plant and equipment as well as intangibles with a cost or other value in excess of \$2,000 are recognised in the year of acquisition. Items with a lesser value are expensed in the year of acquisition.

**(j) Amortisation and Depreciation of Intangibles, Property, Plant and Equipment**

Depreciation of property, plant and equipment is calculated on a straight line basis so as to write off the values of each depreciable asset, less its estimated residual value, progressively over its estimated useful life. Each intangible asset is amortised over its estimated useful life less any anticipated residual value.



**ANTI-DISCRIMINATION COMMISSION QUEENSLAND**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*for the year ended 30 June 2002*

For each class of depreciable asset the following depreciation rates were used:

<b>Class</b>	<b>Depreciation Rates</b>
Property, plant and equipment	
Computers	33.3%
Office equipment	20.0%
Furniture	14.3%
Other	25.0%

<b>Intangibles</b>	<b>Amortisation Rates</b>
Computer software	10% to 33.3%

**(k) Revaluation of Non-Current Physical Assets**

In accordance with Queensland Treasury's guidelines, *Non-Current Asset Accounting Guidelines for the Queensland Public Sector*, all classes of assets are recorded on a cost basis.

**(l) Leases**

Operating lease payments are representative of the pattern of benefits derived from the leased assets and accordingly, are charged to the Statement of Financial Performance in the periods in which they are incurred. The Commission does not have any finance leases.

**(m) Payables**

Trade creditors are recognised upon receipt of the goods or services ordered and are measured at the agreed purchase price gross of applicable trade and other discounts. Amounts are unsecured and are generally settled on 30 day terms.



**ANTI-DISCRIMINATION COMMISSION QUEENSLAND**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*for the year ended 30 June 2002*

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**(n) Employee Entitlements**

*Wages, Salaries and Annual Leave*

Wages, salaries and annual leave due but unpaid at reporting date recognised in the Statement of Financial Position include related on-costs such as payroll tax, workcover premiums and employer superannuation contributions.

*Long Service Leave*

Under the State Government's long service leave scheme a levy is made on the Commission to cover this expense. Amounts paid to employees for long service leave are claimed from the scheme as and when leave is taken.

No provision for long service leave is recognised in the financial statements, the liability being held on a whole-of-Government basis and reported in the financial report prepared pursuant to AAS 31 - *Financial Reporting by Governments*.

*Superannuation*

Employer superannuation contributions are paid to Qsuper, the superannuation plan for Queensland employees at rates determined by the State Actuary.

No liability is recognised for accruing superannuation benefits in these financial statements, the liability being held on a whole-of-Government basis and reported in the financial report prepared pursuant to AAS 31 - *Financial Reporting by Governments*.

**(o) Taxation**

The Commission's activities are exempt from Commonwealth taxation except for Fringe Benefits Tax and Goods and Services Tax ("GST"). As such, input tax credits receivable and GST payable from/to the Australian Tax Office are recognised and accrued.

**(p) Insurance**

The Commission's non-current physical assets and other risks are insured through the Queensland Government Insurance Funds, premiums being paid on a risk assessment basis. In addition, the Commission pays premiums to Workcover Queensland in respect of its obligations for employee compensation.

**(q) Rounding**

Amounts included in the financial statements have been rounded to the nearest \$1,000, or where that amount is \$500 or less, to zero.

**(r) Comparative Information**

Comparative information has been restated where necessary to be consistent with disclosures in the current reporting period.

**ANTI-DISCRIMINATION COMMISSION QUEENSLAND**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*for the year ended 30 June 2002*

	<b>2002</b>	<b>2001</b>
	<b>\$000</b>	<b>\$000</b>
<b>3. User Charges</b>		
Saleable publications	5	6
Training sessions	89	91
	<u>94</u>	<u>97</u>
<b>4. Grants and Other Contributions Revenue</b>		
Grant from Department of Justice and Attorney-General	3,244	3,206
	<u>3,244</u>	<u>3,206</u>
<b>5. Other Revenues</b>		
Proceeds for project "Tracking Your Rights" Services to Human Rights & Equal Opportunity Commission	..	13
Interest	10	10
Other	32	34
	34	..
	<u>76</u>	<u>57</u>
<b>6. Employee Expenses/Number of Employees</b>		
• <b>Employee Expenses:</b>		
Wages, salaries and annual leave	1,857	1,813
Employer superannuation contributions	221	218
Long Service leave levy	28	28
Other related expenses	148	130
	<u>2,254</u>	<u>2,189</u>

• **Number of Employees:**

The number of employees at reporting date was 36 (2001: 35). This includes both full-time employees and part-time employees measured on a full-time equivalent basis.



