

Annual Report 2016–17



Purpose of the report

This annual report details the financial and corporate performance of the Anti-Discrimination Commission Queensland for 2016–17, highlights the work, achievements, activities, and strategic initiatives of the Commission, and satisfies the requirements of the *Financial Accountability Act* 2009.

Public availability

The report, including full financial statements, is available from the Commission's website www.adcq.qld.gov.au.

For print copies, contact the Commission by email: info@adcq.qld.gov.au or telephone: 1300 130 670.

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Interpreter service statement



The Anti-Discrimination Commission Queensland is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty in understanding the annual report, you can contact us on toll free 1300 130 670 and we will arrange an interpreter to effectively communicate the report to you.

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Letter of compliance

25 August 2017

The Honourable Yvette D'Ath MP Attorney-General and Minister for Justice and Minister for Training and Skills 1 William Street Brisbane Qld 4000

Dear Attorney-General

I am pleased to present the Annual Report 2016–2017 and financial statements for the Anti-Discrimination Commission Queensland.

I certify that this Annual Report complies with:

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

A checklist outlining the annual reporting requirements is available at Appendix B of this annual report.

Yours sincerely

Kevin Cocks AM Commissioner

Anti-Discrimination Commission Queensland

Commissioner's foreword

Welcome to the Anti-Discrimination Commission Queensland's Annual Report for 2016–17.

Anti-Discrimination Commission Queensland has a legislative requirement, as well as a strong commitment, to strengthening the understanding, promotion, and protection of human rights in Queensland. We do this work through receiving and managing complaints, training and education, research and submissions, and a broad range of activities to engage and inspire the community.

This annual report provides an overview of progress towards achieving a fair and inclusive Queensland through the delivery of core services, and reflects our commitment to transparent corporate governance by giving an account of our revenue and how we have used public funds.

This is my sixth and final annual report since being appointed as the Queensland Anti-Discrimination Commissioner. Reflecting on the achievements of the Commission in the past financial year gives me great satisfaction and pride in the work of the ADCQ team.

I am particularly proud of the ADCQ team's commitment to:

- delivering highly efficient and empathetic customer service, as reflected through positive client feedback;
- building strategic relationships with the private sector, non-government organisations, and government agencies that enable us to develop capacity for greater social, cultural, and economic participation by those groups in our community who face structural discrimination on a daily basis;
- having high expectations of themselves and their colleagues to inspire leadership within our organisation and the community to promote and defend human rights; and
- taking calculated risks.

It has been an honour and privilege to serve the people of Queensland in building a fairer and more inclusive society.

Kevin Cocks AM Commissioner

About the Anti-Discrimination Commission Queensland

Our vision

A fair and inclusive Queensland.

Our purpose

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

Our objectives

The Commission's key objectives are to:

- provide a fair, timely, and accessible complaint resolution service;
- provide information to the community about their rights and responsibilities under the Act;
- promote understanding, acceptance, and public discussion of human rights in Queensland;
 and
- create opportunities for human rights to flourish.

The Commission supports the Queensland Government's objectives for the community, and strives to meet these objectives through our work. The following values in particular are demonstrated clearly in the work of the Commission:

Building safe, caring, and connected communities by:

- ensuring an accessible and effective justice system; and
- encouraging safer and inclusive communities.

Delivering quality frontline services by:

- providing responsive and integrated government services; and
- supporting disadvantaged Queenslanders.

Creating jobs and a diverse economy by:

- increasing workforce participation; and
- ensuring safe, productive, and fair workplaces.

Our values

In delivering services to achieve our objectives, we are committed to:

- treating everyone with respect and dignity, and acknowledging their fundamental human rights;
- treating everyone fairly and impartially;
- supporting a workplace culture that encourages diversity, innovation, and responsiveness to the needs of our clients; and
- · valuing our independence and the rule of law.

The way in which the Commission delivers services, develops and supports staff, and engages with the community also reflects Queensland public service values of putting customers first, translating ideas into action, unleashing potential, being courageous, and empowering people.

Our functions

The Commission is an independent statutory body established under the *Anti-Discrimination Act* 1991, and has the following functions:

- to inquire into complaints and, where possible, to effect conciliation;
- · to carry out investigations relating to contraventions of the Act;
- to examine Acts and, when requested by the Minister, proposed Acts, to determine whether
 they are, or would be, inconsistent with the purposes of the Act, and to report to the Minister
 the results of the examination;
- to undertake research and educational programs to promote the purposes of the Act, and to coordinate programs undertaken by other people or authorities on behalf of the State;
- to consult with various organisations to ascertain means of improving services and conditions affecting groups that are subjected to contraventions of the Act;
- when requested by the Minister, to research and develop additional grounds of discrimination and to make recommendations for the inclusion of such grounds in the Act;
- such functions as are conferred on the Commission under another Act;
- such functions as are conferred on the Commission under an arrangement with the Commonwealth under part 3 of the *Anti-Discrimination Act 1991*;
- to promote an understanding and acceptance, and the public discussion, of human rights in Queensland;
- if the Commission considers it appropriate to do so to intervene in a proceeding that involves human rights issues with the leave of the court hearing the proceeding and subject to any conditions imposed by the court;
- such other functions as the Minister determines; and
- to take any action incidental or conducive to the discharge of the above functions.

Our services

The Commission delivers frontline services to the Queensland community, including businesses, state and local government, the community sector, and people throughout the state.

