



Annual Report 2021-22



Queensland
Human Rights
Commission

Annual report 2021-22

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ISSN 1441-5747 (print)

ISSN 1837-0640 (online)

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This publication is available in print from the Queensland Human Rights Commission's Brisbane office, or in electronic format on the Commission's website at: www.qhrc.qld.gov.au.

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Letter of compliance

31 August 2022

The Honourable Shannon Fentiman MP
Attorney-General and Minister for Justice, Minister for Women and
Minister for the Prevention of Domestic and Family Violence
1 William Street
Brisbane Qld 4000

Dear Attorney-General,

I am pleased to present the Annual Report 2021-22 and financial statements for the Queensland Human Rights Commission.

I certify that this Annual Report complies with:

- the prescribed requirements of the *Financial Accountability Act 2009* and the *Financial and Performance Management Standard 2019*, and
- the detailed requirements set out in the Annual reporting requirements for Queensland Government agencies.

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

Yours sincerely



Scott McDougall
Commissioner
Queensland Human Rights Commission

Commissioner's foreword

The work of the Commission across 2021-22 was dominated by three main elements: our Review of Queensland's anti-discrimination law, the ongoing COVID-19 pandemic, and the continuing increase in complaints and enquiries we receive.

Our Review of Queensland's *Anti-Discrimination Act 1991*, requested by the Attorney-General in May 2021, is the first holistic reconsideration of the Act since its introduction 30 years ago. It provided an excellent opportunity to make sure the Act is working to protect Queenslanders from discrimination and harassment, and that it is keeping pace with contemporary community expectations. I am proud of the comprehensive consultation undertaken by the Review team and grateful to all who generously shared their experiences with us in the hope of strengthening the protections offered by the Act. I look forward to the Review's final report *Building Belonging*, being tabled in state parliament in 2022-23 and working with government and the community to progress the recommendations it contains.

The COVID pandemic and its associated restrictions continued to impact our work across the year, accounting for a significant proportion of our work in complaints, enquiries, media and communications, and legal and policy. Several court challenges to public health directions remain in progress as at 30 June, many of which the Commission is involved in as an intervening party. We have continued to advocate for transparent and accountable decision making in pandemic response measures, including the need for the government to introduce fit-for-purpose specific pandemic legislation and to urgently clarify the role of the Human Rights Act in the decisions of the Chief Health Officer.

The ongoing increase in the numbers of complaints and enquiries we receive (up by 80% and 60% respectively in the last two years) has greatly added to the workload of our teams, and I am pleased the increased demand has been recognised in a funding boost for the Commission announced in the 2022 state budget.



Scott McDougall
Commissioner
Queensland Human Rights Commission

About the Commission

The Commission is an independent statutory body established under the *Anti-Discrimination Act 1991*. We are accountable to Parliament through the Attorney-General and Minister for Justice.

Our operational objectives are directly aligned to the objectives of our governing legislation. Through our work we contribute to the whole-of-government objectives of 'be a responsive government' and 'keep communities safe', while also delivering on our independent objectives. The ways in which we deliver services, develop and support staff, and engage with the community also reflect the Queensland public service values of putting customers first, translating ideas into action, unleashing potential, being courageous, and empowering people.

We are led by the Human Rights Commissioner, who is appointed under section 238 of the Anti-Discrimination Act by the Governor in Council, and reports to the Queensland Parliament through the Attorney-General and Minister for Justice.

Our primary legislated functions under the *Anti-Discrimination Act 1991* and *Human Rights Act 2019* are listed in Appendix D of this report.

A chart showing the Commission's organisational structure is available in Appendix E of this report.

We have four offices, located in Brisbane, Rockhampton, Townsville and Cairns, which deliver services to the Queensland community. Each regional office performs a variety of functions including dispute resolution and complaint management, training, community engagement and provision of information services directly to the public. The Brisbane office is responsible for executive, legal and corporate services.

The way in which we deliver services, develop and support staff, and engage with the community reflect the Queensland public service values of putting customers first, translating ideas into action, unleashing potential, being courageous, and empowering people.

Our vision

A Queensland where human rights are real for everyone.

Our purpose

To protect and promote freedom, respect, equality and dignity.

Our services

Our services include:

- providing an expert dispute resolution service for discrimination and human rights complaints
- helping people understand their rights and responsibilities through our statewide enquiry service
- training businesses, government and the community
- supporting the development of policy and legislation to better protect rights
- increasing public understanding and discussion of human rights and responsibilities through our community engagement, education programs and communications.

Issues impacting on service delivery

Three main issues impacted on our service delivery this year:

- The ongoing COVID pandemic (see page 8 of this report)
- Our Review of Queensland's Anti-Discrimination Act (see page 12)
- Continuing increases in the numbers of complaints (page 15) and enquiries (page 31).

In the past two years, the number of complaints made to the Commission has increased by over 80%. The number of enquiries has grown by over 60% in the same period.

These stark increases in demand have coincided with the introduction of the *Human Rights Act 2019* and the impact of the COVID pandemic and associated restrictions.

In order to address this escalating demand for our services, the Commission has introduced a range of measures including a triage process for complaints and Priority Complaints Officers to handle those requiring urgent attention.

However, despite efforts to respond to this significant increase in demand, as at 30 June 2022 there were over 600 complaints awaiting assessment after lodgement.

In response, the Queensland state budget announcement in June 2022 included an additional funding allocation for the Commission to help us address the increased need for frontline services.

Part of this funding will be used to establish an additional temporary team to address the surplus of complaints awaiting assessment, which will begin in 2022-23.

Impact of COVID-19

The ongoing COVID-19 pandemic has continued to strongly impact on all areas of our work this year, and is clearly demonstrated in increasing complaint and enquiry numbers, unprecedented website traffic, and in our policy and legislative development work.

In 2021-22, COVID-19 accounted for:

- 36% of all complaints received
- 29% of enquiries
- 40% media requests
- 20% website traffic
- 2 parliamentary submissions and 2 committee appearances
- 80% of our intervention work

There were clear spikes across the year in complaints, enquiries, media and website traffic which correlated with major announcements about changes in restrictions. These spikes were most pronounced around the introduction of vaccine mandates and the lifting of border restrictions.

As well as vaccine requirements and border closures, other prominent issues included face mask requirements, hotel quarantine, and the continuation of COVID emergency powers under state legislation.

Complaints

We received 681 complaints about COVID-related issues in 2021-22, up from 209 the previous year. Due to the steep increases in the numbers of complaints we have received in recent years, there is a considerable wait time in assessing complaints after lodgement, so not all complaints are assessed and/or finalised in the year they are received.

*Of the **576** COVID-related complaints we finalised in 2021-22, the highest number were about mask requirements.*

Public health directions mandated the wearing of face masks for various periods across the year, in many settings including on public transport, in health and hospital services, and across goods and services provision including retail and hospitality. There were exceptions to this mandate for some people including children under 12 and people with disability and/or medical issues which meant they could not wear a mask. However, the shortcomings in adequately communicating these exceptions to organisations and businesses created a lack of understanding in how they applied, and many of the complaints we accepted in relation to mask requirements were from people who had a valid exception but had been refused service by businesses which had adopted a 'no mask, no entry' policy.

Of the 214 complaints about mask requirements we finalised in 2021-22, 83 were accepted as being a potential breach of the Anti-Discrimination Act, mostly on the basis of impairment discrimination. Of those we assessed and did not accept, most were from complainants who did not provide adequate information about how the exceptions applied to them.

The second largest number of COVID complaints were about vaccination; however, only 8 of the 158 vaccine-related complaints we finalised in 2021-22 were accepted. This is because many of the vaccine-related complaints lodged with us were in relation to organisations complying with public health directions issued by the Chief Health Officer under the emergency powers granted by the *Public Health Act 2005*. Other complaints we were unable to accept were from people opposed to vaccine mandates in general but with no significant personal impact covered by either the Anti-Discrimination Act or the Human Rights Act.

We continue to receive complaints about hotel quarantine, and finalised 109 during 2021-22. The vast majority of quarantine complaints continue to be around lack of fresh air or outside access, and/or are from people with physical and/or mental health conditions which make quarantine unsuitable due to the complex nature of their needs or the seriousness of their condition/s. As the respondents to these complaints are largely state government departments and entities, 29 (74%) of the 39 quarantine complaints we accepted this year were piggy-back complaints – that is, covered by both the Human Rights Act and the Anti-Discrimination Act.

Enquiries

We received 1878 COVID-related enquiries during 2021-22, up from 489 the previous year.

COVID-related enquiries were more likely to be about vaccine requirements (865) than masks (595) or hotel quarantine (116). Vaccine enquiries peaked between mid-November when mandates were first announced and mid-December when state borders reopened, accounting for 30% of all enquiries to the Commission in this period.

Generally, the highest number of enquiries tend to come from potential complainants, or people looking for information about whether the conduct they have experienced is a breach of discrimination or human rights law. While this continued this year there was also a 7-fold increase in the number of enquirers looking for general information (504 compared to 74 in 2020-21). This is largely explained by the high numbers of people contacting us to express general concern or frustration at COVID-related restrictions.

Media

Requests for comment about COVID-related issues accounted for around 40% of the media enquiries we received in 2021-22, continuing the trend from the previous year.

The most common requests we received from media were in relation to the introduction of vaccine mandates, and our submissions and parliamentary committee appearances on COVID-related legislation. Border closures and permits, hotel quarantine, and complaint statistics and outcomes were also regularly sought after by outlets. Comment on these issues was provided to and published by a wide range of media outlets in Queensland and interstate, including the Australian, the Courier Mail, Sunday Mail, Guardian Australia, Brisbane Times, multiple ABC platforms, and Channel 7 News.

Website

Our COVID-related webpages on rights and responsibilities were viewed over 216,000 times and accounted for over 20% of all website traffic this year, compared with just over 3% last year.

In August 2021 we added specific information about face masks following high numbers of enquiries and complaints. As well as information about rights we produced a guide for services and businesses to help them understand and comply with their obligations under the Anti-Discrimination Act.

In September this was followed by vaccination information. These pages have been updated multiple times to make sure they remain current and relevant to the high numbers of users accessing this content.

Three of the top five most viewed pages this year were COVID-related and our 'Vaccination and your rights' page alone accounted for more than 8% of all website traffic.

As with enquiries, there were clear peaks in traffic coinciding with the introduction or alteration of public health directions, including on vaccination and face masks.

Submissions and committee hearings

Some aspects of COVID emergency measures have gone before Queensland Parliament and been subjected to human rights scrutiny via the committee process. This gives committees the opportunity to seek written submissions and have experts appear before committee members to answer questions about the proposed legislation.

We took part in the two committee enquiries into COVID matters this year, making submissions and appearing before the relevant portfolio committee on both occasions:

- July 2021: Public Health and Other Legislation (Further Extension of Expiring Provisions) Amendment Bill 2021
- March 2022: Public Health (Extension of Expiring Provisions) Amendment Bill 2022

Our submissions and evidence to committee focussed largely on the need for government to justify its decisions by releasing detailed human rights considerations and the evidence it has relied upon to make decisions about pandemic response measures, and to introduce specific pandemic legislation instead of again extending the temporary emergency measures.

Submissions are published on the Commission's website and on the Queensland Parliament site, where hearing transcripts are also available.

Interventions

The Commission is able to intervene in relevant proceedings under the *Anti-Discrimination Act 1991* and the *Human Rights Act 2019*.

We are involved in several matters currently before court which relate to vaccine mandates introduced as part of the pandemic response. This is one of the most appropriate vehicles for examining the human rights compatibility of these measures, as courts have the ability to seek and assess evidence and to make a binding determination on the compatibility or otherwise of the mandates, which the Commission does not legally have the power to do.

As at 30 June 2022 these matters were ongoing and no decisions by courts had been handed down. Vaccine matters accounted for around 80% of all interventions we were involved in this year.

Our Review of Queensland's *Anti-Discrimination Act 1991*

In May 2021, the Attorney-General asked the Queensland Human Rights Commission to undertake a review of the *Anti-Discrimination Act*.

This is the first major review of the Act since its commencement 30 years ago.

The Review was tasked with examining whether Queensland's anti-discrimination law protects and promotes equality and non-discrimination to the greatest extent possible.

The scope of the Review is outlined in the Terms of Reference and included whether the Act:

- needs improving so it better responds to people who have experienced discrimination
- should have a role in identifying and eliminating systemic causes of discrimination, sexual harassment, and victimisation
- should require organisations and workplaces to eliminate discrimination, sexual harassment, and victimisation.

The Review team

The Review team comprised of a Review Lead who joined the Commission in June 2021, supported by a team of existing Commission staff with expertise in law, complaints processes, policy, legal research, and community engagement.

In July 2021 an external Reference Group was established, with the role of identifying issues relevant to various stakeholder groups, and encouraging and supporting participation in the Review by a wide range of community members and stakeholders.

The Reference Group was chaired by Commissioner Scott McDougall and included representatives from:

- Chamber of Commerce and Industry Queensland
- Community Legal Centres Queensland
- Multicultural Australia
- Queensland Churches Together
- Queensland Council for LGBTI Health
- Queensland Council of Social Services
- Queensland Human Rights Commission Aboriginal and Torres Strait Islander Advisory Group
- Queensland Law Society
- Queensland Unions
- Queenslanders with Disability Network

Methodology

To inform the findings and recommendations of the report, the Review gathered information through three key activities: consultations, submissions, and research.

We aimed to consult as widely as possible about issues within the Terms of Reference to ensure that as many people as possible could have input into the future of Queensland's discrimination law. We also sought direct input from people who have experienced discrimination and sexual harassment.

People and organisations could share their contributions by requesting a consultation, making a submission about issues they identified or responding to questions in the Discussion Paper, sharing their experience through our Have Your Say guided submission form, or by participating in public conversations, roundtables, or smaller specialised face-to-face and virtual roundtables.

Submissions

There were three ways to make submissions to the Review – completing a guided online survey, responding to the Discussion Paper, or making a submission about issues within the Terms of Reference.

The submissions process was open from early August 2021 and the Discussion Paper was published on 30 November 2021. All submissions closed on 1 March 2022.

Submissions could be completed using the online form, sending an electronic or written submission, or by sharing audio or video content, images, or artworks.

On 30 November 2021, we published a Discussion Paper outlining priority topics and including 56 questions about options for reform. In response, the Review received 130 submissions. Most of these are published on the Commission's website.

We also developed a guided submissions 'Have Your Say' form to survey people about their personal experiences. The form was available as an online survey or could be downloaded and completed at the user's convenience. We allowed submissions to be made confidentially, and also allowed an option of anonymity.

The Review received 1,109 responses to the Have Your Say survey. Of these, 1,084 were from individuals and 25 were from organisations.

Consultations

Throughout the review, over 120 consultations were held with stakeholder organisations, businesses and other entities over the course of the Review.

We also conducted four public consultations, six roundtable discussions, and further targeted consultation with organisations and businesses, and roundtables.

We held roundtables with the following groups:

- people with disability
- children and young people – aged under 18, and aged 18 to 25
- small business and industry
- legal practitioners who provide advice and representation to both complainants and respondents
- Queensland Government departments.

Throughout the review, businesses and organisations could request to meet with the Review team to provide input into issues within the Terms of Reference.

Six roundtables were held in early 2022 to gather feedback from specific groups. These were children and young people, people with disability, small business and industry, legal practitioners, and state government entities. Over 100 people took part in these roundtables.

Final report and recommendations

On 30 March the Attorney General granted a request for a four-week extension of time for provision of the final report, to accommodate requests for extensions to the submission deadline from organisations and people affected by COVID and by flooding in southeast Queensland in February.

The Review team provided the final report to the Attorney-General on 29 July 2022 outlining the findings of the Review and recommendations for change.

More information about the Review can be found on our website at www.qhrc.qld.gov.au/law-reform.

Complaints management and dispute resolution

Our functions under the *Anti-Discrimination Act 1991* and the *Human Rights Act 2019* include impartial dispute resolution of complaints.

The introduction of the Human Rights Act combined with the ongoing pandemic has resulted in a significant rise in complaint numbers in recent years, a trend which continued into 2021-22.

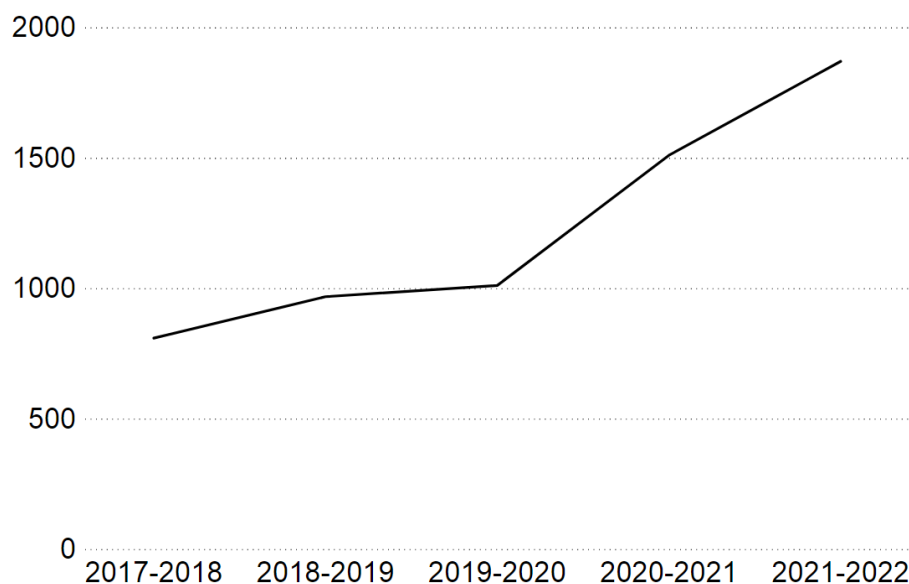
Complaints we received

This year 1870 complaints were received across the state.