**ANTI-DISCRIMINATION COMMISSION QUEENSLAND**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*for the year ended 30 June 2002*

	<b>2002</b>	<b>2001</b>
	<b>\$000</b>	<b>\$000</b>
<b>7. Supplies and Services</b>		
Tenancy expenses	295	289
Property expenses	102	90
Printing expenses	84	96
QADT member fees	54	83
Professional services	75	80
Travel costs	64	78
Corporate service costs	72	58
Other expenses	351	295
	<b>1,097</b>	<b>1,069</b>
<b>8. Depreciation and Amortisation</b>		
Depreciation and amortisation was incurred in respect of:		
Plant and equipment	40	80
Intangibles	42	26
	<b>82</b>	<b>106</b>
<b>9. Other Expenses</b>		
Insurance	3	..
External audit fees	5	4
Losses – Public Property	..	4
	<b>8</b>	<b>8</b>
<b>10. Cash Assets</b>		
<i>Current</i>		
Imprest totals	2	2
Cash at bank	438	363
	<b>440</b>	<b>365</b>



**ANTI-DISCRIMINATION COMMISSION QUEENSLAND**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*for the year ended 30 June 2002*

	<b>2002</b>	<b>2001</b>
	<b>\$000</b>	<b>\$000</b>
<b>11. Receivables</b>		
<i>Current</i>		
Trade debtors	18	19
	<b>18</b>	<b>19</b>
GST input tax credits receivables	10	11
GST payable	..	(2)
Net GST Receivable	<b>10</b>	<b>9</b>
	<b>28</b>	<b>28</b>
<b>12. Inventories</b>		
<i>Current</i>		
Inventory held for resale	9	9
	<b>9</b>	<b>9</b>
<b>13. Other Assets</b>		
<i>Current</i>		
Prepayments	1	1
	<b>1</b>	<b>1</b>
<b>14. Property, Plant and Equipment</b>		
<i>Non-Current</i>		
Plant and equipment:		
- at cost	421	403
- accumulated depreciation	(343)	(313)
	<b>78</b>	<b>90</b>



**ANTI-DISCRIMINATION COMMISSION QUEENSLAND**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*for the year ended 30 June 2002*

	2002 \$000	2001 \$000
<b>Reconciliation</b>		
Reconciliation of the carrying amount of plant and equipment at the beginning and end of the current and previous financial year:		
Carrying amount at start of year	90	156
Acquisitions	29	21
Disposals	..	(7)
Depreciation	(40)	(80)
Transfer	(1)	..
Carrying amount at end of year	<u>78</u>	<u>90</u>
<b>15. Intangible Assets</b>		
<i>Non-Current</i>		
Internal Use Software:		
- at cost	132	135
- accumulated amortisation	(88)	(52)
	<u>44</u>	<u>83</u>
<b>16. Payables</b>		
<i>Current</i>		
Trade creditors	23	37
Other	48	..
	<u>71</u>	<u>37</u>
<b>17. Provisions</b>		
<i>Current</i>		
Annual leave	168	151
	<u>168</u>	<u>151</u>



**ANTI-DISCRIMINATION COMMISSION QUEENSLAND**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*for the year ended 30 June 2002*

	<b>2002</b>	<b>2001</b>
	<b>\$000</b>	<b>\$000</b>
<b>18. Changes in Equity</b>		
<b>Contributed Equity</b>		
Opening Balance	155	155
Closing Balance	<u>155</u>	<u>155</u>
<b>Retained Surpluses (Accumulated Deficits)</b>		
Opening Balance	233	245
Net Surplus	<u>(27)</u>	<u>(12)</u>
Closing Balance	<u>206</u>	<u>233</u>
<b>19. Reconciliation of Net Surplus/(Deficit) to Net Cash Provided by (Used in) Operating Activities</b>		
Surplus/(deficit) from ordinary activities	(27)	(12)
Non-cash items:		
Depreciation and amortisation	82	106
Loss on disposal of Property Plant and Equipment	..	4
Changes in assets and liabilities:		
(Increase)/decrease in Inventories	..	8
(Increase)/decrease in Receivables	1	7
(Increase)/decrease in GST input tax credits receivable	(1)	(8)
(Increase)/decrease in Other Assets	..	2
Increase/(decrease) in Accounts Payable	35	(32)
Increase/(decrease) in Employee Provisions	16	7
Adjustment for Accounts Payable relating to capital items	<u>1</u>	<u>8</u>
Net cash provided by (used in) operating activities	<u>107</u>	<u>90</u>