Our services include:

- resolving complaints received under the Act;
- delivering training to business, government, and the community; and
- promoting public discussion of human rights through a variety of community engagement and communication strategies.

The relevant sections of this annual report give more detail about how these services are delivered.

Our people

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

The Commission has four offices located in Brisbane, Rockhampton, Townsville, and Cairns that deliver services to the Queensland community. Each regional office performs a variety of functions, including complaint management, training, community engagement, and providing information services directly to the public. The Brisbane office is responsible for executive and corporate services.

The Director, Complaint Services has responsibility for the provision of complaint management services throughout the state. The Brisbane Complaint Management team:

- manages the majority of complaints arising in South-East Queensland;
- · provides information services to clients; and
- participates in community engagement activities.

The Director, Community Engagement has responsibility for the provision of community engagement services throughout the state. The Brisbane Community Relations team:

- delivers training, events, and community engagement activities primarily focused on the South-East Queensland area and
- provides marketing and communication services, including website and social media management.

The Corporate Services team is located in the Brisbane office and:

• leads and manages the ADCQ's administrative, financial, human resource, information technology, facilities, and governance services.

Executive, legal, and research services within the Commission are undertaken by the Human Rights Policy and Research Unit. This unit comprises the Deputy Commissioner, Principal Lawyer, Coordinator of the Aboriginal and Torres Strait Islander Unit, and the Librarian. As a unit, their role is to:

- provide executive support and legal services;
- develop human rights policy and undertake research on human rights issues; and
- participate in community engagement activities.

The ADCQ organisational structure, from a functional perspective, is available at Appendix E.

Performance statement 2016-17

The ADCQ performed strongly throughout the 2016–17 financial year, meeting or exceeding the majority of performance targets across core service delivery areas. Highlights included:

- resolving 55% of accepted complaints, with 85% of clients being satisfied with the complaint handling service;
- delivering training to approximately 4,763 people and achieving an average 96% satisfaction rate;
- responding to 3,038 enquiries about the Anti-Discrimination Act 1991 and ADCQ services;
- conducting 174 community engagement activities, including major projects; and
- enhancing discussion and understanding of contemporary human rights issues through submissions to a variety of state and federal inquiries and Parliamentary committees.

Table 1: Service standards

Service standards	Notes	2016–17 Target/est.	2016–17 Actual
Effectiveness measures			
Percentage of accepted complaints resolved by conciliation	_	55%	55%
Percentage of clients satisfied with complaint handling service measured via client survey	1.	85%	85%
Percentage of clients satisfied with training sessions measured via client survey	1.	95%	96%
Percentage of accepted complaints finalised within the Commission	_	75%	75%
Efficiency measures			
Percentage of complaints where time from acceptance notice to complaint being closed is:			
within three months	_	65%	66%
within six months	_	20%	25%
within nine months	_	9%	6%
within 12 months	_	3%	2%
over 12 months	_	3%	1%

Notes

1. This is a measure of overall satisfaction with the services provided by the ADCQ. Complaint parties and training clients are surveyed to determine their satisfaction with the services they receive including, for example, relevance, impartiality, content, and professionalism. The measure is calculated by dividing responses where clients indicate they are either satisfied or very satisfied by total responses, and then expressing the result as a percentage.

Community engagement and education

An important aspect of the Commission's role is to provide education programs and promote understanding of, acceptance, and public discussion of human rights in Queensland through communication and community engagement activities.

The ADCQ Community Engagement Strategy incorporates eight strategic functional areas. These areas and their objectives are:

Table 2: Community Engagement Strategy

Engagement, consultation, and community development	Web and social media	Partnerships and networks	Information products and services
Increase community ownership and investment in human rights	Broaden ADCQ's reach through the use of the web and social media to promote education and discussion of human rights	Enhance ADCQ's reach and achievement of outcomes through collaboration	Maintain a range of products and services that provide clear and accurate information in an engaging and accessible manner
Education	Media	Events	Marketing and promotion
Establish ADCQ as the provider of Queensland's best quality training in the field of discrimination and human rights	Engage with media to promote human rights and education of the Queensland community	Maximise community engagement opportunities through involvement in key human rights events	Build a recognisable ADCQ brand associated with quality education, professional complaint management, and a fair and inclusive Queensland

Engagement, community development, and major projects

Community engagement and community development are the Commission's main means of achieving our vision of a fair and inclusive Queensland. These activities serve two purposes:

- raising community awareness of the role of the ADCQ and the Anti-Discrimination Act 1991;
 and
- enhancing community capacity to create opportunities for human rights to flourish.

We aim to actively identify, direct, and support the capabilities of individuals and groups to achieve positive outcomes and create spaces where human rights can flourish. Our role is to provide information, connect people, build networks, and coordinate community projects and events.

Major achievements in this area throughout 2016–17 include:

Community Assistance Project

The Queensland Government provided the Commission with additional funding of \$293,000 over three financial years (until 2017–18) to deliver community assistance activities. These activities are directed at supporting communities to build capacity to develop solutions to local human rights issues with the support of relevant government agencies, local business, and community organisations.

During 2016–17, the Community Assistance Project focussed on the following key activities:

- delivery of a participatory leadership workshop in March 2017 involving 70 participants from government departments, community organisations, and the general community to address the question, 'What will it take to share the risk and responsibility for the social issues that matter to communities?';
- continued partnership with the Sunshine Coast Council to build social cohesion in the region and develop the Council's first Multicultural Action Plan;
- partnership with the Australian Human Rights Commission to deliver two regional community conversations about racism and belonging in Hervey Bay and the Sunshine Coast in June 2017;
- continued work with multi-faith community groups on the Gold Coast and Sunshine Coast; and
- development of new partnerships with AFL Queensland and Surf Life Saving Queensland with a view to delivering citizenship ceremonies and other social cohesion activities through their clubs.