Due to the steep increases in the numbers of complaints lodged with the Commission, not all complaints will be assessed and dealt with in the same financial year they are lodged.

This means that some complaints received last financial year will be included in this year's complaint data, as that is when they were assessed and/or progressed to dispute resolution.

Figure 1: Total complaints received 2017-18 to 2021-22



“Dealings with QHRC were professional, respectful and timely, and an effort was made to understand my specific situation.” - complainant

Complaints we are able to deal with

The complaints we are able to deal with are defined by legislation, which contains criteria complaints must meet in order to be accepted.

We deal with complaints about:

- discrimination, sexual harassment, victimisation, vilification, and other contraventions of the *Anti-Discrimination Act 1991*;
- reprisal under the *Public Interest Disclosure Act 2010*, enabling people to resolve their complaints through the Commission's process as an alternative to pursuing court proceedings; and
- unreasonable limitations of human rights by public entities under the *Human Rights Act 2019*.

"I felt comfortable that [conciliator] listened to me and acknowledged my concerns. She was a great help guiding me through the complaints and resolution process. Raising my complaint was something I felt I needed to do rather than something I wanted to do, so it caused me a lot of anxiety." – comment from complainant

Our dispute resolution process

Each complaint lodged with us is assessed by a conciliator to see if it is a complaint covered by our governing legislation. This involves a thorough examination of the allegations contained in the complaint to determine whether, if proven, they would amount to conduct covered by the legislation.

Those that meet the criteria and definitions under the relevant legislation are accepted for dispute resolution. Not all complaints lodged with us are complaints we are able to accept and attempt to resolve. Reasons for not accepting complaints can include allegations not being covered by the legislation, not being made within the legislated time limits or being frivolous or lacking in substance.

We are not a court or tribunal and do not investigate complaints, or have the power to make a determination on whether or not a breach of the Act/s has occurred. Our role is to help the parties involved in the complaint resolve their dispute.

We attempt to resolve complaints accepted under the Anti-Discrimination Act through conciliation conferences. The Human Rights Act is more flexible and empowers us to attempt to resolve human rights complaints by taking appropriate reasonable action, which can include conducting preliminary investigations, requesting submissions from public entities, and conducting early negotiations and conciliation conferences.

Conciliation conferences are managed by a conciliator from the Commission. Our conciliators are impartial third parties in this process and do not take sides or advocate for either party, but ensure the process is fair, safe and consistent with the relevant Act, and assist the parties to come to resolution. Conciliators have specialist knowledge about human rights and discrimination under the Acts. They will help the parties understand their rights and responsibilities under the Acts, which may include explaining the law, point out the strengths and weaknesses of the complaint and the response, tell all the parties about previous cases and what outcomes are likely if the complaint does not resolve at conciliation, and make suggestions or give options for resolving the complaint.

For Anti-Discrimination Act complaints unable to reach resolution, the complainant can choose to proceed to tribunal – the Queensland Industrial Relations Commission for work-related matters, and the Queensland Civil and Administrative Tribunal for all other matters.

Should a Human Rights Act complaint against a public entity be unconciliable, the Commissioner may also report on actions the entity should take to ensure its acts and decisions are compatible with human rights. Unresolved complaints accepted under the Human Rights Act are unable to proceed to a tribunal.

It is possible for complaints to be covered by both the Human Rights and Anti-Discrimination Acts. In most of these cases, the complaint is dealt with under the Anti-Discrimination Act.

Conciliated complaint: Race discrimination

The complainant, a First Nations woman, said that she was asked to leave her local supermarket during COVID-19 because she was not wearing a mask. Her complaint alleged that masks were being provided to other customers of the store who were not of First Nations descent, but she was not offered one, and that she felt this amounted to racial discrimination.

The store disputed this and said that the complainant was treated the same as others in the store who were not wearing a mask, but agreed to provide the complainant with a written acknowledgement and statement of regret, to review their policies and training around cultural awareness and diversity, including review of their Reconciliation Action Plan, and to provide the complainant with vouchers she could use in-store.

Administrative decisions

Throughout the course of managing complaints, numerous administrative decisions are made. In many cases more complex statutory decisions are also required. These decisions require natural justice to both parties and the application of good decision making principles and practices including providing written reasons.

Complex administrative decisions made during the course of complaint handling and assessment include:

- whether the complainant has shown good cause to accept a complaint made outside legislated timeframes (58 decisions this year)
- whether to reject or stay a complaint dealt with elsewhere (5 decisions this year)
- whether to lapse a complaint (7 decisions this year)
- whether to reject a complaint which is frivolous or lacking in substance (13 decisions this year)
- reviews of administrative decisions (11 decisions this year, mostly about decisions made to reject or not accept a complaint).

The number of administrative decisions increases with the rising numbers of complaints, and involves significant resources from the complaint management and the legal, research and policy teams.

Conciliated complaint: Impairment discrimination

The complainant, a man with a disability, wanted to book tickets to a sporting match and required accessible seating. General seats were available for purchase online, but the complainant was unable to view accessible seating or book tickets for accessible seating online, and had to fill out an online form and wait for a call back. After multiple phone calls and emails to follow up his request, he was finally able to speak to the ticket seller and buy a ticket 11 days later.

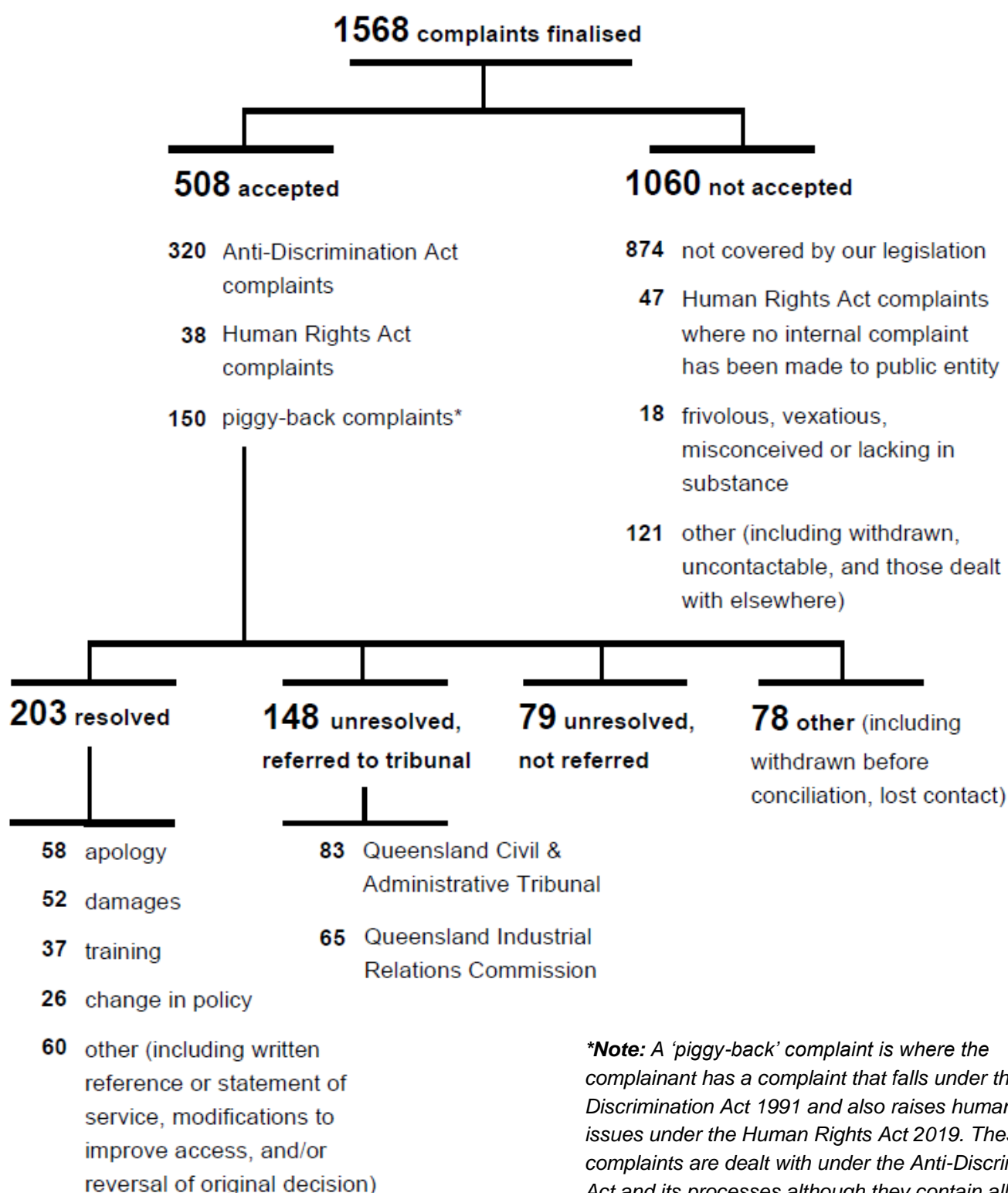
He made a complaint to the Commission of impairment discrimination in the area of goods and services. At conciliation, the venue agreed to consult with the complainant and a disability advocacy organisation to review accessible seating requirements, and the ticket seller agreed to review their policies and procedures. Changes had already been made for a recent event so people could book accessible seats online. The ticket seller also agreed to consult with the complainant on ways to improve their accessible seating booking process and committed to rolling out the new system for all its venues by the end of the year.

Complaints we finalised

We finalised 1568 complaints this year, up from 1145 last year. A finalised complaint is one which has been dealt with to conclusion, either through our dispute resolution process or through rejection and closure of the complaint file.

Despite the increase in finalised complaints, over 600 complaints remained awaiting assessment as at 30 June 2022. A further 300 were still in progress. As a result, many of the complaints we finalised this year were lodged in 2020-21.

Figure 2: Outcomes of complaints finalised in 2021-22



***Note:** A 'piggy-back' complaint is where the complainant has a complaint that falls under the Anti-Discrimination Act 1991 and also raises human rights issues under the Human Rights Act 2019. These complaints are dealt with under the Anti-Discrimination Act and its processes although they contain allegations covered by both pieces of legislation.

Accepted complaints: discrimination

Discrimination complaints under the *Anti-Discrimination Act 1991* involve allegations of less favourable treatment based on a protected attribute occurring in an area of public life covered by the Act, such as at work, in accommodation, in education and in obtaining goods and services, including government services.

Attributes

Discrimination complaints can only be accepted if the discrimination is based on one of 16 attributes protected under the Act.

The breakdown of accepted discrimination complaints by attribute is shown in Table 1.

*In 2021-22, **60%** of accepted discrimination complaints were about impairment discrimination.*

Impairment discrimination continues to be the most commonly accepted complaint this year, with 261 accepted complaints this year (up 40 from last year's 221). While in previous years the majority of these complaints have been about discrimination in employment, this year the largest number (100) were in relation to goods and services, a reflection of the high numbers of complaints lodged from people denied access to goods and services because they were unable to wear a face mask. Impairment discrimination is the basis for the highest number of complaints under each area covered by the Act.

The numbers of complaints about discrimination on the basis of most attributes are comparable to previous years, although the numbers of complaints about age, pregnancy, sex, and religious discrimination have fallen in the past two years.

"I am extremely grateful and appreciative of the professionalism and management of my complaint. I cannot thank the staff who have liaised with me enough. I come from a migrant background and after my experience at the Commission I feel a part of Australian society. Thank you again." - complainant

Areas

Under the Act, for discrimination to be unlawful it must take place in one of 9 prescribed areas of public life. The number of complaints we accepted about discrimination are broken down by attribute and area in Table 1.

The number and proportion of work-related complaints shows workplace fairness continues to be the most significant area of people's lives in relation to conduct covered by the Anti-Discrimination Act.

*This year over **40%** of accepted discrimination complaints arose in the workplace or when seeking work.*

However, the number of accepted complaints about discrimination in goods and services (138) almost doubled this year compared to 2020-21 (70), again due in part to the large number of complaints arising from the denial of goods and services to people unable to comply with the direction to wear a face mask.

Another significant shift is in the area of state laws and programs, where discrimination complaints have tripled in two years – 75 accepted complaints this year compared to 25 in 2019-20. This reflects an overall increase in complaints against public entities, including about discrimination, since the introduction of the *Human Rights Act 2019*.

The numbers of discrimination complaints regarding other areas of activity remained relatively stable this year. We accepted no complaints about discrimination in the areas of club membership and affairs, or disposal of land, in 2021-22.

Conciliated complaint: Gender identity discrimination

The complainant, a trans woman, attended a recreational sporting facility on her birthday. She made a complaint after she was misgendered by one of the staff and when she corrected him, he continued to misgender her, calling her “mate” and “dude”. She asked to speak to the manager and staff member again misgendered her. She felt embarrassed and humiliated.

At the conciliation conference the respondents said they had not intended to offend the complainant, but agreed to make a \$2,000 donation to a charity that supports LGBTIQ youth, and to provide all staff with anti-discrimination training.

**Table 1: Accepted and finalised discrimination complaints by attribute and area
2021-22**

Attribute	Area						
	Work	Goods & svces	State laws & programs	Education	Accom	Super & insurance	% of accepted discrimination complaints
Impairment	80	100	52	18	20		60.8
Race	30	20	8	7	2		14.9
Sex	34	9	4	2			11.2
Age	18	3	5	1	2	1	6.5
Family responsibility	20	7	7	2	2		8.6
Pregnancy	10	2	4				3.7
Gender identity	1	6	3	1			2.1
Sexuality	8		2				2.3
Parental status	6						1.4
Religion	2			1			0.7
Relationship status	4		2				1.4
Trade union activity	5						1.1
Political belief/activity				1			0.2
Breastfeeding				1			0.2
Lawful sexual activity							0.0
% of accepted discrimination complaints	41.7	32.1	17.4	6.7	6.0	0.2	

Note: Percentages in this table have been rounded to the nearest decimal point.

Note: Each complaint can identify more than one breach

Accepted complaints: human rights

Complaints about human rights can be made about unreasonable limitations on human rights by public entities.

The complaint must be in relation to one of the 23 rights protected by the Human Rights Act, and can only be made in relation to public entities. Under the Act, a public entity is one providing services to and for Queenslanders, including state and local governments, emergency services, public schools and public hospitals, NDIS providers, and organisations providing services on behalf of the state. Federal government departments and agencies are not covered by the Act, nor are private businesses (unless they are providing services on behalf of the state).

Table 2 shows the number of human rights complaints that were accepted and finalised this year, by right. This includes piggy-back complaints (dealt with under the Anti-Discrimination Act but also containing allegations covered by the Human Rights Act).

The relatively low number of human rights complaints we are able to accept may be explained by the requirement to first make a complaint to the public entity, and wait 45 business days for a response, as well as the high numbers of complaints (including about COVID-related issues) either not covered by the Act, better dealt with elsewhere, or about conduct which may limit human rights but not in a way that is unreasonable.

When complainants have lodged their complaints prior to waiting 45 business days for a response, the Commission has forwarded their complaint to the relevant public entity to encourage internal resolution.

The highest number of human rights complaints accepted this year were again about the right to recognition and equality before the law. This right is about fair treatment and non-discrimination. Many discrimination complaints made about public entities will also be a complaint about the right to recognition and equality before the law, which explains the relatively high acceptance rate for these human rights complaints.

"[Conciliator] was excellent to deal with, very professional and respectful regarding sensitive information. Her communication was clear, thorough and easy to digest. She was also reassuring and very supportive throughout the whole process." - respondent

Table 2: Accepted and finalised human rights complaints, by right 2021-22

Right	Number of accepted complaints	% of accepted human rights complaints
Recognition and equality before the law	134	75.3
Privacy and reputation	54	30.0
Humane treatment when deprived of liberty	46	25.8
Freedom of movement	33	18.5
Protection of families and children	26	14.6
Right to education	18	10.1
Protection from torture & cruel, inhuman or degrading treatment	17	9.5
Right to health services	11	6.2
Cultural rights – Aboriginal people & Torres Strait Islander peoples	10	5.6
Freedom of expression	9	5.0
Right to liberty and security of person	8	4.5
Property rights	5	2.8
Taking part in public life	4	2.2
Fair hearing	3	1.7
Protection of children in the criminal process	2	1.1
Rights in criminal proceedings	2	1.1
Peaceful assembly and freedom of association	1	0.6
Freedom of thought, conscience, religion and belief	1	0.6
Right to life	-	-
Cultural rights – general	-	-
Right not to be tried or punished more than once	-	-
Protection from retrospective criminal laws	-	-
Freedom from forced work	-	-

Note: Each complaint can identify more than one protected right.

Note: Percentages in this table have been rounded to the nearest decimal point.

Accepted complaints: other breaches

Sexual harassment

We accepted 54 complaints about sexual harassment this year, comparable with last year's 52 complaints.

*In 2021-22, **74%** of the **sexual harassment complaints** we accepted involved workplace harassment.*

Sexual harassment is unwelcome sexual behaviour such as comments about a person's body and/or sex life, telling lewd jokes to or about a person, requests for sex, sending sexualised emails and texts, showing pornographic pictures and/or videos, sexual assault and even rape. Unlike discrimination or human rights complaints, sexual harassment complaints can be made about harassment that happens anywhere, not just in prescribed areas. The majority of sexual harassment complaints we receive however are about the workplace.