**ANTI-DISCRIMINATION COMMISSION QUEENSLAND**  
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*for the year ended 30 June 2002*

	2002 \$000	2001 \$000
<b>20. Commitments for Expenditure</b>		
<b>(a) Expenditure Commitments</b>		
Material expenditure commitments inclusive of GST contracted for but not recognised as payable are as follows:		
Office accommodation	608	692
	<b>608</b>	<b>692</b>
Payable:		
Not later than one year	356	293
Later than one year and not later than five years	252	399
	<b>608</b>	<b>692</b>

**(b) Capital Commitments**

There were no material capital commitments at 30 June 2002.

**21. Contingencies**

**Guarantees and Undertakings**

The Commission was not committed to any guarantees or undertakings at 30 June 2002.



**ANTI-DISCRIMINATION COMMISSION QUEENSLAND**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*for the year ended 30 June 2002*

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**22. Financial Instruments**
**(a) Interest Rate Risk Exposure**

The Commission's exposure to interest rate risk and the effective interest rates of financial assets and financial liabilities are shown in the following table. All assets and liabilities are shown by maturity or contractual repricing dates and at face value.

**Contractual Repricing/Maturity Date:**

	<b>Floating Rate</b>	<b>1 year or less</b>	<b>1 to 5 years</b>	<b>Greater than 5 years</b>	<b>Non Interest Bearing</b>	<b>Total</b>	<b>Weighted Average Rate:</b>
	<b>\$000</b>	<b>\$000</b>	<b>\$000</b>	<b>\$000</b>	<b>\$000</b>	<b>\$000</b>	<b>%</b>
<b>Financial Assets</b>							
Cash	440	..	..	..	..	440	3.75
Receivables	..	..	..	..	28	28	N.A
<b>Total</b>	<b>440</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>28</b>	<b>468</b>	<b>N.A</b>
<b>Financial Liabilities</b>							
Payables	..	..	..	..	71	71	N.A
<b>Total</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>..</b>	<b>71</b>	<b>71</b>	<b>N.A</b>

The floating interest rate represents the most recently administered market rate applicable to the instrument at 30 June 2002.

**(b) Credit Risk Exposure**

Credit risk exposure represents the extent of credit related losses that the Commission may be subject to on amounts to be exchanged under loans and accounts receivable from financial assets. Where appropriate, collateral is obtained in the form of security over property.

The maximum exposure to credit risk at balance date in relation to each class of recognised financial assets is the carrying amount of those assets net of any provisions for doubtful debts as indicated in the Statement of Financial Position.



**ANTI-DISCRIMINATION COMMISSION QUEENSLAND**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
*for the year ended 30 June 2002*

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(c) **Net Fair Value**

The net fair value is determined as follows:

- The net fair value of cash and cash equivalents and non-interest bearing monetary financial assets and financial liabilities approximate their carrying value.
- The net fair value of other monetary financial assets and financial liabilities is based on market prices where a market exists, or has been determined by discounting expected future cash flows by the current interest rate for financial assets and liabilities with similar risk profiles.

The carrying amounts and estimated net fair values of financial assets, financial liabilities and off-balance sheet derivative financial instruments held at balance date are given below:

**Financial Instruments**

	<b>Total</b>		<b>Net</b>	
	<b>Carrying Amount</b>		<b>Fair Value</b>	
	<b>2002</b>	<b>2001</b>	<b>2002</b>	<b>2001</b>
	<b>\$000</b>	<b>\$000</b>	<b>\$000</b>	<b>\$000</b>
<b>Financial Assets</b>				
Cash	440	365	440	365
Receivables	28	28	28	28
<b>Financial Liabilities</b>				
Payables	71	37	71	37



**CERTIFICATE OF THE ANTI-DISCRIMINATION COMMISSION  
QUEENSLAND**

These general purpose financial statements have been prepared pursuant to section 46F of the *Financial Administration and Audit Act 1977* and other prescribed requirements. We certify that in our opinion:

- (a) the prescribed requirements for establishing and keeping the accounts have been complied with in all material respects; and
- (b) the statements have been drawn up to present a true and fair view, in accordance with prescribed accounting standards, of the transactions the Anti-Discrimination Commission Queensland for the financial year ended 30 June 2002, and of the financial position of the Commission at the end of that year.