Human Rights Month

Following the success of the inaugural Human Rights Month campaign in 2015, the ADCQ once again ran the campaign from 10 November to 10 December 2016. Under the existing theme of 'fair and inclusive workplaces', the 2016 campaign focussed on two key topics: flexible work arrangements and creating mentally healthy workplaces. This year, we welcomed Mental Illness Fellowship Queensland (MIFQ) as a campaign partner and content expert on mental health.

We produced targeted, practical resources to help workplaces engage in conversations and actions around the key topics. Participating organisations were asked to pledge their commitment to creating fair and inclusive workplaces by nominating workplace champions, and identifying specific actions they would undertake throughout the month to create inclusive workplaces, and availed themselves of free training 'taster' sessions on Human Rights Month topics. The Commission and MIFQ hosted a panel discussion on the business benefits of flexible and mentally healthy workplaces — open to the general public as well as participating organisations — at the Brisbane City Hall.

Response to the campaign was positive, with 90 champions from 2015 remaining engaged with the campaign, and an additional 56 new champions joined and took an active role in the 2016 campaign.

Aboriginal and Torres Strait Islander Optimal Health Project

In mid-2014, our Far North Queensland office in Cairns joined with major stakeholders in the field of health service provision to identify and address barriers to achieving health outcomes for Aboriginal and Torres Strait Islander people that are commensurate with those of their non-Indigenous counterparts.

The Commission's role in the project was to provide expertise about discrimination, inclusion, and diversity, as well as to facilitate discussion between stakeholder groups. External stakeholders were all experts in their respective health-related fields, and members of the project team included representatives of the Cairns and Hinterland Hospital and Health Service (CHHHS) executive management, and community-controlled health services operating in Cairns, Cape York, and Yarrabah. As a result of the project, a process commenced to establish an Aboriginal and Torres Strait Islander Community Engagement Committee to advise the Board of the Cairns and Hinterland Hospital and Health Service.

The project was initially limited to the geographical areas serviced by the Cairns and Hinterland Hospital and Health Service, but during the course of the project it became apparent that many of the issues the project team were addressing were not specific to the QHHHS service region, but rather have state-wide relevance. As a result, the Commission is currently liaising with Queensland Health and the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) to identify how we can support a state-wide process for identifying and addressing barriers to accessing health services for Aboriginal and Torres Strait Islander Queenslanders.

The Cairns project concluded in September 2016 following a change of management at the Cairns and Hinterland Hospital and Health Service. Over the coming two years, the Commission will share learnings from the project with key stakeholders in Queensland Health, DATSIP, and Aboriginal and Torres Strait Islander communities. The focus will be on identifying opportunities for action in other locations to address systemic barriers to accessing health services for Aboriginal and Torres Strait Islander peoples.

25th anniversary of the Queensland Anti-Discrimination Act 1991

To mark the 25th anniversary of the *Anti-Discrimination Act*, the Commission partnered with the State Library of Queensland to produce a collection of digital stories exploring the impact of the Act and how it has adapted in response to the needs of Queenslanders. The collection reveals personal stories and reflections of people from different backgrounds, including advocates, complainants, politicians, legal professionals, and activists.

The digital stories were officially launched at an event at the State Library in November 2016. The collection contains five stories and a compilation video, all of which are available through the ADCQ website, the State Library YouTube channel, or the library catalogue.

In 2017, the Commission published on its website an interactive, web-based timeline highlighting significant cases, individuals, and events in the life of the *Anti-Discrimination Act*.

Speaking engagements

Commission staff 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 anti-discrimination law to a broad overview of human rights and anti-discrimination topics. In 2016–17, staff delivered 29 formal speaking engagements, including presentations to the:

- Queensland Public Sector Director, Manager and Emerging Leaders Forum 2016;
- Roundtable on human rights and mega sporting events in the Commonwealth;
- Australian Federal Police Inclusive Leadership workshop:
- Queensland Advocacy Incorporated (QAI) and Griffith University Human rights forum;

- Reconciliation Queensland panel discussion 'Let's talk about racial discrimination';
- Way ahead workplaces Walking the tightrope of reasonableness;
- Queensland Hotels Association (QHA) Employment Relations Conference;
- Australian Institute of Administrative Lawyers Prison Law Making a Difference;
- Zonta Club of Ipswich International Women's Day breakfast;
- Queensland Council of Social Service Inc. Promoting multicultural inclusion in the Cairns region; and
- Australian Institute of Human Resources Diversity and Indigenous recruitment in the workplace.

Web and social media

Effective use of web-based technologies supports the ADCQ's drive to engage with the community, provide digital means of access and service delivery, and connect with a wide range of clients.

The Commission's website is accessible for users with assistive technologies, and is currently AA compliant with the W3C (World Wide Web Consortium) Guidelines, and in some areas is AAA compliant. This enables people with visual and motor impairments, as well as people from non-English speaking backgrounds, to access the site. We are aware of the importance of making information and services accessible to all Queenslanders and are committed to working on continuous improvement in this area.

The Commission's website remains a popular means for Queenslanders to access information, with 170,867 visits to the site recorded in 2016–17, an increase from the previous year's total of 144,370 visits. New visitors made up 79.2% of all website visits this year.