Vilification

There were 14 accepted complaints of vilification in 2021-22, compared with 11 last year.

To make a complaint of vilification, a complainant must provide information to allege that others have been publicly encouraged to hate, severely ridicule or have severe contempt for them, or threaten harm to them or their property. Complaints can only be made about vilification on the basis of the complainant's race, religion, sexuality or gender identity.

*Of the **14 vilification complaints** we accepted, 9 were about racial vilification, 4 were about sexuality vilification, and 1 was about religious vilification. No complaints about vilification on the basis of gender identity were accepted.*

Victimisation

Victimisation complaints arise where a complainant or witness feels they have been poorly treated for being involved in a complaint.

Victimisation complaints decreased slightly from 59 accepted complaints last year to 55 this year.

As with sexual harassment, most accepted victimisation complaints were in relation to the workplace. Because of the continuing relationship between the employer and their employees, there is more opportunity for victimisation complaints to arise after a person makes an initial complaint at work, compared to other areas. Fear of victimisation is also a reason why complainants are sometimes reluctant to lodge complaints until after they leave the workplace, or at all.

Reprisal for Public Interest Disclosure

Complainants alleging they have been caused a detriment because of making a public interest disclosure under the *Public Interest Disclosure Act 2010* are able to make a complaint to the Commission to be dealt with under the *Anti-Discrimination Act 1991*. Complaints about this remain relatively stable, with 8 accepted complaints this year compared to last year's 9.

Discrimination in large resource projects

A new type of discrimination was added to the Act in 2017-18, designed to protect residents of regional towns near large resource projects from being excluded from working on the projects. We received no complaints about this type of discrimination this year.

Conciliated complaint: Race discrimination

The complainant was employed as an assistant chef in a care facility and alleged that a colleague had repeatedly subjected her to demeaning comments about people of Indian heritage, engaged in intimidating behaviour, and would throw items around in her presence. The conflict escalated until an altercation between the complainant and her colleague. The complainant had reported her colleague's conduct multiple times to a number of supervisors, who took no steps in response to her complaint.

The company said in response to the complaint filed with the Commission that the employment of the woman's colleague and a number of her supervisors had been terminated, but did not otherwise admit to most of the incidents alleged in the complaint. The company and the complainant came to an agreement including general damages and an apology to the complainant for her treatment in the workplace by her colleague and the inaction of her immediate supervisors.

Accepted complaints: outcomes

Conciliators at the Commission assist parties to resolve complaints under the *Anti-Discrimination Act 1991* through conciliation. Complaints under the *Human Rights Act 2019* have a more flexible resolution process, which can include other steps which can be taken to resolve the complaint as well as conciliation. The absence of legislated timeframes for administrative steps within the Human Rights Act is another reason processes are more flexible than those for Anti-Discrimination Act complaints.

The conciliation conference allows the parties to explore each other's perspective on the issues, identifying what they may have in common, and discuss options for settling the complaint.

Just over 40% of our accepted and finalised complaints were resolved through our dispute resolution process in 2021-22.

A complaint is resolved when the parties have reached an agreement on how to settle the complaint. This can be through an apology (58 complaints this year), payment of damages (52), a policy change (26), training (37), or other measures to resolve the complaint (60).

Resolution rates differ depending on the type of complaint. This year 45.3% of Anti-Discrimination Act only complaints were resolved, compared with 32% of piggy-back complaints and 31.5% of Human Rights Act only complaints.

Possible reasons for this difference in resolution rates may include:

- Without the risk of a potential determination by the tribunal, respondents are less inclined to settle a complaint.
- There is less incentive for the parties (including the complainant) to engage in meaningful negotiations to resolve an issue if there is no chance of it progressing further to a tribunal.
- Complaints made about public entities in the administration of state laws and programs are generally less likely to resolve, regardless of the complaint type.

Anti-Discrimination Act complaints (including piggy-back complaints) which are unresolved after conciliation may be referred to a tribunal at the complainant's request. Work-related complaints are referred to the Queensland Industrial Relations Commission (65 complaints this year); all other complaints are referred to the Queensland Civil and Administrative Tribunal (83 complaints).

In some cases complainants choose not to pursue a determination at tribunal, and unresolved complaints accepted under the Human Rights Act are unable to proceed to a tribunal. There were 60 complaints dealt with under the Anti-Discrimination Act that were unconciliable and not referred. There were 19 unresolved complaints deal with under the Human Rights Act.

Accepted complaints: demographics

Demographics are requested from every person who makes a complaint but the provision of this information is voluntary. Of the accepted and finalised complaints where demographic data about the complainant was provided:

- The most common age bracket for complainants was 35-54, accounting for over half the accepted and finalised complaints where the complainant's age was recorded. Only 7 complaints from or on behalf of children or teenagers were accepted and finalised this year.
- Women were more likely to make complaints than men (57% of complainants who told us their gender were women, compared to 41% men). Only a small number of complaints (2) were made by people who told us they identify in another way.
- Just over 5% of accepted and finalised complaints were by First Nations people.
- In 13% of complaints the complainant was born overseas, and 4 complainants spoke a primary language other than English.

[Conciliator] provided clear professionalism throughout the entire process, and her compassion and understanding of the impacts upon my young epileptic daughter was reassuring. I thank the QHRC for the opportunity to have our complaint heard"
- complainant's agent

Conciliated complaint: Impairment discrimination

A man with a disability who used a motorised scooter made a complaint after being unable to access the premises of a restaurant, as it had an outward-opening door.

The restaurant said they were compliant with national disability standards and for this reason believed they were not required to make further access changes – however, at conciliation they agreed to bring forward planned refurbishments, which included a sliding door for easier access, by a year. The complainant was also given a phone number to contact the manager on shift so that until renovations were complete, he could call ahead and a staff member would open the door for him to access the restaurant.

Challenges in complaint handling in 2021-22

Complaint handling has become more complex in recent years for a number of reasons – including the ongoing pandemic, ballooning complaint numbers, and the relatively new Human Rights Act – and this trend continued into 2021-22.

2021-22 was just the second full year that all provisions in Queensland's *Human Rights Act 2019* were fully operational. Due to the complexity of complaints and issues raised in human rights matters, significant work goes into assessing these complaints, many of which are made about issues or entities not covered by the Act, or about matters which could more appropriately be dealt with elsewhere.

As with enquiries, the ongoing COVID pandemic also impacted our complaint numbers. We received almost 700 complaints about COVID-related matters this year, with the highest number relating to mask mandates and exemptions in a variety of settings. This is a significant increase from the 204 we received the previous year which were largely about hotel quarantine and workplace discrimination as a result of the pandemic.

In addition to the increase in the numbers of complaints, those we receive have also become more complex, significantly adding to the workload of conciliators in assessment and resolution processes.

In response to these challenges, we have introduced new streamlined processes to improve efficiencies, and further developed our triage process. This has involved early identification and notification of complaints that did not meet the requirements of a complaint under either the *Anti-Discrimination Act 1991* or the *Human Rights Act 2019*, and identification of complaints requiring urgent action as well as more complex complaints for allocation to senior officers. This year 480 complaints were finalised through the triage team, 30% of all finalised complaints. An additional Priority Complaints Officer role was also introduced in 2021-22 to manage the complaints identified as requiring urgent action.

"The conciliator was very courteous and made me feel at ease through the whole process." - respondent

Due to the COVID pandemic, the increase in complaints, increased complexity with the *Human Rights Act 2019*, and a range of staff absences, we have not met all complaint management targets this year.

Only 25% of complainants were notified of the assessment decision within 28 days of lodging their complaint. This was well below our target of 60% and was due to the ongoing backlog of complaints. Those dealt with within the 28 day timeframe were complaints dealt with early through triage and as priority complaints.

Despite the delays in assessment caused by the backlog, 65% of accepted complaints proceeded to a conciliation conference less than 6 weeks after assessment. Although this was 5% below our target of 70%, this was a good result given the high volume of complaints we received and finalised in 2021-22.

Over 81% of complaints were finalised within 3 months of assessment, and a further 13% were finalised within 6 months. This means that regardless of the increased workload and some complaint targets not being met, just under 95% of complaints were finalised within six months of assessment.

"I was happy that when I got sometimes a bit emotional around talking about my family, [conciliator] was very understanding and gave me plenty of time to talk my way through and arranged for an Indigenous brother to call me for a chat to talk about my cultural feelings of hurt" - complainant

Feedback from complaint parties

Despite the challenges of 2021-22, 85% of parties who completed an evaluation form were satisfied with the service they received, compared with 83% last year.

This is a good outcome and reflects a focus on respectful and honest communication with parties and, after a complaint has been allocated to a conciliator, providing a professional, fair and timely service that meets the needs of our clients despite the initial delay.

"The conciliator was very professional and friendly throughout the process. She always listened very carefully, clarified things by asking questions to parties when situations were unclear, and more importantly, helped parties decide for themselves — a critical skill" - complainant

Enquiries

We provide a free, accessible and personal information service to help people understand their rights and responsibilities under Queensland's anti-discrimination and human rights legislation.

Enquiries are taken via telephone, email, post and in person.

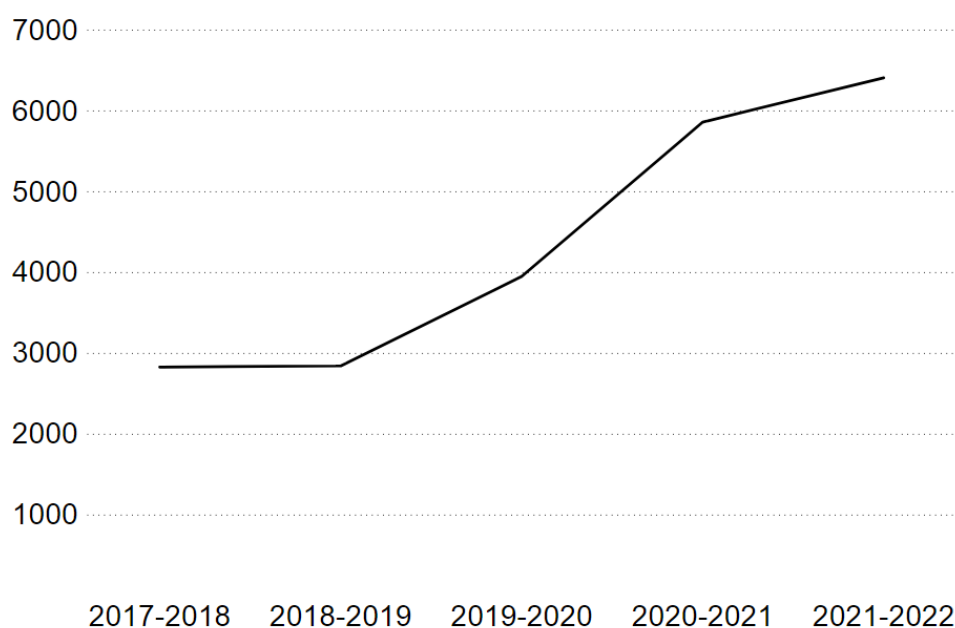
All four Commission offices provide information services, but the bulk of telephone and email enquiries continue to be managed through the Brisbane office.

*This year we responded to **6405** enquiries, an increase of almost 10% on last year's figure of 5849.*

The number of enquiries received continues to rise steeply, continuing a pattern which commenced in 2019-20 with the introduction of the Human Rights Act.

The ongoing COVID-19 pandemic and associated queries about the restrictions introduced via public health directions was the prompt for 29% of enquiries in 2021-22. Enquiries about rights in relation to mask and vaccine mandates made up the significant majority of COVID-related enquiries, and clear spikes coincided with announcements of changes to public directions in these areas. During some periods throughout the year COVID enquiries accounted for almost 40% of all enquiries. This mirrors the patterns of COVID-related impacts on other areas of our work including complaints, website traffic, and media enquiries. See page 8 of this report for more information about the impact of COVID on our work during 2021-22.

Figure 3: Enquiries received by year, 2017-18 to current



As in previous years, the majority of enquirers (5349 or 83%) were potential complainants – that is, people with questions about whether conduct they had experienced could be covered by the Human Rights or Anti-Discrimination Acts. However, the proportion of enquirers calling for general information was much higher this year – 504 enquirers compared to just 74 the previous year. This is largely explained by the high numbers of people contacting us to express general concern or frustration at COVID-related restrictions. Other types of enquiries were from people with questions about their obligations under anti-discrimination or human rights law (136 enquiries), and small numbers of people seeking policy advice or enquiring about the application of the Human Rights Act.

Demographics of enquirers are not routinely collected, but where the gender of the enquirer was recorded, women were slightly more likely (55%) to make enquiries than men (44%), with non-binary people and other genders making up less than 1%. Similarly, although the age of the enquirer was only recorded in a minority of enquiries, people aged under 25 were far less likely to enquire than people in older age brackets.

The vast majority (76%) of enquirers contacted us by phone, continuing the pattern of previous years. Other methods of contact include email (12%) and letter (<1%), with in person enquiries decreased to just 49 people this year - a shift which is unsurprising given the impact of COVID restrictions in place for periods of 2021-22.

In addition to our general statewide enquiries line, we also provide dedicated points of contact for prisoners, LGBTIQ+ people, and Aboriginal and Torres Strait Islander people.

During specified hours two days per week our enquiry team is available to prisoners via the Prison Telephone System in correction centres. In 2021-21 we received 259 enquiries through this service, similar to last year's 272.

Outside our enquiries team, our LGBTIQ+ Liaison Officer and staff in our Aboriginal and Torres Strait Islander Unit are available for members of the community to contact directly for information and support. This year our LGBTIQ+ Liaison Officer handled 36 enquiries from the community (comparable with 37 last year), and the Unit was contacted 107 times by Aboriginal and Torres Strait Islander community members (down from 187 last year, likely due to one of the Unit's positions being unfilled for a period of time in 2021-22 and capacity being therefore diminished).

Education and training

We deliver education and training to businesses, government and the community to increase understanding of rights and responsibilities under the Anti-Discrimination Act and Human Rights Act.

We offer education and training through:

- training sessions provided by one of our experienced trainers, either in person or virtually via videoconference
- online learning via self-paced modules
- public webinars.

Education and training is provided by all four Commission offices in Brisbane, Rockhampton, Townsville and Cairns. Each office generally services demand within their geographical region, although increased requests for virtual training instead of face to face sessions has increased our capacity and flexibility to share the workload across the state.

Training

We offer a range of training sessions to suit varying needs. They range from general introductory sessions to more focused training specific to participants' roles or organisations. Training can be delivered directly to teams or workplaces, or via public training sessions open to anyone to register for. Our training is delivered by one of our experienced and qualified trainers, either in person or virtually via videoconference, and is highly interactive, incorporating real case studies and activities. Training is provided on a fee-for-service basis, with reduced rates available for small community organisations and groups that demonstrate limited capacity to pay.

*Across the state we delivered **226** training sessions to approximately **3,482** people in 2021-22.*

In 2021-22 we delivered 226 sessions to approximately 3,482 participants. As a result of continued strong demand for training despite the challenges of COVID-19, our 2021-22 training revenue reached \$218,397.98, exceeding the annual target by approximately \$60,000.

Throughout the year our training delivery remained responsive to people's changing needs during the ongoing pandemic. We expanded the use of videoconferencing where barriers to face-to-face training existed, and reduced participant numbers in face-to-face sessions to accommodate physical distancing requirements.

Table 3: Delivery of training sessions by sector, 2021-22

	No. of sessions	Hours of delivery
Private sector	72	227
Public sector	96	266
Community	24	74
In-house*	34	95
Total	226	662

*In-house training refers to publicly available sessions that individuals can register to attend

Our standard training courses on the Human Rights and Anti-Discrimination Acts have remained popular, as well as contact officer and unconscious bias training. Our stand alone sexual harassment session, *Recognising and responding to sexual harassment in the workplace*, has seen high demand this year, particularly from the private sector.

There has also been a continued demand for tailored training in a variety of modalities from public entities seeking to understand how the Human Rights Act applies specifically in their context.

Table 4: Training sessions delivered by topic, 2021-22

Course	Sessions delivered
Introduction to the Anti-Discrimination Act	18
Introduction to the Anti-Discrimination Act for Managers	12
Introduction to the Human Rights Act	46
Introduction to the Human Rights Act – train-the-trainer	6
Human Rights Act for community advocates	4
Human Rights Act for legal advocates	6
Contact officer	14
Contact officer: refresher	2
Unconscious bias	31
Business benefits of diverse & inclusive workplaces	5
Gender identity and discrimination	13
Sexual harassment – recognising and responding	34
Tips and traps for lawyers	1
Tailored training	34

Our face-to-face training was delivered in a broad range of locations this year including: Gympie, Mackay, Toowoomba, Townsville, Hervey Bay, Rockhampton, Ipswich, Cairns, Doomadgee, Middelmount.

Online learning

Our online training modules are designed to provide accessible, alternative learning options for people who may be unable to access face-to-face education. They are self-paced and can be completed at a time which suits participants. Group subscription rates are available and there are options for organisations to embed modules on their existing Learning Management System, providing a cost-effective training solution for larger workforces.

As at 30 June 2022 there were approximately 44,000 active users of our online training products, with approximately

12,494 new users *subscribing this year.*

We offered four online learning modules in 2021-22: 3 standalone modules, and one a package of 6 individual modules called Diversity Awareness. The Diversity and Awareness package, which has been reviewed and updated this year, is designed to support organisations to value and promote diversity in the workplace through greater understanding and practical strategies for inclusion.