**David Mackie**  
**Manager, Support Service**



**Karen Walters**  
**Anti-Discrimination Commissioner**

30 August 2002



## INDEPENDENT AUDIT REPORT

### To the Anti-Discrimination Commissioner

#### Scope

I have audited the general purpose financial statements of the Anti-Discrimination Commission Queensland prepared by the statutory body for the year ended 30 June 2002 in terms of section 46F of the *Financial Administration and Audit Act 1977*. The financial statements comprise the Statement of Financial Performance, Statement of Financial Position, Statement of Cash Flows, Notes to and forming part of the financial statements and certificates given by the Anti-Discrimination Commissioner and Manager, Support Services.

The Anti-Discrimination Commission Queensland is responsible for the preparation and the form of presentation of the financial statements and the information they contain. I have audited the financial statements in order to express an opinion on them.

The audit has been conducted in accordance with *QAO Auditing Standards*, which incorporate the Australian Auditing Standards, to provide reasonable assurance as to whether the financial statements are free of material misstatement. Audit procedures included the examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with prescribed requirements in Australia which include Australian Accounting Standards so as to present a view which is consistent with my understanding of Anti-Discrimination Commission Queensland's financial position and the performance as represented by the results of its operations and its cash flows.

The audit opinion expressed in this report has been formed on the above basis.

#### Audit Opinion

In accordance with section 46G of the Financial Administration and Audit Act, I certify that I have received all the information and explanations I have required and, in my opinion -

- . the prescribed requirements in respect of the establishment and keeping of accounts have been complied with in all material respects; and
- . the statements have been drawn up so as to present a true and fair view in accordance with prescribed accounting standards and other prescribed professional reporting requirements in Australia of the transactions of the Anti-Discrimination Commission Queensland for the financial year 1 July 2001 to 30 June 2002 and of the financial position as at the end of that year.



Director of Audit  
(Delegate of the Auditor-General)



Queensland Audit Office  
Brisbane

# APPENDICES

## Appendix 1

### Location of Commission Offices

Brisbane: Level 1, RAMS House  
189 Coronation Drive  
Milton  
PO Box 2122  
Milton Q 4064  
Telephone: 1300 130 670 (Statewide)  
TTY 1300 130 680 (Statewide)  
Facsimile: (07) 3247 0960

Rockhampton: Level 1, State Government Centre  
209 Bolsover Street  
Rockhampton Qld 4700  
PO Box 1390  
Rockhampton Qld 4700  
Telephone: 1300 130 670 (Statewide)  
TTY 1300 130 680 (Statewide)  
Facsimile: (07) 4938 4459

Townsville: Level 2, St James Place  
155-157 Denham Street  
Townsville Qld 4810  
Telephone: 1300 130 670 (Statewide)  
TTY 1300 130 680 (Statewide)  
Facsimile: (07) 4799 7021

Cairns: McLeod Chambers  
78 Spence Street  
Cairns Qld 4870  
PO Box 4699  
Cairns Qld 4870  
Telephone: 1300 130 670 (Statewide)  
TTY 1300 130 680 (Statewide)  
Facsimile: (07) 4039 8609

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

### Location of the Anti-Discrimination Tribunal

Brisbane: Level 2  
State Law Building  
50 Ann Street  
Brisbane Qld 4001  
GPO Box 487  
Brisbane Qld 4001  
Phone: (07) 3239 6408  
Fax: (07) 3239 6397  
TTY: (07) 3239 0718

## Appendix 2 Publications

Rights and Responsibilities brochure series

- Anti-Discrimination: Your Rights and Responsibilities #
- Anti-Discrimination Commission of Queensland: Your Guide #
- Discrimination and Sexual Harassment Complaints: Your Rights and Responsibilities #\*
- Sexual Harassment: Your Rights and Responsibilities \*
- Disability Discrimination: Your Rights and Responsibilities
- Sex, Family and Relationship Based Discrimination: Your Rights and Responsibilities
- Age Discrimination: Your Rights and Responsibilities
- Sexuality and Discrimination: Your Rights and Responsibilities
- Racial Discrimination: Your Rights and Responsibilities \*

# Denotes brochures available in audio tape format to assist people with a visual impairment

\* Denotes brochures available in Arabic, Chinese, Bosnian, Croatian, Serbian, Spanish and Vietnamese.