Table 3 shows the top twenty most-visited pages on the Commission's website in 2016–17. Visitors to the site are continuing to locate general information products and resources developed by the Commission, as well as information on the law and making a complaint. The trend is consistent with last year's results, with the biggest change being the students' and teachers' resource dropping out of the top 20 list and being replaced by human rights information.

Table 3: Top 20 most visited website pages

1	Fact sheet: indirect discrimination	11	Resources: bullying factsheet
2	Resources for employers: employer rights & responsibilities	12	Resources for employers
3	Case studies: sexual harassment	13	Contact us
4	Guidelines: discrimination in employment	14	Brochures and guides
5	Resources for employers: diversity in the workplace	15	Resources: fair and inclusive workplaces
6	Complaints: discrimination	16	Legal information
7	Legislation	17	Human rights
8	Resources: case studies	18	About us
9	Complaints: making a complaint	19	Case studies: race
10	Guidelines: discrimination in education	20	Sample policy: discrimination & sexual harassment

The Commission maintains a social media presence through Facebook, YouTube, and two Twitter accounts. In 2016–17, an Instagram account was added to the suite. These platforms enable real-time dissemination of information, promotion of activities and events, and two-way engagement

with stakeholders. The ADCQ's social media engagement is managed by the Community Relations team in the Brisbane office, and is guided by an internal social media policy.

Partnerships and networks

As a small organisation, we are aware that establishing strong and productive partnerships and networks is an effective strategy for achieving outcomes across a broad range of issues, stakeholder groups, and geographical areas, and are involved in key networks and partnerships throughout Queensland. Through these, we provide information on human rights issues and legislation and in-kind support for actions and initiatives, while gaining a deeper understanding of the issues, challenges, and achievements within the community. Our key partnerships and networks in 2016–17 were:

Police Ethnic Advisory Group (PEAG)

PEAG is an advisory body to the Queensland Police Service on issues relating to cultural diversity. The group contributes to the promotion and maintenance of harmonious relations between Queensland police and ethnic communities. The Commission contributes on matters that fall within its jurisdiction under the *Anti-Discrimination Act 1991*.

Queensland Police Service and Muslim Community Reference Group

The Commission is an active member of this Queensland Police Service initiated community reference group, which consists of representatives from local, state, and federal government agencies, as well as the Islamic Council of Queensland, the Islamic College of Brisbane, and the broader South-East Queensland Muslim Community.

The group meets every two to three months (or as needed) to share information relevant to the Muslim community, including community cohesion initiatives; identified threats, and action being taken by relevant authorities; and feedback from the community.

Senior Officers Group on Multicultural Affairs (SOGMA)

The Senior Officers Group on Multicultural Affairs (SOGMA) was established in 2016 in response to the introduction of the Queensland *Multicultural Recognition Act 2016*, and associated Multicultural Queensland Charter. SOGMA provides whole-of-government strategic leadership and advice on key elements to implement the *Multicultural Recognition Act*.

Indigenous networks

The Commission's Aboriginal and Torres Strait Islander Unit Coordinator maintains involvement with professional and community-based Indigenous networks across South-East Queensland. Participation in these networks enables continued connections with key stakeholders and awareness of human rights issues facing Aboriginal and Torres Strait Islander peoples. The Unit also provides information and training services to network members about the *Anti-Discrimination Act 1991*.

Regional staff maintain an active role in Indigenous networks, including the Townsville Indigenous Community Network and the Cairns NAIDOC (National Aborigines and Islanders Day Observance Committee) Committee.

Multicultural and multi-faith networks

We are an active member of multicultural and multi-faith networks across Queensland, including the:

- Cairns and Region Multicultural Service Providers Network;
- Cairns Local Area Coordination Committee;
- Multicultural Advisory and Action Group (MAAG), Gold Coast; and
- Chai Community (multi-faith women's network), Gold Coast

Disability networks

We are involved with disability advisory groups and networks across the state, including the:

- Queenslanders with Disability Network;
- Queensland Disability Information Network;
- Aboriginal and Torres Strait Islander Disability Network Queensland;
- Rockhampton Community Access and Equity Group;
- Capricorn Coast Community Access Group;
- · Capricornia Region Accessible Transport Group; and
- · Cairns Transition Network.
- Inclusive Technologies Expo steering committee

The Commission gives input on matters relating to impairment discrimination and accessibility, as well as keeping up-to-date with issues concerning this significant stakeholder group.

Community and other networks

The Commission is represented in a variety of other professional and community networks, including the:

- Townsville Community Network;
- Burdekin Community Network;
- Pride in Diversity Network;
- Central Queensland Fair Day organising committee
- Townsville Organisational Networking forum;
- Queensland Law Society's Equalising Opportunities in the Law (EOL) Committee;
- Play by the Rules: safe, fair and inclusive sport professional network;
- Rockhampton Senior Officers Network
- Diversity Practitioners Association (DPA); and
- Diversity and Inclusion Matters: Queensland Government network.

Information products and services

Products

We produce print and non-print publications, including guidelines, fact sheets, information brochures, rights cards, videos, and audio files. In 2016–17, new posters were added to the suite of resources, covering issues of mental health and flexible work practices to coincide with the 2016 Human Rights Month campaign. New fact sheets were also added, including:

- Comments as discrimination;
- Complaints and the role of the Anti-Discrimination Commission;
- Discrimination: attributes and areas; and
- Work matters and QIRC jurisdiction under anti-discrimination law.