In addition to the publicly-available modules there was also a tailored 'Access and inclusion' module developed for the Department of Transport and Main Roads.

Table 5: Online learning 2021-22

Module	New enrolments 2021-22	Course completions
Discrimination awareness in Queensland	399	356
Introduction to the Queensland <i>Human Rights Act 2019</i>	2,880	2,142
Public entities and the Queensland <i>Human Rights Act</i> 2019	6,771	5,556
Diversity awareness package	1,187	416
Access and inclusion*	1,257	1,166
TOTAL	12,494	9,636

*Tailored product developed for Department of Transport and Main Roads

Public webinars

Our public webinars are aimed at providing general information on aspects of human rights and discrimination to members of the public. They are delivered by our training team and are less interactive than our training sessions.

This year we provided 4 free webinars for the community during Human Rights Week; 2 *Introduction to the Human Rights Act* and 2 *Introduction to the Anti-Discrimination Act*. A total of 318 participants attended these sessions across the week.

Two sessions of our *Age friendly communities* were delivered during August 2021 for Queensland Seniors Month. These sessions provide a basic introduction to the key elements of anti-discrimination law in Queensland, with particular focus on age discrimination and the inclusion of people of all ages.

We also delivered 5 *Human rights in mental health* webinars across 2021-22. These webinars are specifically for people working in the mental health sector and for mental health advocates.

Evaluations

As part of our commitment to continuous improvement of services, face-to-face and virtual training participants are asked to complete an evaluation form at the end of each training session.

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

The following is a sample of participant responses from the 2021-22 training evaluations, when asked what they liked most about the training:

- The presenter was incredibly engaging and knowledgeable, and the content was very well presented. I loved this training session!
- I enjoyed the technical content – learning about the different types of bias.
- The content was very relevant, and I enjoyed the activities which led to great discussions and new ideas
- The trainer was calm and gave a really calm feel to the content which helped to ease into the sometimes difficult topics.
- Easy to follow and understand
- Inclusive discussion
- Interactive and relevant
- Good example-based interactivity
- Enthusiasm and knowledge of trainer

Legal and policy

Submissions to parliamentary inquiries and other reviews and consultations

We regularly participate in the development of legislation and government policy through parliamentary inquiries and other consultation processes.

Our work in this area aims to assist in the development of legislation and policy that protects and promotes human rights.

We are often called on to appear before parliamentary committees conducting these inquiries, particularly where there are human rights implications of proposed legislation. Under the *Human Rights Act 2019*, parliament has a responsibility to scrutinise new legislation for compatibility with human rights. Appearing before committee gives members of parliament the opportunity to ask questions of the Commission and builds understanding of the intersection between the Act and other legislation.

*In 2021-22, we provided **31** submissions to parliamentary committees and other bodies on the development of government policies and legislation.*

If our submission is published by a parliamentary committee or other body, we publish the submission on our website.

The following are brief summaries of selected submissions.

Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2022

We made a submission and appeared before the Queensland Parliament's Community Support and Services Committee to oppose the extension of COVID emergency powers, calling instead for the introduction of fit-for-purpose pandemic legislation, which is transparent, accountable, and more compatible with human rights.

Our key recommendations included the need for urgent clarification, through legislation, of how the Human Rights Act applies to the Chief Health Officer's powers to make public health directions, and for consultation before the introduction of some public health directions to avoid confusion in their application.

Our submission argued that pandemic legislation should also include:

- independent oversight and review of decisions made under public health directions, in particular review of decisions to detain people in quarantine;

- additional safeguards and supports built in to minimise limitations on human rights, prevent potential misuse of power and mitigate the risk of entrenching inequality;
- humane quarantine conditions, including daily access to fresh air, should quarantine still be a necessary measure;
- firm time limits.

Inquiry into serious vilification and hate crimes

This was an Inquiry by the Queensland parliamentary Legal Affairs and Safety Committee into the nature and extent of hate crimes and serious vilification in Queensland, and the effectiveness of section 131A of the *Anti-Discrimination Act 1991* and other laws in responding to hate crimes. The terms of reference included the current legal framework, and the appropriateness on the conciliation-based anti-discrimination framework (s124A of the Act).

As the terms of reference for the concurrent review of the Anti-Discrimination Act specifically excluded consideration of sections 124A and 131A, we included information and issues relating to the operation of section 124A in the submission to the Inquiry.

We provided statistics and information about vilification complaints, as well as issues facing the community and the police relating to the criminal offence of serious vilification.

We made several recommendations, including amendments to the offence provision to reflect the seriousness of the offence and to enable police to obtain appropriate warrants, and introducing aggravated offences where offences such as public nuisance and assault are motivated by hatred based on attributes such as race, religion, sexuality, and gender identity.

We adopted some of the recommendations of the Commission and of the community. The government has accepted some recommendations and awaits the report of the review of the Anti-Discrimination Act to respond to other recommendations.

Industrial relations reforms

A five-year review of the operation of the *Industrial Relations Act 2016* was conducted by reviewers Linda Lavarch and John Thompson. The terms of reference for the review included protections for workplace sexual harassment. The reviewers made 40 recommendations and the government response was to accept or accept in principle.

Senior Commission officers met face-to-face with the reviewers and provided written submissions in response to a stakeholder discussion paper. We supported expanding the protections from workplace sexual harassment into the industrial relations regime and we made suggestions for improving the powers of the Queensland Industrial Relations Commission in dealing with matters under the Anti-Discrimination Act¹. These have been incorporated in the Bill to amend the Industrial Relations Act that was introduced into Parliament in June 2022.

Inspector of Detention Services Bill 2021

The Bill would create a new independent Inspector of Detention Services, as recommended by several reports to the Queensland Government. Those recommendations were informed by the requirements for Australia to implement a National Preventative Mechanism (NPM) under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). In 2017, the Australian Government ratified OPCAT, obliging Australia to take further measures including the establishment of an NPM. The NPM is a domestic visiting body charged with undertaking regular, preventive visits to all places where people are deprived of their liberty.

We noted that the Bill missed an opportunity for Queensland to comprehensively participate in Australia's NPM by not addressing how other places of detention, such as mental health facilities, would be covered.

We also noted that in creating a new statutory office holder to visit places of detention, the government had failed to clarify how the Inspector would work with existing agencies.

With the aim of ensuring the new Inspector's functions would result in substantive improvement to conditions of detention, we recommended the Bill be amended to better reflect OPCAT requirements, allow the Inspector to investigate critical incidents, and require the Queensland Police Service to notify the Inspector if a person aged under 18 is detained overnight in a police watchhouse.

We are concerned that the Bill had not passed at the end of the reporting period, meaning the new Inspector is still to be established. The UN body responsible for OPCAT will visit Australia in 2023.

Reforms for the use of restrictive practices in disability services

The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships called for submissions on the review of the authorisation framework for restrictive practices in disability service settings and for people receiving funding under the National Disability Insurance Scheme (NDIS).

We made submissions on the significant limitation of rights imposed by restrictive practices and summarised principles to be applied to ensure any framework is compatible with human rights. This included:

- only permitting restrictive practices for a legitimate purpose;
- only imposing restrictive practices for as long as reasonably necessary, and only as a last resort;
- at every opportunity working towards reducing and eliminating restrictive practices;
- ensuring participation of the person in decisions made about them; and
- having adequate safeguards, including oversight and rights to seek review of decisions to authorise restrictive practices.

We supported proposals for better alignment with the NDIS Quality and Safeguarding framework and with draft principles for nationally consistent authorisation processes developed by the NDIS Quality and Safeguards Commission, but submitted that the Queensland framework should exceed the draft national principles to ensure compatibility with Queensland's Human Rights Act.

We also recommended that the review consider how reforms might extend to other sectors, such as schools and health facilities, so that all persons would benefit from the protections offered by the authorisation regime, rather than be distinguished because of age or type of disability.

Courts and tribunals

Intervention in proceedings

Our functions under the *Anti-Discrimination Act 1991* include intervening in a proceeding that involves human rights issues with the leave of the court hearing the proceeding. We did not intervene in any proceedings under this function in 2021-22.

Under the *Human Rights Act 2019*, we may also intervene in a proceeding in a court or tribunal where there is a question of law about the application of the Act, or a question in relation to the interpretation of a statutory provision in accordance with the Act. A party to a proceeding in the Supreme or District Courts where either of these questions arise, is required to give notice to the Commission of the relevant question (section 52 of the Human Rights Act). We are sometimes notified of proceedings outside of this statutory requirement, and sometimes asked to intervene in a proceeding.

A guideline as to when we might exercise the power under the Human Rights Act to intervene in proceedings is published on our website.

In 2021-22, we received 27 notifications or requests to intervene under the Human Rights Act. Of those, 23 were notices under section 52 of the Act. We intervened in two matters before the Coroners Court, and eight matters in the Supreme Court.

All the matters in the Supreme Court are applications for judicial review of mandatory requirements for vaccination against COVID-19. Some applications relating to employer directions have been heard and await the decision of the Court. The applications in relation to directions of the Chief Health Officer will be heard after the outcome of an appeal against a decision of the Court that the directions are legislative in nature. Our submissions in these matters will be published on our website after the Court has made a final decision. The submissions focus on the meaning of the human rights relevant to the directions and how the requirement to interpret statutes and legislative instruments should operate.

One Coroners Court matter is an inquiry into a death in custody and the other is an inquiry into the deaths of three women who died from complications associated with Rheumatic Heart Disease. Our

submissions will focus on the role of human rights in inquest proceedings and on the human rights relevant to the circumstances of the deaths.

During the period there were three decisions delivered in proceedings in which we intervened (referred to in the report for the previous period). These are:

- *SQH v Scott* [2022] QSC 16 (4 March 2022)
- *Owen-D'Arcy v Chief Executive, Queensland Corrective Services* [2021] QSC 273 (22 October 2021)
- *Attorney-General for the State of Queensland v GLH* [2021] QMHC 4 (21 June 2021)

In *Owen-D'Arcy*, the Supreme Court clarified what it means to give proper consideration to human rights in making a decision. It is necessary for the decision-maker to identify all of the human rights that may be affected by the decision. Where a right may be limited, the decision-maker must assess whether the limitation is justifiable in accordance with section 13(2) of the Human Rights Act. If an applicant is able to establish that a human right is limited by a decision, the decision-maker must establish that the limitation is justified.

Applications to the Tribunal for review

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

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

Judicial review of decisions

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

There were two applications in the current period. One application is for review of a decision to not accept a human rights complaint. The Court has issued preliminary directions, including for the appointment of a Contradictor.

The other application is for review of a decision to not accept a complaint of discrimination. A Contradictor was appointed, and the matter is scheduled to be heard in September 2022.

A table of all the published Court decisions on judicial review of our decisions is now available on our website. It is arranged according to the provision of the Act under which the Commission's decision was made and includes a summary.

Exemption applications

Under section 113 of the *Anti-Discrimination Act 1991* the tribunal is required to consult the Commission before deciding an application for an exemption from the operation of a specified provision of the Act. For

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

During the period we made four submissions to the QIRC and three submissions to the QCAT on applications for exemption from the operation of the Act.

There were two decisions of the QIRC and three decisions of the QCAT on applications for exemption.

The QCAT granted exemptions to two residential complexes to enable them to restrict ownership and occupation to people over the age of 50 years. One complex has been operating since 1982 before the *Anti-Discrimination Act 1991* commenced,¹ and the other has been operating as a retirement village for 35 years and is registered under the *Retirement Villages Act 1990*.² In another matter, the QCAT found that the welfare measures exemption in the *Anti-Discrimination Act 1991* applied to a local council proposal to grant permits to conduct cultural tourism businesses only to Aboriginal and Torres Strait Islander people. This meant a Tribunal exemption was not necessary.³

The QIRC renewed an exemption to allow a labour hire provider to recruit females only to a training program to address the under-representation of women in the construction industry.⁴ An exemption was also granted to a local council to enable it to recruit only people who identify as Aboriginal or Torres Strait Islander to traineeship positions to improve the under-representation of Aboriginal and Torres Strait Islander people in its workforce.⁵

Tribunal decisions

Under the *Anti-Discrimination Act 1991*, the tribunals have the functions of:

- a) hearing and determining complaints referred by the Commissioner;⁶
- b) hearing and determining applications for exemptions;⁷
- c) hearing and determining applications for interim orders before referral of a complaint;⁸
- d) considering applications for review of a decision that a complainant has lost interest;⁹ and
- e) providing opinions about the application of the Act.¹⁰

¹ *Miami Recreational Facilities Pty Ltd* [2021] QCAT 378.

² *Terrace-Haven Pty Ltd* [2022] QCAT 23.

³ *Sunshine Coast Regional Council No. 2* [2021] QCAT 439.

⁴ *Re: Protech Personnel Pty Ltd* [2022] QIRC 29

⁵ *Re: Mackay Regional Council* [2022] QIRC 64.

⁶ *Anti-Discrimination Act 1991*, section 175.

⁷ *Anti-Discrimination Act 1991*, section 113.

⁸ *Anti-Discrimination Act 1991*, section 144.

⁹ *Anti-Discrimination Act 1991*, section 169.

¹⁰ *Anti-Discrimination Act 1991*, section 228.

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

There were 27 decisions of the tribunals published or notified for the period,¹¹ made up as follows:

Table 6: Tribunal decisions 2021-22

	QIRC	QCAT	Totals
Final hearings	3	6	9
Dismiss/strike out	3	2	5
Produce/disclose documents	2	0	2
Costs	1	1	2
Legal representation	5	1	6
Interim orders before referral (s144)	2	2	4
Time limit (s175)	3	0	3
Non-publication	0	1	1
Miscellaneous process	3	1	4
Exemption applications	2	3	5
Totals	18	9	27

Appeals

A party to proceedings in the QCAT may appeal a decision on a question of law and apply for leave to appeal a decision on questions of fact, or questions of mixed fact and law. Appeals are decided by the Queensland Civil and Administrative Appeals Tribunal (QCAT Appeal Tribunal). There were three decisions of the QCAT Appeal Tribunal published in the period.

A party to proceedings in the QIRC may appeal a decision to the Industrial Court of Queensland (Industrial Court). There were four decisions of the QCAT Appeal Tribunal published in the period.

A party to decision of the QCAT Appeal Tribunal or the Industrial Court may appeal the decision to the Court of Appeal (a division of the Supreme Court of Queensland). There were no decisions of the Court of Appeal published in the period.

¹¹ Includes a decision on legal representation in an appeal to the Industrial Court of Queensland.

Balancing life and liberty: the second annual report on the operation of Queensland's Human Rights Act

One of the Commission's functions under the *Human Rights Act 2019* is the preparation and publication of an annual report each financial year about the operation of the Act. These reports are important resources in assisting government, parliament, and the community to understand how the Act is being implemented and the degree to which it is achieving its objectives.

The reports include Commission complaints data as well as contributions from state and local government entities, advocates, and functional public entities, and an analysis of the Act's impact on the courts and on parliament.

Balancing life and liberty is the second of these reports to be published but the first to contain a full year's data on human rights complaints, after the Act came into full operational effect on 1 January 2020. The report was tabled in parliament on 30 November 2021.

The impact of COVID-19 and the associated government restrictions can be clearly seen throughout the report, from complaints data through to case studies demonstrating the Act's application – and the title of this year's report.

The report has been viewed over 3,500 times as at 30 June 2022, and shared with stakeholders via a variety of channels including media coverage, email bulletins, social media, and through the Commission's partnerships and networks with community organisations, legal practitioners, academics, and government departments and agencies.

The report is available on our website at www.qhrc.qld.gov.au/resources/reports.

Community engagement and communications

We take part in a range of community engagement activities as part of our commitment to increasing public understanding and discussion of human rights and responsibilities.

Events

During 2021-22, as in the previous year, many events were cancelled due to COVID-19. As a result we took part in or attended just 25 events this year, compared with 60 in 2019-20. Most events occurred outside of southeast Queensland and included:

- MOSAIC Multicultural Festival
- Brisbane Pride Festival
- Multicultural Australia's Luminous lantern parade
- Rockhampton and Townsville NAIDOC Week parades and fairs
- Rockhampton's all abilities Beach Day Out
- ITEC Health's Community Fun Day in Cairns
- Rainbow on the Reef Pride Festival
- Central Queensland Youth Inter-agency Health Forum
- Rockhampton Multi Faith dinner
- Townsville citizenship ceremonies
- Mabo Day event in Townsville held by ABIS Housing community co-op.

Human Rights Week

For the past six years, the Commission has run an annual Human Rights Month campaign from 10 November to 10 December. In 2021-22 the format was shortened to Human Rights Week, starting on 1 December 2021 and culminating on Human Rights Day on 10 December.

As with the previous year, the 2021 campaign was impacted by the COVID pandemic and lack of capacity for events, and took place mostly online. This year's campaign, 'Make equality your priority', focussed on the right to freedom from discrimination as one of the core foundations of human rights protections, and encouraged engagement in our Review of Queensland's Anti-Discrimination Act through a variety of channels. As well as community conversation events and the promotion of the Review's submissions processes (see page 12 of this report for more information about the Review), we provided free webinars for the public on Queensland's anti-discrimination and human rights laws, and compiled a range of resources to help individuals and organisations make equality their priority. Our online materials were viewed over 27,000 times, and more than 300 participants attended our

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free webinars. Proctor, the Queensland Law Society's digital magazine, also published an overview of the operation of the Human Rights Act across 2020-21, authored by one of our Principal Lawyers, among its Human Rights Week coverage.