### Posters

- Race: 'We're all the same and we're all different'
- Race: Indigenous (2) 'Racial Discrimination is Against the Law'
- Sexual Harassment: 'Are you stepping on someone's toes?'
- Sexuality: 'Defending the Right to be Different'
- Universal Declaration of Human Rights

### Rights Cards (ie. Know Your Rights)

- Murriss and Torres Strait Islanders
- Gays and Lesbians
- Sexual Harassment

### Model Policies

- Discrimination and Sexual Harassment

### Video

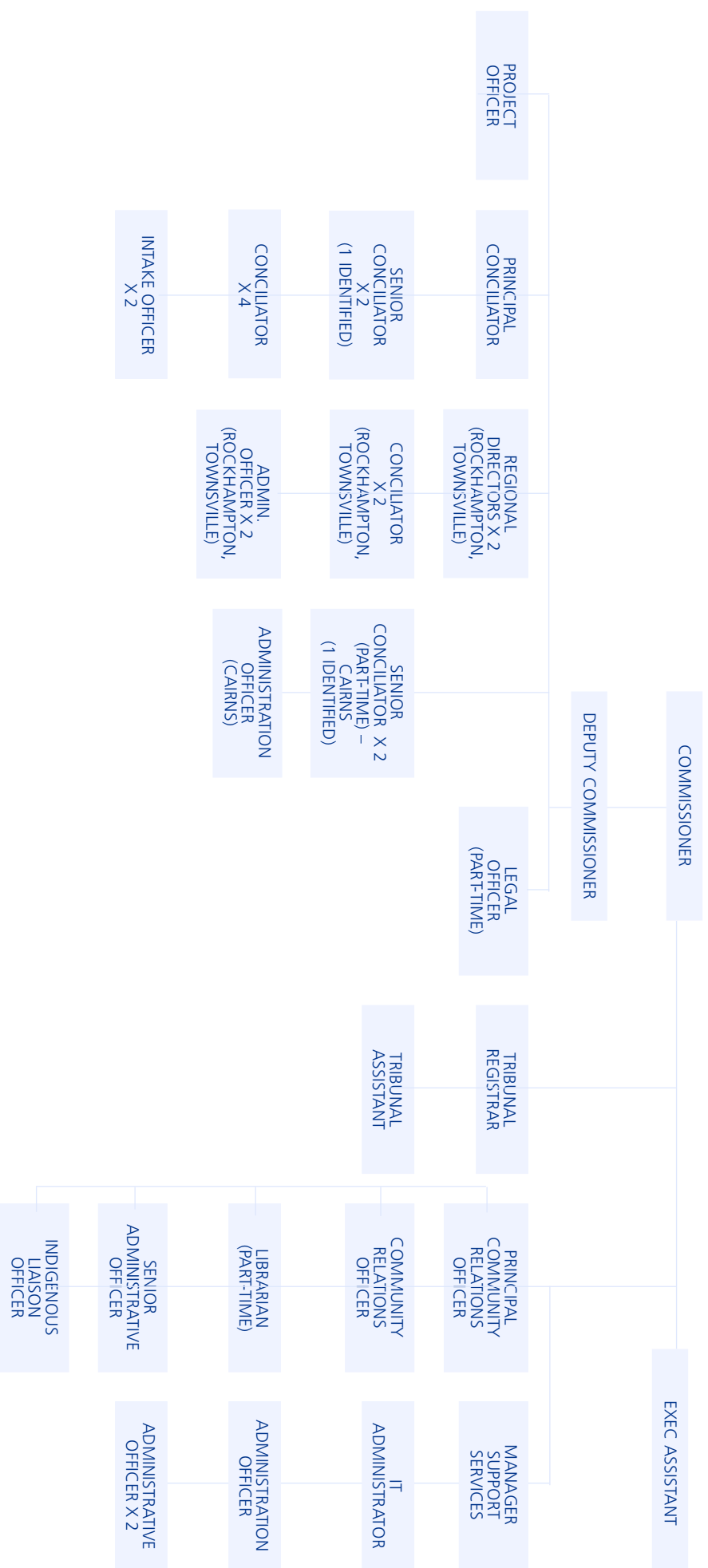
- 'Fair Go' (also available in a captioned format to assist people with hearing impairment)

### Newsletter

- 'Balancing the Act' Issues 1 - 14

### Appendix 3

#### ORGANISATIONAL CHART



Appendix 4