All publications are available online through the Commission website, and many in hard copy by request.

Balancing the Act is the Commission's current awareness newsletter and is produced twice a year in hard copy and also distributed electronically. It provides information about changes to human rights legislation, recent case law, projects and activities undertaken by ADCQ and other human rights organisations, and topical issues of relevance to our stakeholders. Balancing the Act is distributed to around 1,500 individuals and organisations in Queensland, and is also available on

our website. The newsletter is currently being reviewed with a view to producing it in an electronic format more frequently.

□ Services

The Commission continues to provide a free, accessible, and personal information service for Queenslanders to help them understand their rights and responsibilities under the Act. The Brisbane office responds to the bulk of enquiries from across the state.

This year, the Commission answered 3,038 telephone, email, postal, and personal enquiries about anti-discrimination laws — an increase from 2,909 in the previous year. In addition to this, we provided 30 written policy advices in response to more complex enquiries. The majority of enquiries continue to be from people who feel they may have been discriminated against, harassed, or bullied, and want to better understand their options before making a complaint or taking other action.

To cater for the diversity of enquiries we receive, the Commission provides telephone information as well as fact sheets, brochures, and videos which are available to the public through the website and by email or post.

Marketing and promotion

The Commission relies mainly on our established and developing networks to communicate with stakeholders and the broader community. No professional marketing services were engaged in 2016–17.

We promote not only the work and services of the Commission, but the positive human rights actions and initiatives of the Queensland community. Our web and social media pages are used to highlight community events, activities, and stories of human rights leadership. This promotion acknowledges the efforts of local human rights advocates and activists, as well as furthering discussion, action, and collaboration on human rights issues, in line with our legislative function 'to promote an understanding and acceptance, and the public discussion, of human rights in Queensland.'

Events

Each year the Commission attends community events across the state. Having a presence at these events not only enables us to share in the celebration and recognition of diversity and inclusion, but it raises awareness of the ADCQ and its role, and makes information available to the community.

In most cases, our presence at community events is in the form of an information stall, but sometimes Commission staff are asked to open events or undertake speaking engagements. In regional areas, our staff often have significant involvement with planning and organising committees for major community events, and during the reporting period, staff were involved in the following community events:

- · Luminous Lantern Parade, Brisbane;
- NAIDOC week events in Cairns, Townsville, Rockhampton, Brisbane, and Ipswich;
- Multicultural festivals and Harmony Day events in Brisbane, Townsville, Rockhampton, and Cairns;
- Youth events in Rockhampton and Brisbane;
- Multi-faith events and mosque open days in Brisbane, Gold Coast, Sunshine Coast, Cairns and Rockhampton;
- LGBTI events in Hervey Bay, Rockhampton, and Brisbane;
- Seniors events in Rockhampton and Townsville; and
- Domestic violence prevention events in Townville and Ingham.

Major events which ADCQ hosted or co-hosted in 2016-17

□ Beach Day Out

Beach Day Out is an all-abilities event held as part of Disability Action Week celebrations on the Capricorn Coast. It is a free, inclusive, family-friendly event that provides accessible activities in which the whole community can participate. This inclusive event celebrates the contribution that people with a disability make to our community, and fosters community awareness in an inclusive environment.

In its fifth year, the 2016 event attracted approximately 4,500 attendees, with over 60 stallholders each providing an inclusive, accessible activity or service. The Commission's Central Queensland Office was again part of the organising committee for this year's event.

\mu Cairns Inclusive Sports and Games Day

Our Far North Queensland office partnered with ARC Disability Services and Cairns Regional Council to deliver the fourth annual Inclusive Sports and Games Day in September 2016. Held at the Bendigo Basketball Stadium in Cairns, the event attracted approximately 200 participants. Activities on offer included wheelchair basketball, goalball, boccia, boxing, and fitness circuits.

This free community event is available to people of all ages and abilities, and aims to highlight the importance of inclusion, challenge stereotypes about people with disability, and acknowledge the skills and contributions of people with disabilities.

□ Robert Jones Memorial Oration

On 7 February 2017, the ADCQ, in partnership with Spinal Life Australia, Council on the Ageing Queensland, and the Queensland Tourism Industry Council presented the third Robert Jones Memorial Oration. The event was sponsored by the Premier of Queensland and Minister for the Arts, the Honourable Annastacia Palaszczuk.

The 2017 Oration — Without limits: developing the social and economic potential of accessible tourism for Queensland — was delivered by Professor Simon Darcy from the University of Technology Sydney and the Centre for Business and Social Innovation.

The Robert Jones Memorial Oration is organised by the Commission to positively influence public policy and thinking in relation to the creation of fully inclusive communities for all people in Queensland, Australia, and internationally, and to honour the memory of the late Robert Jones, a tireless advocate.

International Women's Day in Townsville and Rockhampton

For the third consecutive year, our North Queensland office partnered with the North Queensland Women's Legal Service to host an International Women's Day event with the theme 'Be Involved! Lead the way!'

Over 100 guests participated in the interactive event which drew together activities including fitness, keynote speakers, and a community café style conversation about how women can be involved, lead the way, and the benefits of being involved. Entertainment was provided by the Seniors Creating Change singing group.

The Commission's Central Queensland office celebrated International Women's Day by hosting a movie evening, screening the film *Hidden Figures*. The film tells the story of African American female mathematicians who worked at the National Aeronautics and Space Administration (NASA). Attendees also made public pledges using the event hashtag (#BeBoldForChange) to indicate how they will be bold for change.