Speaking engagements

The Commissioner and other Commission staff members regularly accept invitations to speak to students, community groups, lawyers, employee and employer groups, and at community events. Speaking topics range from specific issues in human rights and anti-discrimination law to broader topics of diversity and inclusion. This year there was continued strong demand for Commission speakers, with 49 formal speaking engagements being conducted (compared to 56 from 2020-21). Events Commission speakers took part in this year included:

- Queensland Law Society Government Lawyers Conference
- Legal literacy workshops organised by the Queensland African Communities Council
- Human Rights in Action webinars held by Queensland Council of Social Service
- Bar Association of Queensland Annual Conference
- Youth and Family Services student clinic
- Kinship care forum held by PeakCare Queensland
- Diversity and inclusion in sports forum held by Play by the Rules
- Interfaith Peace Conference organised by the Toowoomba Interfaith Working Group
- University of Southern Queensland's Environment and Human Rights Legal Paradigms Symposium
- Community and faith leaders' dinner forum organised by Multicultural Australia and the Queensland Program of Assistance to Survivors of Torture and Trauma
- Regional legal assistance forums in North Queensland and Far North Queensland
- University of Queensland's Policy Futures of Digital Health: A Human Rights Perspective.

Partnerships and networks

We are involved in a range of issue and location based advisory groups and networks across Queensland. These include multicultural and multi-faith networks, disability networks, access and inclusion advisory groups, and public sector interagency networks. Additionally, we have initiated and/or contributed to various consultation groups and cross-agency collaboration networks including:

- **Queensland Human Rights Advocates Group:** lawyers and advocates who work in discrimination and human rights law

- **Human Rights Complaints Working Group:** Queensland Government departmental representatives who manage human rights complaints lodged with their department
- **Queensland Academics Human Rights Group:** academics undertaking research and sharing information to support Queensland's developing human rights culture
- **Human Rights Inter-jurisdiction Legal Officers:** legal officers from the Commissions in the three Australian jurisdictions with human rights legislation (ACT, Victoria and Queensland)
- **Queensland Law Society Committees:** each of the Commission's three Principal Lawyers is a member of a QLS Committee; the Human Rights and Public Law Committee, the Health and Disability Committee, and the Equity and Diversity Committee
- **Cohesive Communities Coalition:** representatives of over 20 of Queensland's diverse ethnic and faith communities formed in 2019-20 to advocate for stronger protections from racial and religious vilification
- **Police Ethnic Advisory Group (PEAG):** an advisory body to the Queensland Police Service on cultural diversity issues
- **Strategic Cross-Agency Oversight Group and Children in Complaints Sub-Committee:** groups established by the Queensland Family and Child Commission, made up of agencies which have a role in protecting children's rights and children's access to complaints processes.

Whole-of-government plans

We contributed to the following whole-of-government plans and initiatives during 2021-22:

- **Queensland Youth Strategy:** this strategy sets the vision for young people to actively contribute to Queensland's economic, civic, and cultural life. Our actions under this strategy include producing and disseminating information and resources to young people.
- **Queensland Multicultural Action Plan:** this plan drives state government action to help improve social and economic outcomes for Queensland's culturally diverse communities. We have multiple actions under this plan and our progress against each action will be published on our website to coincide with the tabling of this annual report.
- **Every Life: The Queensland Suicide Prevention Plan 2019-2029:** this whole-of-government plan provides a renewed drive and approach to suicide prevention. Our primary action under this plan is to work with LGBTIQ+ communities and the Queensland LGBTI Roundtable to build inclusion and belonging, with a particular focus on trans communities. We continue to do this through the provision

of training and the production of resources to support safe environments for trans and gender diverse children and adults.

Aboriginal and Torres Strait Islander community engagement

COVID lockdowns and restrictions have continued to limit our ability to visit many of our rural and remote communities. Despite this the Aboriginal and Torres Strait Islander Unit, which is a 2 person team, has been connecting with our communities virtually and in creative ways.

Our Cairns unit member shared information about human rights and the role of the Commission during radio interviews on Queensland Remote Aboriginal Media (QRAM), an effective way to reach audiences in remote and discrete communities.

Virtual training sessions on the Human Rights and Anti-Discrimination Acts have been conducted with communities such as Doomadgee.

Our Aboriginal and Torres Strait Islander Advisory Group met during the year to share their views and knowledge and offer guidance on topical and important human rights and discrimination issues facing our communities.

2021 saw the commencement of our Aboriginal and Torres Strait Islander Graduate program, with 3 graduates employed.

The graduates, each on an 18 month placement, have the opportunity to be immersed in, and contribute to, the work of the Commission, which can lead to advocating for and educating others in the community about human rights. One graduate is based in our Townsville team, one in our Rockhampton team, and one in our Brisbane office, within the Legal, Research and Policy team.

The Unit continued to receive a number of direct, indirect and mainstream enquiries over the past 12 months. This is mostly due to the increased communication and awareness activities run by Unit staff, which have resulted in greater awareness within communities of both Acts and the complaint process.

The Unit has been leading a project that aims to identify the key barriers to Aboriginal peoples and Torres Strait Islander peoples accessing the Commission. A key aim of the project is to increase the accessibility, safety and cultural sensitivity of the Commission experience for Aboriginal peoples and Torres Strait Islander peoples. We have also been exploring ways in which the Commission as a dispute resolution service can be informed by and draw from the traditional conflict resolution practices of First Nations people.

Media and communications

Our media engagement and broader public communications activities are a crucial part of our work to increase public understanding and discussion of human rights.

Online platforms support our engagement with the community, provide digital means of access and service delivery, and connect us with a wide range of clients. The continuing pandemic has also resulted in traffic spikes to online information in a way not previously seen at the Commission.

Media

We received over 70 requests for information and public comment from media outlets in 2021-22, up from 67 last year. The most common topics were COVID-19 and related public health directions, particularly vaccine and mask mandates, border closures, and political and parliamentary decision-making about the pandemic response.

Over 40% of all media requests this year were COVID-related.

Other media requests were about a wide variety of issues connected to our work, including our Review of Queensland's Anti-Discrimination Act, discrimination against people with disability and LGBTIQ+ students and teachers, racial discrimination and vilification, cultural rights for Aboriginal and Torres Strait Islander people under the Human Rights Act, and the outcomes of complaints made to us at the Commission.

We are not always able to respond to requests for public comment. Our role in complaint handling is as an impartial dispute resolution service so we do not provide comment which may compromise our impartiality in this work. We also do not provide public comment or information about complaints we receive at any stage of proceedings. Throughout the year there were several challenges to vaccine mandates before the Supreme Court, including on human rights grounds, which remained ongoing as at 30 June 2022. As we are an intervening party to some of these proceedings it would have been inappropriate to comment on the many media enquiries we received in relation to these challenges or associated issues.

The majority of our public comment and media interviews are provided by the Commissioner, and this year were published by a wide variety of print and digital outlets in Queensland and interstate, including multiple ABC platforms, the Australian, Courier Mail, Sunday Mail, Guardian Australia, Brisbane Times, Channel 7, Sky News, and InQueensland.

Website

Our website is AA compliant with the W3C (World Wide Web Consortium) Guidelines, and in some areas is AAA compliant, making it very accessible for people with a range of needs. W3C compliance is

critical in enabling people with visual and motor impairments, users of assistive technologies (such as screen readers), and people from non-English speaking backgrounds full access to the site. Accessibility is a key consideration when planning and managing our web content and we are committed to continual improvement in this critical area of service delivery.

*In 2021-22 there were over **1 million** page views of our website – an increase of over 50% on the previous year's 688,000 page views.*

Table 7 shows the top 10 most visited pages on our website in 2021-22. This year was characterised by continuously increasing general website traffic accompanied by sharp spikes driven by demand for pandemic-related human rights information. COVID-related pages made up 3 of the top five ranking pages this year and accounted for over 20% of our total page views across our website.

Of particular note was the high traffic to our 'Vaccination and your rights' page, with spikes directly correlating with announcements around vaccine-related public health directions including mandates and border changes. This pattern was mirrored by calls to our enquiry line, where COVID-19 vaccination requirements were the topic of a significant minority of calls during the same periods (see page 31 of this report for more information on enquiries and page 8 for the impact of COVID-19 on our work this year).

Table 7: 10 most visited website pages

Ranking	Page	% of traffic
1	Home page	9.4
2	Vaccination and your rights	8.0
3	COVID-19 and human rights	5.0
4	Case studies – sexual harassment	4.9
5	Face masks and your rights	3.9
6	Human rights law	3.4
7	Discrimination law	2.2
8	Human rights law – your right to recognition and equality before the law	1.8
9	Customers, face masks and discrimination: a guide for Queensland businesses and services	1.8
10	Make a complaint	1.7

Social media

We use Facebook, Instagram, LinkedIn and Youtube to share information and news updates with social media users.

As organic reach on platforms declines and risk increases, we continue to modify the way we use social media to connect with community. In 2021-22, after assessing the risk of being legally responsible for third party comments and our obligations under the *Human Rights Act 2019*, we made the decision to no longer allow direct messages or comments on posts on our Facebook page. With only one staff member to administer pages and moderate comments, we do not have capacity to respond to requests for information or monitor third party contributions for potential risk.

As at 30 June 2022 we had over 6500 social media users following our accounts.

Bulletins

We produce email bulletins to help keep subscribers up to date with news about discrimination and human rights law, including court and tribunal decisions, training opportunities, new resources to aid in understanding and applying the law, and the work of the Commission. Bulletins include:

- A general news bulletin with updates on human rights, discrimination and sexual harassment law, and our work – this year this bulletin has also contained the updates on our Review of the Anti-Discrimination Act and opportunities for people to contribute to the Review
- A monthly training bulletin, containing upcoming training opportunities across Queensland and online
- The Dialogue, issued quarterly and containing information, tools, training and resources specifically for public entities, to help them carry out their obligations under the Human Rights Act
- The Brief, issued quarterly for lawyers and advocates, containing news, case law, submissions, interventions, and resources on the application of the Human Rights Act and the Anti-Discrimination Act
- Our Human Rights Week bulletin, which runs up to and across Human Rights Week in December.

30 bulletins were sent out across the course of 2021-22, with an average open rate of over 35%. As at 30 June 2022 almost 4,200 people were subscribed to receive bulletins.

Corporate governance

Governance framework

While the Commission is an independent statutory body, we are accountable to the Queensland Parliament through the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence.

Executive management

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

The Commissioner is appointed under section 238 of the *Anti-Discrimination Act 1991* for a term of no longer than seven years. The appointment of the current Commissioner is for four years, until October 2022.

Executive Leadership Team

The Executive Leadership Team (ELT) is one of the key strategic advisory bodies for the Commission. It supports the Commissioner in providing strategic direction for the Commission as part of the overall corporate governance framework. It also oversees the Commission's strategic performance and acts as the Audit Committee, Risk Management Committee and Finance Committee.

The group provides advice to the Commissioner in the following areas:

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

The members of the ELT are:

- Scott McDougall, Human Rights Commissioner (Chair)
- Neroli Holmes, Deputy Commissioner (Deputy Chair)
- Deborah Keenan, Director, Complaint Services
- Natalie Hartill, Director, Corporate Services
- Anne Franzmann, Director, Community Engagement.

The areas of operational responsibility for each ELT member are outlined in the organisational structure at Appendix E of this report.

Leadership Group

The Leadership Group is a sub-committee of the Executive Leadership Team (ELT). It supports the Commissioner by ensuring that operational activity aligns with the strategic direction of the Commission as set by the ELT. The group is responsible for providing advice to the Commissioner, and contributing to operational decision making where delegated.

Responsibilities of the Leadership Group include:

- overseeing implementation of strategic and operational plans to ensure progress toward goals and performance measures is aligned with overarching priorities;
- monitoring performance to ensure services are being delivered to the required level and quality and providing input on strategies for continuous improvement;
- ensuring that consistent, integrated and high quality service is provided through effective representation of individual operational areas including regional offices;
- providing holistic leadership of service provision through collaboration, robust discussion, interrogation of performance information and the sharing and analysis of relevant data and research;
- identifying the need for review of governance practices including policies and procedures;
- ensuring that planning and performance management decisions are based on an informed understanding of operational issues and constraints;
- identifying issues relevant to maintaining satisfactory relationships and partnerships with stakeholders;
- acting as champions for the Commission's strategic direction within operational teams and externally;
- leading a culture of team collegiality in which diversity of opinion and areas of expertise are recognised and valued;
- actively demonstrating the Commission's agreed values of independence, respect, inclusion, diversity and integrity.

The members of the Leadership Group are:

- Human Rights Commissioner
- Deputy Commissioner
- Director, Complaint Services
- Director, Corporate Services
- Director, Community Engagement
- Manager, Cairns region
- Manager, Townsville region
- Manager, Rockhampton region

- Managers, Brisbane complaint team
- Aboriginal & Torres Strait Islander Community Engagement Coordinator
- Principal Lawyers
- Senior Policy Officer
- Senior Communications Officer.

Our staff

The Commission maintains offices in Brisbane, Cairns, Townsville and Rockhampton. As at 17 June 2022, we employed 45.13 full-time equivalent permanent and temporary staff (up from 42.76 at June 2021).

We are committed to maintaining a diverse and inclusive workplace where the contributions of all staff are valued. Strategies that have been implemented to promote diversity and inclusion include:

- active promotion of flexible work including compressed hours, part-time and working from home arrangements
- the provision of a parenting/prayer room
- provision of highly accessible office spaces where possible
- appointment of Equity Contact Officers
- LGBTIQ+ and Aboriginal and Torres Strait Islander liaison officers
- revision of our induction processes for new employees
- update of performance management policies in line with amendments to the *Public Service Act 2008*, including the introduction of positive performance management principles
- professional development of all staff on a continuing basis.

Table 8: Workforce profile data, 2021-22

Gender	Number (headcount)	Percentage of total workforce (calculated on headcount)
Woman	42	81%
Man	10	19%
Non-binary	0	0
Diversity groups	Number (headcount)	Percentage of total workforce (calculated on headcount)
Women	42	81%
Aboriginal peoples and Torres Strait Islander peoples	<5	<10%
People with disability	<5	<10%
Culturally and linguistically diverse – born overseas	7	14%

Culturally and linguistically diverse – speak a language at home other than English (including Aboriginal and Torres Strait Islander languages or Australian South Sea Islander languages)	5	10%
	Number (headcount)	Percentage of total leadership cohort (calculated on headcount)
Women in leadership roles*	<5	67%

*Leadership roles are those at Senior Officer and equivalent and above.

Note: percentages in this table have been rounded to the nearest whole number.

In January 2021, we launched the QHRC Wellbeing Strategy. The strategy was developed through consultation with Commission staff. It aims to establish, promote and maintain the health and wellbeing of all staff through positive workplace practices, and encourage staff to take responsibility for their own health and wellbeing. The strategy is built around 4 pillars:

- Promotion – promoting positive health and wellbeing practices
- Prevention – reducing risk factors for ill-health and enhancing protective factors
- Early intervention – identifying and providing effective early support to our people at risk of ill health
- Recovery and return to work – supporting our people to be well and plan for managing health and wellbeing in the future.

Corporate services

In-house corporate services provided by our staff are supplemented through service level agreements with the Department of Justice and Attorney-General and Queensland Shared Services for the provision of financial, human resource, internal audit and processing services. These arrangements benefit the Commission by providing a cost-effective processing environment and access to a greater range of skills than we can maintain internally given our size, and allow us to focus on core business.

Information and communications technology (ICT)

We utilise Surface Pro tablet devices and operate cloud-based computing and telecommunications services, reducing costs and risks associated with in-house management of computing services.

As a Queensland independent statutory body, we must have regard to Information security policy (IS18:2018) in the context of internal controls, financial information management systems and risk management. Our Information Security Management Committee (ISMC) is guided by IS18:2018 in applying a consistent, risk-based

approach to information security in order to safeguard the confidentiality, integrity, and availability of the data and information maintained by the Commission.

Statutory obligations

Ethical behaviour

The Code of Conduct for the Queensland Public Service applies to our staff as we are prescribed as a public service agency under the *Public Sector Ethics Regulation 2010*. In accordance with section 23 of the *Public Sector Ethics Act 1994*, all new starters are provided with information about the Code of Conduct as part of their induction program and are asked to confirm their understanding and ability to apply the code. Staff can readily access the code through our intranet and it is referenced in a variety of Commission policies and staff documents including the Workplace Behaviour policy and the staff induction manual.

All staff are required to complete annual refresher training on the Code of Conduct which is monitored through the performance and development management process and an annual internal audit of staff mandatory training records.

Additionally, all staff complete annual training on the Right to Information Act, information privacy, domestic and family violence awareness and cultural capability.

Client complaints

We received 26 complaints about our service during 2021-22, compared to 14 in 2020-21. All complaints were investigated and managed in accordance with our client complaint management policy. The complaints were resolved in the following manner:

- Explanation provided: 10 complaints
- Review decision – upheld: 7 complaints
- Review decision – amended: 3 complaint
- Review decision – partly upheld & partly amended: 1 complaint
- Review policy/procedure: 1 complaint
- Apology: 3 complaints
- Staff training: 1 complaint

No client complaint investigations indicated the existence of any systemic problems.

Human rights

As Queensland's leading human rights agency, our core business is to further the objects of the *Human Rights Act 2019*. The objective of promoting understanding, acceptance and public discussion of human rights is central to the delivery of all frontline services.