Media

In 2016–17, the Commission provided information and public comment to a variety of mainstream, regional, and independent media outlets including: 89.1 Cairns Community Radio, WIN News Townsville, *The Guardian, Sunshine Coast Daily, The Courier-Mail*, and ABC radio.

Education

We deliver training courses based on the *Anti-Discrimination Act 1991*, as well as topics related to diversity, inclusion, and stereotypes. The primary objectives of our training are to: educate people in Queensland about their rights and responsibilities under the Act, encourage inclusive attitudes and practices, and to support organisations to adopt best practice methods for preventing and managing discrimination and harassment in the workplace. Training is provided on a fee-for-service basis, with reduced rates offered to small community organisations and groups that demonstrate limited capacity to pay. Training services are delivered primarily on client demand, with only intermittent email marketing undertaken.

State-wide training performance

In 2016–17, we delivered 306 training sessions to approximately 4,763 people. This was an increase on the previous year's total of 256 sessions. Training demand from the public sector increased significantly, particularly in the South-East and North Queensland regions. Delivery to the public sector increased from 65 sessions last year to 157 sessions in 2016–17. In contrast, training delivery to the private sector dropped from 84 to 57 sessions. A smaller decrease was also noted in the community sector, with 31 sessions delivered this year, compared with 43 in the previous year.

Table 4: Delivery of training by sector, by region

	South-East	Central	North	Far North	Total
Private sector	25	9	22	1	57
Public sector	100	11	38	8	157
Community	19	0	3	9	31
In-house	13	17	16	15	61
Total	157	37	79	33	306

Table 5: Types of training sessions

Course	South- East	Central	North	Far North	Total
Introduction to the Anti-Discrimination Act	58	10	28	8	104
The Contact Officer (standard and refresher course)	13	7	9	4	33
Managing complaints	1	1		2	4
Recruitment and Selection	_	3		1	4
Tracking your rights: A and TSI	_	_		_	_
Introduction to the Anti-Discrimination Act for Managers	22	11	12	5	50
Unconscious bias	47	4	13	10	74
Business benefits of diverse & inclusive workplaces	8	_	_	_	8
Age-friendly communities	3	_	3	_	6
Tailored training	5	_	15	3	23
Total	157	36	80	33	306

Demand for the basic *Introduction to the Anti-Discrimination Act* training session has remained consistent and it continues to be the most popular training offering. Interest in unconscious bias training increased significantly this year, with 74 sessions delivered compared with 30 sessions last year.

As part of our commitment to the whole-of-government's *Queensland* — an age-friendly community strategy, we delivered 6 free information sessions focussed on age discrimination.

Interest in the ADCQ's online training module, *Discrimination Awareness in Queensland*, declined this year with only 25 new subscriptions being purchased. Similarly, there was no interest in the Aboriginal and Torres Strait Islander-specific training, *Tracking Your Rights*, with no sessions being delivered. These products will be reviewed in the coming year to assess their continued viability.

Training revenue for 2016–17 was \$198,031 and significantly exceeded the target of \$180,900. This was an increase of \$15,283 on the previous year's result.

Table 6: Details of training sessions

	South-East	Central	North	Far North	Total
No. of people	2818	343	1184	418	4763
Hours of delivery	485	134	212	125	956
Actual revenue	\$100,939	\$29,523	\$48,065	\$19, 504	\$198,031

Evaluation

As part of our commitment to continuous improvement of services, we ask training participants to complete an evaluation form at the end of each session. Evaluation is based on the following criteria:

- content of the training session;
- quality of information resources provided;
- · value of case study discussions;
- overall presentation of the session;
- understanding of the course content before and after training;
- effectiveness of the trainer in terms of content knowledge, engagement, and service delivery;
- · participant expectations and whether they were satisfied;
- whether the training material can or will be applied in practice; and
- how participant behaviour may change as a result of training.

Overall, participant ratings have remained very high with an average satisfaction rating of 96%.

Here is a sample of responses from 2016–17 training participants.

Do you think some aspect of your behaviour might change as a result of this training? If yes, how?

Trying to be more aware of my biases in my interactions.

More aware of personal interactions with staff and how to deal with issues raised by staff.

Be more conscious of personal misconceptions and stereotypes; start questioning some of my decisions.

More knowledgeable and able to advise and support more.

Overall awareness and knowledge has improved so I believe I'd be better prepared to judge discrimination/harassment, bullying.

I will be more acutely aware of the conduct and practices of myself and colleagues in terms of

discriminatory behaviour.

Making managers more aware of legal obligations and seriousness of these matters.

More preparedness when dealing with staff in performance management discussions.

I would feel confident to address a complaint.

Better awareness gives me a better chance to properly address issues in my team.

I now have a guide to follow and tools to use to assist me with identifying discrimination and how to deal with it.

What did you like most about this training?

The trainer absolutely was knowledgeable about the training topics — this was key, and very helpful.

I liked that every single part was very relevant, there were multiple examples and discussions and all questions were answered comprehensively.

Well described, well organised, comprehensive.

Great presentation with plenty of opportunities to ask questions.

Good balance of listening/interaction — fact and discussion.

Extensive knowledge, and scenarios spoken of by the facilitator were excellent.

It treated us like managers and allowed us to contribute to the discussion. I got a lot out of others' experiences.