In relation to the obligations of public entities under the Act, we undertook the following activities during 2021-22:

- Ran the Human Rights Week campaign from 1 to 10 December 2021 to raise awareness of the Act;
- Delivered face-to-face training sessions and webinars on the *Human Rights Act 2019*;
- Required all new staff to complete the online training module, *Public entities and the Queensland Human Rights Act 2019*.

Throughout the ongoing COVID-19 pandemic, we continued to provide our information, complaint management and training services for Queenslanders consistent with human rights, including the right to have access on general terms of equality to the public service.

Of the 26 client complaints received by the Commission this year 8 were assessed as being human rights complaints. During the process of assessing and investigating the complaints our staff identified human rights that were engaged by the actions and decisions of the Commission which formed the basis of the complaints about service delivery. In all instances it was determined through investigation that human rights were not unjustifiably limited. 5 of the complaints were resolved through an explanation of legislative requirements and procedures relating to the conciliation process. Investigation of the remaining 3 complaints involved review of a decision. In all instances the decision was upheld.

Human rights identified in client complaints included:

- Right to recognition and equality before the law;
- Right to freedom of expression;
- Right to a fair hearing;
- Right to protection of families;
- Right to freedom of movement;
- Right to privacy and reputation; and
- Cultural rights

Information systems and recordkeeping

We recognise the significant value of our information resources and as such records management is a priority. Upon commencement at the Commission, all staff undertake an online records management tutorial provided by Queensland State Archives in addition to an induction conducted by our records management officer.

The records management officer provides regular updates to the Executive Leadership Team about records management practices and ensures policies and procedures manuals are reviewed and updated accordingly.

The Commission uses RecFind as its electronic documents and records management system (EDRMS). We have fully transitioned to digital records; however, we have made the decision to convert to a digital format any physical source records that involve complaints, and retain the physical source record for as long as the digital record is retained. Physical source records that do not involve a complaint are converted to a digital format and then securely destroyed in accordance with General Records and Disposal Schedule (GRDS) reference 2074. Our core Retention and Disposal Schedule is QDAN568 v2; last reviewed 14 January 2015.

In support of the general retention and disposal schedule that includes sentencing of complaints involving vulnerable people, the Commission retains all complaint files for 100 years.

We have not transferred any records to Queensland State Archives. As a result of the establishment of Queensland Civil and Administrative Tribunal (QCAT) in 2009, signed conciliation agreements are transferred to QCAT.

There have not been any known information security breaches or loss of Commission records due to disaster or other reasons this reporting period.

Internal and external audit

Internal audit services are provided on an as needed basis to the Commission under a service level agreement with the Department of Justice and Attorney-General. The size of the Commission is such that a formal Audit Committee is not required. The responsibilities associated with internal audit and the maintenance of an appropriate internal control framework are discharged by the Executive Leadership Team. A copy of the external audit report and certificate of our financial statements are supplied with this report.

Risk management

Our governance and assurance strategies for risk management reflect the functions and size of our agency. The Executive Leadership Team provides oversight of our risk management framework and operational management of risks, and receives advice and recommendations from the Information Security Management Committee.

Early retirement, redundancy and retrenchment

No redundancy, early retirement, or retrenchment packages were paid during the period.

Open data

The Commission publishes annual data on consultancies, overseas travel and language services at <https://data.qld.gov.au>.

Summary of financial performance

Financial governance

The Commission is managed in accordance with the requirements of the *Financial Accountability Act 2009*, the *Financial and Performance Management Standard 2019*, the *Statutory Bodies Financial Arrangements Act 1982*, the *Anti-Discrimination Act 1991* and the *Human Rights Act 2019*.

Financial summary 2021-22

This summary provides an overview of the Commission's financial performance for 2021-22 and a comparison with 2020-21. A detailed view of the financial performance for 2021-22 is provided in the financial statements included in Appendix F of this annual report and can be viewed at www.qhrc.qld.gov.au.

The operating result for the Commission for 2021-22 was a surplus of approximately \$525,000, which was primarily driven by in-year savings from vacant positions and steady demand for training.

Performance in the remaining budget areas was sound.

During 2021-22, work was undertaken for the *Anti-Discrimination Act 1991* review. \$219,000 of grant funds were provided by Department of Justice and Attorney-General to fund this review in 2020-21. The report was handed to the Attorney-General on Friday 29 July 2022. Under Accounting Standard 15: Revenue from Contracts with Customers (issued by the Australian Accounting Standards Board (AASB)), revenue is only brought to account once the sufficiently specific performance obligation has been satisfied. As such, expenses of the review were expensed as incurred during 2021-22, and grant revenue will be recognised in 2022-23.

The Commission has assessed the ongoing impacts of COVID-19 pandemic on operations and determined there has been no material impact on the preparation of information contained in the financial statements.

Income

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

Training revenue decreased slightly by \$30,000 (12%) on 2020-21 and is reflective of vacant trainer positions occurring in 2021-22.

Other revenue decreased by \$54,000 (75%) on 2020-21 primarily due to an insurance compensation payment of \$38,000 in 2020-21. The insurance compensation was a result of a successful claim with the Queensland Government Insurance Fund (QGIF) for lost training revenue in 2019-20 when face-to-face training sessions were cancelled following government health directives.

Table 9: Statement of comprehensive income, 2021-22

	2021-22 (\$'000)	2020-21 (\$'000)
User charges and fees	218	248
Grants and other contributions	8,301	7,385
Interest and other revenue	18	72
Total income from continuing operations	8,537	7,705
Employee expenditure	5,950	5,212
Supplies and services	1,814	1,741
Grants and subsidies	13	3
Depreciation and amortisation	206	191
Other expenses	29	152
Total expenditure from continuing operations	8,012	7,299
Operating result for the year	525	406

Expenditure

Employee expenditure remains the biggest Commission expenditure (on average, 73% of expenditure). This increased by \$738,000 (14%) in 2021-22 from the previous period, following an increase in funding for additional FTE and in year vacancies. Our average yearly FTE grew from 40.76 in 2020-21 to 45.45 in 2021-22.

The second biggest expense category is supplies and services (on average, 23% of expenditure). This increased by \$73,000 (4%) from 2020-21, reflecting increased operational costs, predominately in computing expenses, and necessary enhancements to IT systems.

Other expenses decreased by \$123,000 (81%) which is the grant refund expenditure from 2020-21. This related to unspent grant revenue which didn't meet the required milestone and the grant was returned to the Department of Justice and Attorney-General.

Table 10: Statement of financial position, 2021-22

	2021-22 (\$'000)	2020-21 (\$'000)
Current assets	2,356	1,554
Non-current assets	621	827
Total assets	2,977	2,381
Current liabilities	995	924
Total liabilities	995	924
Net assets	1,982	1,457
Total equity	1,982	1,457

Table 10 sets out the Commission's net assets (that is, assets less liabilities) and equity. As at 30 June 2022, the Commission's net assets were \$1.982 million, up \$0.525 million due to current year operating surplus.

This year our total assets increased to \$2.977 million (up \$0.596 million or 25% from 2020-21). The Commission had increases in cash on hand (\$0.879 million), primarily from in-year labour savings from vacant positions. This is offset by a decrease of other current assets (\$0.077 million) as a result of decreased receivables and prepayments, a reduction in value of non-current assets from the annual depreciation charges (\$0.206 million), and no new assets acquired during 2021-22.

The majority of current liabilities relate to employee entitlements (\$0.600 million or 60% of current liabilities) which is made up of salaries and recreation leave entitlements as at 30 June 2022. The Commission also holds \$0.240 million in contract liabilities where we have not met our performance obligation. These contract liabilities will

be recognised as revenue in 2022-23. The remaining (\$0.155 million) relates to end of financial year trade creditors and accruals.

Comparison to the 2021-22 Budget¹²

Budget and Actual performance together with explanatory notes on major variances are provided in detail in Note E1 of the audited financial statements provided with this report.

Certification of financial statements

The certification of financial statements accompanies the annual report or can be view at www.qhrc.qld.gov.au.

Independent auditor's report

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

¹² 2021-22 Queensland State Budget – Service Delivery Statements –
Queensland Human Rights Commission
Queensland Human Rights Commission | www.qhrc.qld.gov.au

Appendix A: Compliance checklist

Summary of requirement		Basis for requirement	Annual report reference
Letter of compliance	A letter of compliance from the accountable officer or statutory body to the relevant Minister/s	ARRs – section 7	Page 4
Accessibility	Table of contents	ARRs – section 9.1	Page 3
	Glossary		Appendix C
	Public availability	ARRs – section 9.2	Page 2
	Interpreter service statement	<i>Queensland Government Language Services Policy</i> ARRs – section 9.3	Page 2
	Copyright notice	<i>Copyright Act 1968</i> ARRs – section 9.4	Page 2
	Information licensing	<i>QGEA – Information Licensing</i> ARRs – section 9.5	Page 2
General information	Introductory Information	ARRs – section 10	Page 6
Non-financial performance	Government's objectives for the community and whole-of government plans/specific initiatives	ARRs – section 11.1	Page 6, 47
	Agency objectives and performance indicators	ARRs – section 11.2	Appendix B
	Agency service areas and service standards	ARRs – section 11.3	Appendix B
Financial performance	Summary of financial performance	ARRs – section 12.1	Page 60
Governance – management and structure	Organisational structure	ARRs – section 13.1	Appendix E
	Executive management	ARRs – section 13.2	Page 52
	Government bodies (statutory bodies and other entities)	ARRs – section 13.3	N/A
	Public Sector Ethics	<i>Public Sector Ethics Act 1994</i> ARRs – section 13.4	Page 56
	Human Rights	<i>Human Rights Act 2019</i> ARRs – section 13.5	Page 57
	Queensland public service values	ARRs – section 13.6	Page 6

Governance – risk management and accountability	Risk management	ARRs – section 14.1	Page 58
	Audit committee	ARRs – section 14.2	Page 52
	Internal audit	ARRs – section 14.3	Page 58
	External scrutiny	ARRs – section 14.4	Page 58
	Information systems and recordkeeping	ARRs – section 14.5	Page 58
	Information security attestation	ARRs – section 14.6	N/A
Governance – human resources	Strategic workforce planning and performance	ARRs – section 15.1	Page 54
	Early retirement, redundancy and retrenchment	Directive No.04/18 <i>Early Retirement, Redundancy and Retrenchment</i> ARRs – section 15.2	Page 59
Open Data	Statement advising publication of information	ARRs – section 16	Page 59
	Consultancies	ARRs – section 33.1	https://data.qld.gov.au
	Overseas travel	ARRs – section 33.2	https://data.qld.gov.au
	Queensland Language Services Policy	ARRs – section 33.3	https://data.qld.gov.au
Financial statements	Certification of financial statements	FAA – section 62 FPMS – sections 38, 39 and 46 ARRs – section 17.1	Page 70 Appendix F
	Independent Auditor's Report	FAA – section 62 FPMS – section 46 ARRs – section 17.2	Page 70 Appendix F

Appendix B: Performance statement

Human Rights

Service area objective

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

Service standards	2021-22 Target/Est.	2021-22 Actual	2022-23 Target/Est.
Effectiveness measures			
Percentage of accepted Anti-Discrimination Act (ADA) complaints resolved by conciliation ¹	55%	45%	55%
Percentage of clients satisfied with complaint handling service measured via client survey	85%	85%	85%
Percentage of clients satisfied with training sessions measured via client survey	95%	97%	95%
Percentage of accepted ADA complaints finalised within the Commission	70%	68%	70%
Efficiency measure			
Clearance rate for accepted complaints dealt with under the ADA ²	100%	82%	100%

Notes:

1. The variance between the 2020-21 Target/Estimate and 2020-21 Estimated Actual results from the inclusion of the Human Rights Act considerations into all complaints against public entities, an increase in the nature and complexity of complaints since the commencement of the Human Rights Act, and the unique nature of many complaints relating to restrictions introduced during the COVID-19 pandemic.
2. The variance between the 2020-21 Target/Estimate and 2020-21 Estimated Actual is the significant increase in complaints caused by the combination of the commencement of the *Human Rights Act 2019* and the COVID-19 pandemic when many rules and directions were imposed on the public and persons in detention, impacting on their human rights. Although the Commission increased the number of complaints finalised by 37%, it was not able to keep up with the significant increase in complaints, leading to a backlog.

Appendix C: Glossary

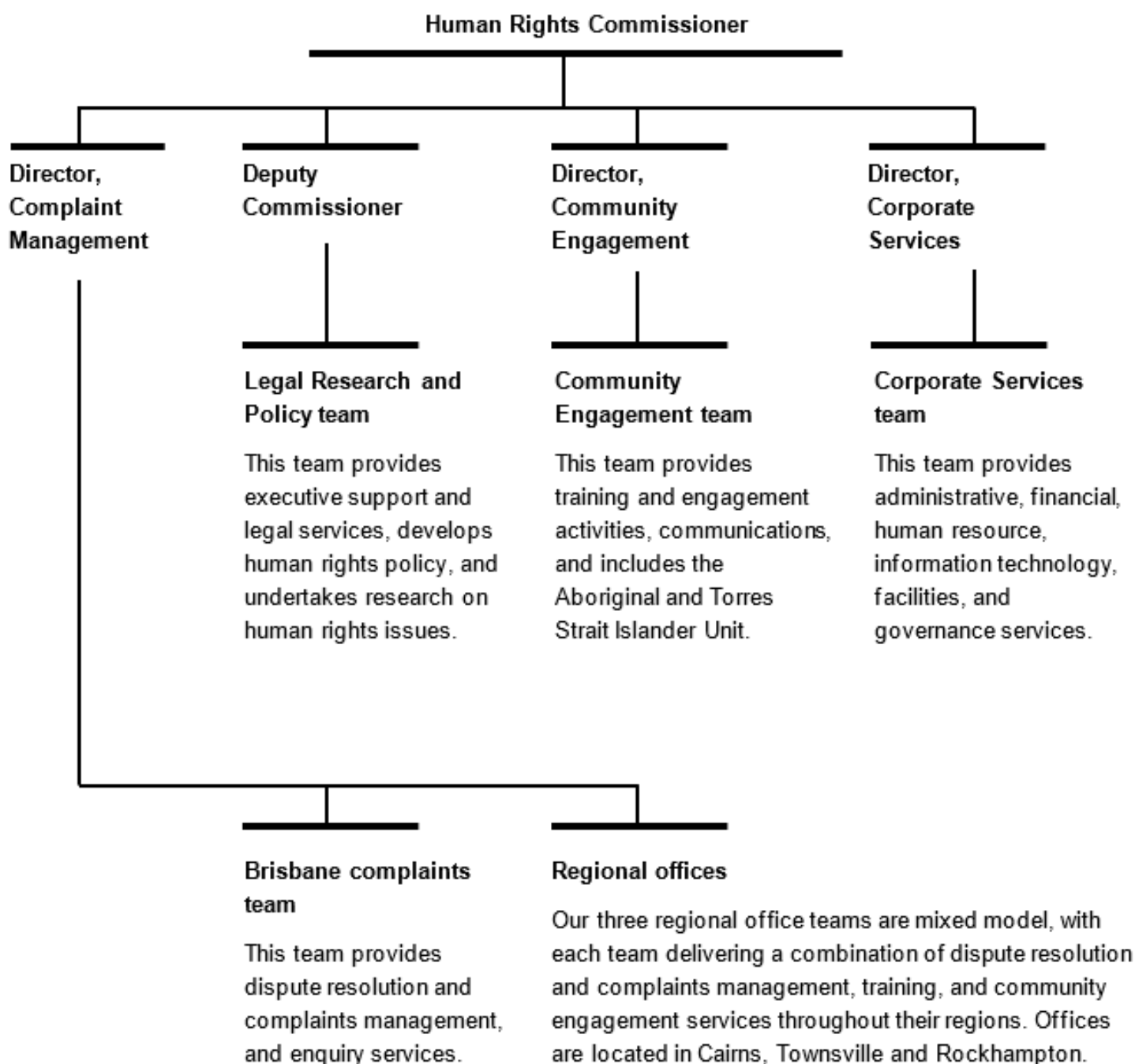
Term	Description
ADA, AD Act	<i>Anti-Discrimination Act 1991 (Qld)</i>
Commission	Queensland Human Rights Commission
ELT	The Executive Leadership Team (ELT) is one of the key strategic advisory bodies of the QHRC. It supports the Commissioner in providing the strategic direction as part of the overall corporate governance framework and oversees the Commission's strategic performance.
HRA, HR Act	<i>Human Rights Act 2019 (Qld)</i>
LG	The Leadership Group (LG) is a sub-committee of the Executive Leadership Team (ELT). It supports the Commissioner by ensuring that operational activity aligns with the strategic direction of the QHRC as set by the ELT.
PID Act	<i>Public Interest Disclosure Act 2010 (Qld)</i>
QCAT	Queensland Civil and Administrative Tribunal
QHRC	Queensland Human Rights Commission (formerly Anti-Discrimination Commission Queensland)
QIRC	Queensland Industrial Relations Commission

Appendix D: Our legislated functions

We have legislated functions under the *Anti-Discrimination Act 1991* and *Human Rights Act 2019*. Our primary functions under each Act are as follows.

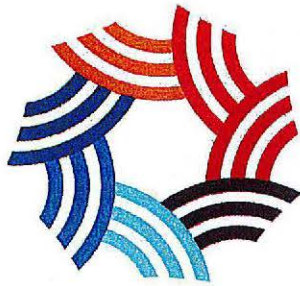
<i>Anti-Discrimination Act 1991</i>	<i>Human Rights Act 2019</i>
Inquire into complaints and, where possible, to effect conciliation and carry out investigations relating to contraventions of the Act.	Deal with human rights complaints.
Undertake research and educational programs to promote the purposes of the Act, and to coordinate programs undertaken by other people or authorities on behalf of the State.	Provide education about human rights and this Act. Make information about human rights available to the community.
Consult with various organisations to ascertain means of improving services and conditions affecting groups that are subjected to contraventions of the Act.	Review public entities' policies, programs, procedures, practices and services in relation to their compatibility with human rights.
Examine Acts and, when requested by the Minister, proposed Acts, to determine whether they are, or would be, inconsistent with the purposes of the Act, and to report to the Minister the results of the examination.	If asked by the Attorney-General, to review the effect of Acts, statutory instruments and the common law on human rights and give the Attorney-General a written report about the outcome of the review.
When requested by the Minister, to research and develop additional grounds of discrimination and to make recommendations for the inclusion of such grounds in the Act.	Assist the Attorney-General in reviews of this Act under sections 95 and 96.
If the commission considers it appropriate to do so—to intervene in a proceeding that involves human rights issues with the leave of the court hearing the proceeding and subject to any conditions imposed by the court.	Advise the Attorney-General about matters relevant to the operation of this Act. Intervene in and be joined as a party to a proceeding before a court or tribunal in which a question of law arises that relates to the application of this Act; or a question arises in relation to the interpretation of a statutory provision in accordance with this act.
Promote an understanding and acceptance, and the public discussion, of human rights in Queensland.	

Appendix E: Our organisational structure



Appendix F: Certified financial statements





Queensland
**Human Rights
Commission**

Financial Statements
for the financial year ended
30 June 2022

Queensland Human Rights Commission Financial Statements
For the Year Ended 30 June 2022

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Queensland Human Rights Commission
Statement of Comprehensive Income
Year ended 30 June 2022

	Note	2022 \$'000	2021 \$'000
Income			
User charges and fees		218	248
Grants and contributions	B1-1	8,301	7,385
Other revenues		18	72
Total revenue		8,537	7,705
Total income		8,537	7,705
Expenses			
Employee expenses	B2-1	5,950	5,212
Supplies and services	B2-2	1,814	1,741
Depreciation and amortisation		206	191
Other expenses	B2-3	42	155
Total expenses		8,012	7,299
Operating result for the year		525	406
TOTAL COMPREHENSIVE INCOME		525	406

The accompanying notes form part of these statements.

**Queensland Human Rights Commission
Statement of Financial Position**

as at 30 June 2022

	Note	2022 \$'000	2021 \$'000
Current assets			
Cash and cash equivalents	C1	2,240	1,361
Other current assets	C2	116	193
Total current assets		2,356	1,554
Non-current assets			
Plant and equipment	C3	289	401
Intangible assets	C4	332	426
Total non-current assets		621	827
Total assets		2,977	2,381
Current liabilities			
Payables	C5	155	109
Accrued employee benefits	C6	600	572
Other current liabilities	C7	240	243
Total current liabilities		995	924
Total liabilities		995	924
Net assets		1,982	1,457
Equity			
Contributed equity		537	537
Accumulated surplus		1,445	920
Total equity		1,982	1,457

The accompanying notes form part of these statements.

Queensland Human Rights Commission
Statement of Changes in Equity
for the year ended 30 June 2022

	Contributed equity	Accumulated surplus	TOTAL
	\$'000	\$'000	\$'000
Balance as at 1 July 2020	537	514	1,051
Operating result for the year	-	406	406
Balance as at 30 June 2021	537	920	1,457
Balance as at 1 July 2021	537	920	1,457
Operating result for the year	-	525	525
Balance as at 30 June 2022	537	1,445	1,982

The accompanying notes form part of these statements.

Queensland Human Rights Commission
Statement of Cash Flows

for the year ended 30 June 2022

	Note	2022 \$'000	2021 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES			
<i>Inflows:</i>			
User charges and fees		234	211
Grants and contributions		8,301	7,385
GST input tax credits from ATO		183	184
GST collected from customers		22	27
Other		18	72
<i>Outflows:</i>			
Employee expenses		(5,922)	(5,239)
Supplies and services		(1,710)	(2,013)
GST paid to suppliers		(182)	(186)
GST remitted to ATO		(24)	(23)
Other		(41)	(157)
Net cash provided by operating activities	CF-1	879	261
 Net increase in cash and cash equivalents		 879	 261
Cash and cash equivalents - opening balance		1,361	1,100
 Cash and cash equivalents - closing balance	C1	 2,240	 1,361

The accompanying notes form part of these statements.

Queensland Human Rights Commission
Statement of Cash Flows
for the year ended 30 June 2022

NOTES TO THE STATEMENT OF CASH FLOWS

CF-1 Reconciliation of operating result to net cash provided by operating activities

	2022	2021
	\$'000	\$'000
Operating surplus	525	406
<i>Non-cash items included in operating result:</i>		
Depreciation and amortisation expense	206	191
<i>Change in assets and liabilities:</i>		
(Increase)/decrease in receivables	16	(37)
(Increase)/decrease in prepayments	61	(59)
Increase/(decrease) in accounts payable	46	(452)
Increase/(decrease) in accrued employee benefits	28	(21)
Increase/(decrease) in unearned revenue	(3)	233
Net cash provided by operating activities	879	261

Queensland Human Rights Commission
Notes to the Financial Statements

for the year ended 30 June 2022

SECTION 1
ABOUT THE COMMISSION AND THIS FINANCIAL REPORT

A1 BASIS OF FINANCIAL STATEMENT PREPARATION

A1-1 GENERAL INFORMATION

The Queensland Human Rights Commission ("the Commission") is a Queensland Government statutory body established under the *Anti-Discrimination Act 1991* and the *Human Rights Act 2019* and is controlled by the State of Queensland, which is the ultimate parent.

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

A1-2 COMPLIANCE WITH PRESCRIBED REQUIREMENTS

The Queensland Human Rights Commission has prepared these financial statements in compliance with section 39 of the *Financial and Performance Management Standard 2019*. The financial statements comply with Queensland Treasury's Minimum Reporting Requirements for reporting periods beginning on or after 1 July 2021.

The Queensland Human Rights Commission is a not-for-profit entity and these general purpose financial statements are prepared on an accrual basis (except for the statement of cash flows which is prepared on a cash basis) in accordance with Australian Accounting Standards and Interpretations applicable to not-for-profit entities.

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

A1-3 PRESENTATION

Currency and rounding

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

Comparatives

Comparative information reflects the audited 2020-21 financial statements.

Current/non-current classification

Assets and liabilities are classified as either 'current' or 'non-current' in the statement of financial position and associated notes.

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

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

**Queensland Human Rights Commission
Notes to the Financial Statements**

for the year ended 30 June 2022

A1 BASIS OF FINANCIAL STATEMENT PREPARATION (continued)

A1-4 AUTHORISATION OF FINANCIAL STATEMENTS FOR ISSUE

The financial statements are authorised for issue by the Human Rights Commissioner and Acting Director, Corporate Services at the date of signing the management certificate.

A1-5 BASIS OF MEASUREMENT

Historical cost is used as the measurement basis in this financial report.

Historical cost

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

Net realisable value

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

A1-6 THE REPORTING ENTITY

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

A2 OBJECTIVES OF THE COMMISSION

The Commission has functions under both the *Anti-Discrimination Act 1991* and the *Human Rights Act 2019* (the Acts).

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 *Human Rights Act 2019* aims to protect and promote human rights; to help build a culture in the Queensland public sector that respects and promotes human rights; and to help promote a dialogue about the nature, meaning and scope of human rights.

Under the Acts, the Commission's main functions include:

- Managing complaints received;
- Informing public entities and the community about their rights and responsibilities;
- Delivering training to business, government and the community;
- Assisting communities to develop the capacity to protect human rights; and
- Promoting public discussions on human rights.

Other important services specifically covered under the *Human Rights Act 2019* include:

- Reviewing public entities' policies, programs, procedures, practices and services for compatibility with human rights;
- Intervening in legal proceedings involving human rights issues to provide expert assistance to courts and tribunals; and
- Advising the Attorney-General about the operation of the Act.

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

The Commission provides some services on a fee for service basis in relation to training workshops.

Queensland Human Rights Commission
Notes to the Financial Statements

for the year ended 30 June 2022

SECTION 2
NOTES ABOUT OUR FINANCIAL PERFORMANCE

B1 REVENUE

B1-1 GRANTS AND CONTRIBUTIONS

	2022 \$'000	2021 \$'000
Recurrent grant from Department of Justice and Attorney-General	8,301	7,385
Total	8,301	7,385

Accounting policy - Grants and contributions

Grants, contributions and donations revenue arise from non-exchange transactions where the Commission does not directly give approximately equal value to the grantor.

Where the grant agreement is enforceable and contains sufficiently specific performance obligations for the Commission to transfer goods or services to a third-party on the grantor's behalf, the transaction is accounted for under AASB 15 *Revenue from Contracts with Customers*. In this case, revenue is initially deferred (as a contract liability) and recognised as or when the performance obligations are satisfied.

Otherwise, the grant is accounted for under AASB 1058 *Income of Not-for-Profit Entities*, whereby revenue is recognised upon receipt of the grant funding, except for special purpose capital grants received to construct non-financial assets to be controlled by the Commission. Special purpose capital grants are recognised as unearned revenue when received, and subsequently recognised progressively as revenue as the Commission satisfies its obligations under the grant through construction of the asset.

Disclosure – Grants and contributions

Grant revenue for the Commission's operations are funded by the Department of Justice and Attorney-General and are recognised upon receipt as the Commission's obligations are not sufficiently specific.

Disclosure – Revenue from contracts with customers

Queensland Government Grants

Grant	Nature and timing of satisfaction of performance obligations, including significant payment terms	Revenue recognition policies
Department of Justice and Attorney-General – <i>Anti-Discrimination Act 1991</i> Review	<p>The Commission, at the request of the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, is to review the <i>Anti-Discrimination Act 1991</i> (the Act).</p> <p>The review should consider whether there is a need for any reform to enhance and update the Act, taking into account Australian and international best practices, to best protect and promote equality, and non-discrimination and the realisation of human rights.</p> <p>The Commission has provided the report on the review to the Attorney-General on 29 July 2022. This date reflects the four week extension granted by the Attorney-General in March 2022.</p>	The total grant funding of \$0.219M is allocated to the report and revenue will be recognised in 2022-23 as the report has been provided to the Attorney-General on 29 July 2022.

Queensland Human Rights Commission
Notes to the Financial Statements
for the year ended 30 June 2022

B2 EXPENSES

B2-1 EMPLOYEE EXPENSES

Employee benefits

Wages and salaries *	4,363	3,902
Annual leave expense	544	449
Employer superannuation contributions	600	533
Long service leave levy	110	93
Other employee benefits	17	21

Employee related expenses

Workers' compensation premium	25	23
Payroll tax	248	172
Other employee related expenses	43	19
Total	5,950	5,212

Full-Time Equivalent (FTE) Employees *:

2022	2021
No.	No.
46	43

* FTE data as at 30 June 2022 (based upon the fortnight ending 1 July 2022)

**Queensland Human Rights Commission
Notes to the Financial Statements**

for the year ended 30 June 2022

B2 EXPENSES (continued)

B2-1 EMPLOYEE EXPENSES (continued)

Accounting policy - Wages, salaries and recreation leave

Wages and salaries due but unpaid at reporting date are recognised in the statement of financial position at the current salary rates. As the Commission does not have an unconditional right to defer settlement of the annual leave beyond twelve months after the reporting date, annual leave is classified as a current liability, with the liability recognised at their undiscounted values. (Refer to Note C6).

Accounting policy - Sick leave

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

Accounting policy - Long service leave

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

Accounting policy - Superannuation

Post-employment benefits for superannuation are provided through defined contribution (accumulation) plans or the Queensland Government's defined benefit plan (the former QSuper defined benefit categories now administered by the Government Division of the Australian Retirement Trust) as determined by the employee's conditions of employment.

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

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

Accounting policy - Workers' compensation premiums

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

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

Queensland Human Rights Commission
Notes to the Financial Statements

for the year ended 30 June 2022

B2 EXPENSES (continued)

B2-2 SUPPLIES AND SERVICES

	2022	2021
	\$'000	\$'000
Office accommodation	641	707
Property outgoings	130	120
Computing and telephone	514	499
Operating level agreement	165	162
Legal fees	120	44
Contractors (IT)	119	57
Other	125	152
Total	1,814	1,741

Accounting policy – Distinction between grants and procurement

For a transaction to be classified as supplies and services, the value of goods or services received by the Commission must be of approximately equal value to the value of the consideration exchanged for those goods or services. Where this is not the substance of the arrangement, the transaction is classified as a grant.

Office accommodation

Payments for non-specialised commercial office accommodation under the Queensland Government Accommodation Office (QGAO) framework arise from non-lease arrangements with the Department of Energy and Public Works, who has substantive substitution rights over the assets used within this scheme. Payments are expensed as incurred and categorised within office accommodation.

B2-3 OTHER EXPENSES

Grants refundable *	-	123
External audit fees **	24	23
Other	18	9
Total	42	155

Grants refundable

* Grant refundable relates to the return of the Commission's 2020-21 unspent grant revenue, as a result of delayed recruitment of new positions which didn't meet their milestones as required.

Audit fees

** Total audit fees quoted by the Queensland Audit Office relating to the 2021-22 financial statements are \$23,600 (2021: \$23,000). There are no non-audit services included in this amount.

**Queensland Human Rights Commission
Notes to the Financial Statements**

for the year ended 30 June 2022

**SECTION 3
NOTES ABOUT OUR FINANCIAL POSITION**

C1 CASH AND CASH EQUIVALENTS

	2022	2021
	\$'000	\$'000
Imprest accounts	1	1
Cash at bank	2,239	1,360
Total	2,240	1,361

Accounting policy - Cash and cash equivalents

For the purposes of the statement of financial position and the statement of cash flows, cash assets include all cash and cheques receipted but not banked at 30 June as well as deposits at call with financial institutions.

Term deposits with the Commonwealth Bank earned interest at rates between 0.21% and 0.34% in 2021, prior to the Commission stopping term deposit investments.

C2 OTHER CURRENT ASSETS

Receivables	53	69
Prepayments	63	124
Total	116	193

Accounting policy - Receivables

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

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

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

Queensland Human Rights Commission
Notes to the Financial Statements

for the year ended 30 June 2022

C3 PLANT, EQUIPMENT AND DEPRECIATION EXPENSE

C3 - 1 CLOSING BALANCES AND RECONCILIATION OF CARRYING AMOUNT

Plant and equipment reconciliation	Plant and equipment		Work in progress		Total	
	2022 \$'000	2021 \$'000	2022 \$'000	2021 \$'000	2022 \$'000	2021 \$'000
Gross	1,129	1,129	-	7	1,129	1,136
Less: Accumulated depreciation	(840)	(728)	-	(7)	(840)	(735)
Carrying amount at 30 June	289	401	-	-	289	401
<i>Represented by movements in carrying amount:</i>						
Carrying amount at 1 July	401	506	-	7	401	513
Transfers between classes	-	7	-	(7)	-	-
Depreciation	(112)	(112)	-	-	(112)	(112)
Carrying amount at 30 June	289	401	-	-	289	401

C3-2 RECOGNITION AND ACQUISITION

Accounting policy - Recognition

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

Accounting policy - Cost of acquisition

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

C3-3 MEASUREMENT USING HISTORICAL COST

Accounting policy

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

**Queensland Human Rights Commission
Notes to the Financial Statements**

for the year ended 30 June 2022

C3 PLANT, EQUIPMENT AND DEPRECIATION EXPENSE (continued)

C3-4 DEPRECIATION EXPENSE

Accounting policy

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

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

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

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

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

Useful Life Rates

Key Estimate: Useful life rates for each class of depreciable asset:

Class	Useful life
Plant and equipment:	
Computer equipment	3 - 14 years
Office equipment	4 - 5 years
Leasehold improvements	9 - 10 years

C3-5 IMPAIRMENT

Accounting policy

All plant and equipment assets are assessed for indicators of impairment on an annual basis. If an indicator of possible impairment exists, the Commission determines the asset's recoverable amount under AASB 136 *Impairment of Assets*. Any amount by which the asset's carrying amount exceeds the recoverable amount is recorded as an impairment loss.

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

An impairment loss is recognised immediately in the statement of comprehensive income.

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

Queensland Human Rights Commission
Notes to the Financial Statements
for the year ended 30 June 2022

C4 INTANGIBLES AND AMORTISATION EXPENSE

C4-1 CLOSING BALANCES AND RECONCILIATION OF CARRYING AMOUNT

	Software internally generated		Software: work in progress		Total	
	2022	2021	2022	2021	2022	2021
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Gross	1,045	1045	-	66	1,045	1,111
Less: Accumulated amortisation	(713)	(619)	-	(66)	(713)	(685)
Carrying amount at 30 June	332	426	-	-	332	426
<i>Represented by movements in carrying amount:</i>						
Carrying amount at 1 July	426	439	-	66	426	505
Transfers between classes	-	66	-	(66)	-	-
Amortisation	(94)	(79)	-	-	(94)	(79)
Carrying amount at 30 June	332	426	-	-	332	426

C4-2 RECOGNITION AND MEASUREMENT

Accounting policy

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

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

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

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

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

C4-3 AMORTISATION EXPENSE

Accounting policy

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

Useful Life

Key Estimate: Useful life for each class of intangible assets:

Class	Useful Life
Intangible assets:	
Software internally generated	15 - 16 Years

Queensland Human Rights Commission
Notes to the Financial Statements

for the year ended 30 June 2022

C4 INTANGIBLES AND AMORTISATION EXPENSE (continued)

C4-4 IMPAIRMENT

Accounting policy

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

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

C4-5 OTHER DISCLOSURES

Individually significant Intangible assets

At 30 June 2022 the Commission holds two internally generated software assets being: the Complaints, Training and Contact Management System that has a carrying value of \$232,154 and a remaining amortisation period of 3 years; and the QHRC website that has a carrying value of \$99,523 and a remaining amortisation period of 6 years.