Course was engaging and fast paced with presenter using and explaining in plain English.

Good pace, made me aware of an issue which I was previously unaware — very, very interesting.

A non-threatening way of covering content that can be difficult.

It was interesting, inclusive and engaging.

An awesome trainer and made the training relevant to the job with great examples.

Very relevant content, facilitator very experienced and involved the participants in a good interactive way.

Aboriginal and Torres Strait Islander Unit

The Aboriginal and Torres Strait Islander Unit was formally established and launched in November 2003 to meet the demand for Indigenous-specific services to the community. The unit is based in the Brisbane office and is comprised of a Coordinator and Indigenous Assistant Human Rights Officer. An Indigenous Assistant Human Rights Officer is also based in the Cairns office and receives ongoing professional and cultural support from the unit Coordinator.

The unit provides services including training, information, and policy advices to members of the Aboriginal and Torres Strait Islander community. The unit also contributes to legal submissions, provides guidance on cultural protocols, and advises the Commissioner in relation to human rights issues impacting on Queensland Indigenous communities. Priorities of the Aboriginal and Torres Strait Islander Unit include:

- coordinating the development, implementation, and review of the Commission's Reconciliation Action Plan;
- visiting a range of Indigenous organisations throughout Queensland to provide information on the Commission and the *Anti-Discrimination Act 1991*;
- building community confidence in the Commission's complaint management and conciliation processes; and
- coordinating the biennial Mabo Oration.

A major part of the A&TSI Unit's work this financial year has centred on finalising two new resources: Aboriginal people in Queensland: a brief human rights history, and Torres Strait Islander people in Queensland: a brief human rights history. The resources outline historical and contemporary events that have had an impact on Aboriginal and Torres Strait Islander peoples in Queensland. They were developed to:

- acknowledge the history, and that certain events took place;
- recognise the impacts of historical events still felt today by Aboriginal and Torres Strait Islander peoples;
- recognise that these impacts have resulted in discrimination and breaches of the human rights of Aboriginal and Torres Strait Islander peoples; and
- give insight into Aboriginal and Torres Strait Islander peoples' relationships with non-Indigenous Queenslanders, government agencies, and their representatives.

Another focus for the unit was coordinating the development of the Commission's revised Stretch Reconciliation Action Plan. The updated plan was officially launched in Brisbane, Rockhampton, and Townsville in early 2017, with a Cairns launch planned to coincide with a reconciliation event in September 2017.

Complaint management

With an increase in complaint numbers this year, the Commission has been busy in its complaint management role. As in previous years, our complaint management focus has been on resolving complaints under the *Anti-Discrimination Act 1991*.

The Commission deals with complaints about discrimination, sexual harassment, victimisation, vilification, and requests for unnecessary information. The Commission also has power to deal with complaints of reprisal against whistle-blowers who elect to resolve their complaints through the Commission's process, rather than pursue court proceedings.

The Commission has again met or exceeded its complaint management targets in terms of timeliness of the overall process. The effective complaint management processes adopted by the Commission mean that satisfaction rates remain high, with 84% of all parties evaluating the service as satisfactory or very satisfactory. This is a drop from satisfaction rates in previous years, however it remains at a satisfactorily high level with feedback from parties often involving dissatisfaction with the outcome rather than the process itself. The Commission investigates and responds to client feedback through investigation, providing responses to clients when requested, and ongoing support and training for conciliators.

Complaints continue to be managed by all offices across Queensland. This means that efficient local service delivery can be provided to all parties irrespective of their location, resources, and vulnerabilities. It also means that complaints across Queensland are managed from any office, depending on available resources, so that telephone conferences are commonly held. Telephone conferences have continued to be an effective means of resolving complaints.

State-wide complaint trends

The majority of complaints continue to originate from the South-East Queensland region, as shown in Table 7. The complaints received in South-East Queensland include all complaints lodged online, which could originate from any region. They are then allocated to complaint handlers in the Brisbane and regional offices, with priority given to regional offices to manage files where all parties reside in their respective regional areas.

This year, 716 complaints were received across the state, representing a 13% increase from the 636 complaints received last year. This is a significant increase compared to previous years in which complaint numbers have remained relatively stable.

Of the total complaints assessed this year, 426 were accepted as coming within the Commission's jurisdiction, representing about 59% of complaints received. This is an increase from the 52% accepted the previous year, with the acceptance rate continuing to demonstrate that the Commission undertakes a thorough assessment process at the initial lodgement stage. The remaining complaints assessed during the financial year fell outside the Commission's jurisdiction. Where a complaint does not come within the Commission's jurisdiction, the complainant is provided with written reasons and is generally referred to another agency that can assist them.

The number of complaints finalised this year was 700. This, again, is a significant increase from the 625 finalised last year, and demonstrates the ongoing efficiency of the complaint management process and commitment of the state-wide complaint management team to work together to meet increased demands.

Table 7: Complaints received, accepted, and finalised

	South-East	Central	North	Far North	State- wide
Complaints received	651	19	16	30	716
Complaints accepted	237	63	40	86	426
Complaints finalised: accepted	228	64	40	76	408
Complaints finalised: not accepted	163	49	30	50	292
Total complaints finalised	391	113	70	126	700

Note: Complaints may be dealt with in a location other than where they were received.

As shown in Table 8, allegations of discrimination are included in 67.2% of accepted complaints, which is a slight rise from last year (64.8%). Discrimination complaints involve allegations of less favourable treatment, based on a relevant attribute, which arise in an area of public life covered by the law — such as at work, in accommodation, in education, and in obtaining goods and services (including government services).