C5 PAYABLES

Current

Trade creditors

Other

Total

	2022	2021
	\$'000	\$'000
Trade creditors	148	109
Other	7	-
Total	155	109

Accounting policy - Payables

Trade creditors are recognised upon receipt of the goods or services ordered and are measured at the nominal amount i.e. agreed purchase/contract price, gross of applicable trade and other discounts. Amounts owing are unsecured.

C6 ACCRUED EMPLOYEE BENEFITS

Current

Wages outstanding

Recreation leave *

Long service leave levy payable

Total

	2022	2021
Wages outstanding	-	25
Recreation leave *	588	521
Long service leave levy payable	32	26
Total	600	572

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

Accounting policy - Accrued employee benefits

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

C7 OTHER CURRENT LIABILITIES

Current

Contract liabilities - grant

Contract liabilities - other

Total

	2022	2021
Contract liabilities - grant	219	219
Contract liabilities - other	21	24
Total	240	243

Disclosure - Contract liabilities

Contract liabilities arise from contracts with customers under AASB 15 *Revenue from Contracts with Customers*.

The full amount of the contract liability - other balance at 1 July 2021 has been recognised as revenue in 2021-22.

Of the contract liability balance at 30 June 2022, all of the balance is expected to be recognised as revenue in 2022-23 as performance obligations are performed.

Queensland Human Rights Commission
Notes to the Financial Statements

for the year ended 30 June 2022

SECTION 4
NOTES ABOUT RISK AND OTHER ACCOUNTING UNCERTAINTIES

D1 FINANCIAL RISK DISCLOSURES

D1-1 FINANCIAL INSTRUMENT CATEGORIES

Financial assets and financial liabilities are recognised in the statement of financial position when the Commission becomes party to the contractual provisions of the financial instrument.

Financial assets	Note	2022 \$'000	2021 \$'000
Cash and cash equivalents	C1	2,240	1,361
Financial assets at amortised cost:			
Receivables	C2	53	69
Total financial assets		2,293	1,430
Financial liabilities			
Financial liabilities at amortised cost:			
Payables	C5	155	109
Total financial liabilities		155	109

No financial assets and financial liabilities have been offset and presented net in the statement of financial position.
The activities undertaken by the Commission do not expose it to any material credit, liquidity or market risk.

D2 COMMITMENTS

(a) Office Accommodation

The Department of Energy and Public Works (DEPW) provides the Commission with access to office accommodation under government-wide frameworks. From 1 July 2019, these arrangements are now categorised as procurement of services rather than as leases because DEPW has substantive substitution rights over the assets. The related service expenses are included in Note B2-2.

(a) Other Expense Commitments

Other expenditure commitments of the Commission (inclusive of non-recoverable GST input tax credits) contracted for at the reporting date but not recognised in the accounts are payable as follows:

Not later than 1 year	41	-
	41	-

D3 CONTINGENCIES

The Commission has received notification of three matters that are not yet subject to court action. This matter may or may not result in subsequent litigation.

Effective 8 October 2001, the Commission joined the Queensland Government Insurance Fund (QGIF). Under the QGIF policy, the Commission would be able to claim back, less a \$2,000 deduction (per matter), the amount paid to successful litigants. This includes any cases that existed as at 8 October 2001 and cases that have arisen since that date.

D4 EVENTS OCCURRING AFTER THE REPORTING DATE

No post balance date events have been identified.

D5 FUTURE IMPACT OF ACCOUNTING STANDARDS NOT YET EFFECTIVE

At the date of authorisation of the financial report, the Australian accounting standards and interpretations with future effective dates are either not applicable to the Queensland Human Rights Commission's activities, or have no material impact on the Commission.

**Queensland Human Rights Commission
Notes to the Financial Statements**

for the year ended 30 June 2022

**SECTION 5
NOTES ON OUR PERFORMANCE COMPARED TO BUDGET**

E1 BUDGETARY REPORTING DISCLOSURES

This section contains explanations of major variances between the Commission's actual 2021-22 financial results and the original budget presented to Parliament.

E2 BUDGET TO ACTUAL COMPARISON - STATEMENT OF COMPREHENSIVE INCOME

	Variance note	Original Budget 2022 \$'000	Actual 2022 \$'000	Variance \$'000
Income				
User charges and fees		198	218	20
Grants and contributions	1	7,831	8,301	470
Other revenues		45	18	(27)
Total income		8,074	8,537	463
Expenses				
Employee expenses	2	6,171	5,950	(221)
Supplies and services	3	1,683	1,814	131
Depreciation and amortisation		182	208	24
Other expenses		38	42	4
Total expenses		8,074	8,012	(62)
Operating result for the year		-	525	525

E2-1 Explanation of major variances - Statement of comprehensive income

1 - Grant and contributions increase reflects additional funding provided to address a base funding shortfall and to respond to an increased demand for services (\$0.340M), and change to Queensland Government wages policy following determination mechanism under Core Agreement for calculation of employee expenses (\$0.130M).

2 - Employee expenses were lower than the budget due to in-year vacancies arising from staff resignation, secondments and recruitment processes.

3 - Supplies and services increase reflects increase in operational costs (predominately in computing expenses) and necessary enhancements to IT systems, and were funded by the increased grant revenue.

Queensland Human Rights Commission
Notes to the Financial Statements
for the year ended 30 June 2022

E3 BUDGET TO ACTUAL COMPARISON - STATEMENT OF FINANCIAL POSITION

	Variance note	Original Budget 2022 \$'000	Actual 2022 \$'000	Variance \$'000
Current Assets				
Cash and cash equivalents	4	1,033	2,240	1,207
Other current assets		96	116	20
Total Current Assets		1,129	2,356	1,227
Non-Current Assets				
Plant and equipment	5	424	289	(135)
Intangible assets	5	291	332	41
Total Non-Current Assets		715	621	(94)
Total Assets		1,844	2,977	1,133
Current Liabilities				
Payables		125	155	30
Accrued employee benefits		592	600	8
Other liabilities	6	10	240	230
Total Current Liabilities		727	995	268
Non-Current Liabilities				
Payables		65	-	(65)
Total Non-Current Liabilities		65	-	(65)
Total Liabilities		792	995	203
Net Assets		1,052	1,982	930
Total Equity		1,052	1,982	930

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

4 - The increase in cash and cash equivalents primarily reflects the 2021-22 operating surplus (\$0.525M) and a higher opening balance than budget (\$0.326M) as a result of the 2020-21 operating surplus.

5 - The decrease of Plant and equipment reflects the lower opening balance as a result a transfer in 2020-21 of 'work in progress' asset transferred to Intangible assets (\$0.077M), which also has the flow on effect to an increase in Intangible asset due to the higher than budget opening balance (\$0.077M). Additionally, Plant and equipment had no acquisitions in 2020-21 or 2021-22 (against a yearly budget of \$0.030M).

6 - The increase in Other Liabilities is due to unearned grant revenue related to review of *Anti-Discrimination Act 1991*. As per AASB 15 (Revenue from contracts with customers), recognition of revenue was deferred to 2022-23 after a four week extension was granted by the Attorney-General. The Commission handed the report on the review to the Attorney-General on 29 July 2022.

Queensland Human Rights Commission
Notes to the Financial Statements
for the year ended 30 June 2022

E4 BUDGET TO ACTUAL COMPARISON - STATEMENT OF CASH FLOWS

	Original Budget 2022 \$'000	Actual 2022 \$'000	Variance \$'000
Variance note			
Cash flows from operating activities			
<i>Inflows:</i>			
User charges and fees	198	234	36
Grants and contributions	7,831	8,301	470
Interest and distribution from managed funds received	34	-	(34)
GST input tax credits from ATO	-	183	183
GST collected from customers	-	22	22
Other	11	18	7
<i>Outflows:</i>			
Employee expenses	(6,171)	(5,922)	249
Supplies and services	(1,683)	(1,710)	(27)
Grants and subsidies	(10)	-	10
GST paid to suppliers	-	(182)	(182)
GST remitted to ATO	-	(24)	(24)
Other	(28)	(41)	(13)
Net cash provided by operating activities	<u>182</u>	<u>879</u>	<u>697</u>
Cash flows from investing activities			
<i>Outflows:</i>			
Payments for plant and equipment	(30)	-	30
Net cash provided by (used in) investing activities	<u>(30)</u>	<u>-</u>	<u>30</u>
Net increase (decrease) in cash and cash equivalents	152	879	727
Cash and cash equivalents - opening balance	881	1,361	480
Cash and cash equivalents - closing balance	<u><u>1,033</u></u>	<u><u>2,240</u></u>	<u><u>1,207</u></u>

Note - Explanations of Major Variances - Statement of Cash Flows has not been separately listed as major variances relating to that statement have been addressed in explanations of major variances in E2-1 and E3-1.

**Queensland Human Rights Commission
Notes to the Financial Statements**

for the year ended 30 June 2022

**SECTION 6
OTHER INFORMATION**

F1 KEY MANAGEMENT PERSONNEL (KMP) DISCLOSURES

Details of key management personnel

The Commission's responsible Minister is identified as part of the Commission's KMP, consistent with additional guidance included in the revised version of AASB 124 *Related Party Disclosures*. That Minister is the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence.

The following details for non-Ministerial KMP reflect those positions that had authority and responsibility for planning, directing and controlling the activities of the Commission during 2021-22 and 2020-21. Further information about these positions can be found in the body of the Annual Report under the section relating to Executive Management.

Position	Position Responsibility
Human Rights Commissioner	Accountable officer responsible for leading the Commission in performing its functions under the <i>Anti-Discrimination Act 1991</i> and the <i>Human Rights Act 2019</i> .
Deputy Commissioner	Provide high level advice to enhance the delivery of strategic and operational targets within a human rights framework.
Director, Complaint Management	Strategic management of complaints under a statutory complaints framework.
Director, Engagement and Corporate Services	Provide strategic advice and manage the delivery of community engagement, training and corporate services within the Commission.
Director, Corporate Services	Provide strategic advice and manage the delivery of corporate services within the Commission.
Director, Community Engagement	Provide strategic management of the Commission's training and community engagement programs.

KMP remuneration policies

Ministerial remuneration entitlements are outlined in the Legislative Assembly of Queensland's Members' Remuneration Handbook. The Commission does not bear any cost of remuneration of Ministers. The majority of Ministerial entitlements are paid by the Legislative Assembly, with the remaining entitlements being provided by Ministerial Services Branch within the Department of the Premier and Cabinet. As all Ministers are reported as KMP of the Queensland Government, aggregate remuneration expenses for all Ministers is disclosed in the Queensland General Government and Whole of Government Consolidated Financial Statements for the 2021-22 financial year, which are published as part of Queensland Treasury's Report on State Finances.

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

Remuneration expenses for those KMP comprise the following components:

Short-term employee expenses include salaries, allowances and leave entitlements earned and expensed for the entire year, or for that part of the year during which the employee occupied a KMP position. Non-monetary benefit is provided to the Human Rights Commissioner - consisting of provision of parking together with FBT applicable to the benefit.

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

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

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

Queensland Human Rights Commission
Notes to the Financial Statements

for the year ended 30 June 2022

F1 KEY MANAGEMENT PERSONNEL (KMP) DISCLOSURES (continued)

Remuneration expenses

The following disclosures focus on the expenses incurred by the Commission attributable to non-Ministerial KMP during the respective reporting periods. The amounts disclosed are determined on the same basis as expenses recognised in the statement of comprehensive income.

2021-22

Position	Short term employee expenses		Long term employee expenses	Post employment expenses	Termination benefits	Total
	Monetary Expenses \$'000	Non-Monetary Benefits \$'000	\$'000	\$'000	\$'000	\$'000
Human Rights Commissioner	245	1	6	30	-	282
Deputy Commissioner	143	-	4	19	-	166
Director, Complaint Management	135	-	3	17	-	155
Director, Engagement and Corporate Services (to 22/10/2021)	45	-	1	6	-	52
Director, Corporate Services (from 02/11/2021)	84	-	2	9	-	95
Director, Community Engagement (from 08/11/2021)	85	-	2	10	-	97

2020-21

Position	Short term employee expenses	Long term employee expenses	Post employment expenses	Termination benefits	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Human Rights Commissioner	231	5	29	-	265
Deputy Commissioner	135	3	18	-	156
Director, Complaint Management	127	3	16	-	146
Director, Engagement and Corporate Services	131	3	16	-	150

Performance payments

No KMP remuneration packages provide for performance or bonus payments.

**Queensland Human Rights Commission
Notes to the Financial Statements**

for the year ended 30 June 2022

F2 RELATED PARTY TRANSACTIONS

Transactions with people/entities related to KMP

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

Transactions with other Queensland Government-controlled entities

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

The Commission receives property tenancy and maintenance services from the Department of Energy and Public Works.

The Commission delivers training courses to Government agencies on ordinary commercial terms.

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

Accounting standards applied for the first time

No new accounting standards or interpretations that apply to the Commission for the first time in 2021-22 had any material impact on the financial statements.

Accounting standards early adopted

No Australian Accounting Standards have been early adopted for 2021-22.

F4 TAXATION

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

F5 CLIMATE RISK DISCLOSURE

Climate Risk Assessment

The Commission considers specific financial impacts relating to climate related risks by identifying and monitoring material accounting judgements and estimates used in preparing the financial report. This includes the potential for changes in asset useful lives, fair value of assets, provisions or contingent liabilities and changes in expenses and revenue.

The Commission has not identified any material climate related risks relevant to the financial report at the reporting date. The Commission continues to monitor the emergence of such risks under the Queensland Government's Climate Transition Strategy and Climate Action Plan 2030.

F6 COVID 19

The Commission has assessed the ongoing impacts of COVID-19 on operations and determined there has been no material impact on the preparation or information contained in these statements.

The ongoing operational impacts experienced by the Commission did not have an impact on information being reported in the financial statements. No assets have been impaired or had changes in their useful life as a result of COVID-19.

In 2021-22, the Commission has not received nor provided any COVID-19 relief measures.

The Commission will continue to follow Government direction and monitor operations.

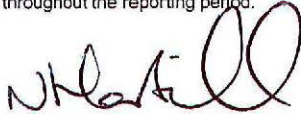
**Queensland Human Rights Commission
Management Certificate**

for the year ended 30 June 2022

These general purpose financial statements have been prepared pursuant to s.62(1) of the *Financial Accountability Act 2009* (the Act), s.39 of the *Financial and Performance Management Standard 2019* and other prescribed requirements. In accordance with s.62(1)(b) of the Act we certify that in our opinion:

- (a) the prescribed requirements for establishing and keeping the accounts have been complied with in all material respects; and
- (b) the financial statements have been drawn up to present a true and fair view, in accordance with prescribed accounting standards, of the transactions of the Queensland Human Rights Commission for the financial year ended 30 June 2022 and of the financial position of the Commission at the end of that year.

We acknowledge responsibility under s.7 and s.11 of the *Financial and Performance Management Standard 2019* for the establishment and maintenance, in all material respects, of an appropriate and effective system of internal controls and risk management processes with respect to financial reporting throughout the reporting period.



Natalie Hartill, CPA
Acting Director
Corporate Services

17th August 2022



Scott McDougall
Human Rights Commissioner

17th August 2022

INDEPENDENT AUDITOR'S REPORT

To the Commissioner of Queensland Human Rights Commission

Report on the audit of the financial report

Opinion

I have audited the accompanying financial report of Queensland Human Rights Commission.

In my opinion, the financial report:

- a) gives a true and fair view of the entity's financial position as at 30 June 2022, and its financial performance and cash flows for the year then ended
- b) complies with the *Financial Accountability Act 2009*, the Financial and Performance Management Standard 2019 and Australian Accounting Standards.

The financial report comprises the statement of financial position as at 30 June 2022, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes to the financial statements including summaries of significant accounting policies and other explanatory information, and the management certificate.

Basis for opinion

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

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

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

Responsibilities of the entity for the financial report

The Commissioner is responsible for the preparation of the financial report that gives a true and fair view in accordance with the *Financial Accountability Act 2009*, the Financial and Performance Management Standard 2019 and Australian Accounting Standards, and for such internal control as the Commissioner determines is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

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

Auditor's responsibilities for the audit of the financial report

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

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

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

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

Statement

In accordance with s.40 of the *Auditor-General Act 2009*, for the year ended 30 June 2022:

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

Prescribed requirements scope

The prescribed requirements for the establishment and keeping of accounts are contained in the *Financial Accountability Act 2009*, any other Act and the Financial and Performance Management Standard 2019. The applicable requirements include those for keeping financial records that correctly record and explain the entity's transactions and account balances to enable the preparation of a true and fair financial report.



D J Toma
as delegate of the Auditor-General

17 August 2022

Queensland Audit Office
Brisbane