The breakdown of the attributes on which allegations of discrimination are made in Table 8 clearly shows that discrimination on the basis of impairment remains the dominant and increasing ground, comprising 30.5% of all complaints (25.4% last year). This reflects a significant increase in allegations from 129 last year to 198 this year.

The 50 race discrimination complaints received this year is almost double the number of race complaints received last year (27). Race discrimination complaints now comprise 7.7% of discrimination complaints, an increase from 5.3% last year.

The proportion of sex discrimination allegations have decreased to 7.2% of complaints (9.4% last year).

Family responsibilities complaints remained consistent with previous years at 5.4% (5.5% last year).

Age discrimination complaints increased from 4.5% to 5.4% and remain a significant ground of discrimination.

Religious discrimination complaints rose to 1.5%, up from 1% last year.

Table 8 shows that sexual harassment allegations of unwelcome sexual behaviour to, or about, a person are included in 12% of accepted complaints, which is a decrease from 14.2% last year. However, there was an overall increase in complaints of sexual harassment from 59 last year to 78 this year. The vast majority (75%) of complaints of sexual harassment arose in the workplace, as shown in Table 9.

Sexual harassment may involve allegations of unwelcome sexual behaviour, such as comments with sexual connotations 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. Complaints of sexual harassment have historically comprised a significant proportion of complaints to the Commission, and it seems to be a continuing issue in workplaces as well as other areas of life.

Victimisation complaints arise where a complainant or witness feels they have been poorly treated for being involved in a complaint. Victimisation complaints remain at around the same level as last year at 9.8%. As Table 9 shows, 64% of victimisation complaints occurred in the workplace. Because of the continuing relationship between an 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.

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 because of their race, religion, sexuality, or gender identity. Complaints to the Commission of public vilification remain low, with only 1.7% of accepted complaints being on the basis of allegations of race, religious, sexuality, or gender identity vilification.

The Commission did not accept any complaints of whistle-blower reprisal this year.

Table 8: State-wide accepted complaints by ground

Ground	Number	%
Discrimination		
Age	30	4.6%
Breastfeeding	1	0.2%
Family Responsibility	35	5.4%
Gender Identity	7	1.1%
Impairment	198	30.5%
Lawful Sexual Activity	0	0.0%
Parental Status	17	2.6%
Political Belief/Activity	2	0.3%
Pregnancy	22	3.4%
Race	50	7.7%
Relationship Status	3	0.5%
Religion	10	1.5%
Sex	47	7.2%
Sexuality	11	1.7%
Trade Union Activity	3	0.5%
Sub-total Discrimination	436	67.2%
Discriminatory Advertising	1	0.2%
Request/Encourage a Breach	13	2.0%
Sexual Harassment	78	12.0%
Unnecessary Questions	46	7.1%
Victimisation	64	9.8%
Sub-total	202	31.1%
Vilification		
Gender identity	1	0.2%
Race	5	0.8%
Religion	2	0.3%
Sexuality	3	0.5%
Sub-total Vilification	11	1.7%
Whistle-blower reprisal	0	0%
Total	649	100%

Note: Complaints may be accepted under more than one ground

The number and percentage of work-related complaints shows that workplace discrimination impacts most on people's lives. Table 9 shows that 64% of complaints arose in the workplace or when seeking work. This is consistent with previous years.

The jurisdiction for all work-related matters under the *Anti-Discrimination Act 1991* was transferred from QCAT to the Queensland Industrial Relations Commission (QIRC) on 1 March 2017 through the commencement of the *Industrial Relations Act 2016* (QId), and consequential amendments to the *Anti-Discrimination Act 1991*.

Complaints in the area of the provision of goods and services, including access to public places and buildings, were 13.6% of all complaints received, up from 12.7 % last year.

The number of complaints in the area of accommodation has remained significant this year at 5.1% or 30 complaints (last year was 5.5% and 25 complaints). These complaints generally involve concerns about discrimination in accommodation arrangements, for example with rental properties, and can also include claims by resident-owners of units that body corporates have discriminated against them in their decision-making.

Table 9: State-wide accepted complaints by area

	Discrimination	Discriminatory advertising	Request or encourage a	Sexual harassment	Unnecessary questions	Victimisation	Vilification	Total	
		au voi ii e ii i g	breach	na acomon	queene			#	%
Accommodation	23	0	0	1	1	2	3	30	5.1%
State laws and programs	19	0	0	0	2	2	0-	23	3.9%
Goods and services	61	0	0	6	5	7	1	80	13.6%
Club membership and affairs	1	0	0	0	0	5	0	6	1.0%
Superannuation and insurance	2	0	0	0	0	0	0	2	0.3%
Disposition of land	0	0	0	0	0	0	0	0	0.0%
Work	249	1	2	59	26	39	2	378	64.0%
Education	21	0	0	1	2	3	0-	27	4.6%
Not recorded*	0	0	11	15	3	10	5	44	7.5%
Total	376	1	13	82	39	68	11	590	100%

Note: Only discrimination breaches require an area

Impairment discrimination continues to dominate complaints in the workplace. Table 10 shows that 63% of impairment discrimination complaints arose at work. Impairment discrimination complaints at work include allegations of the refusal of employment because of an applicant's impairment, failure of employers to make reasonable adjustments to accommodate a person's impairment, impairment-based bullying, and forced retirement because of impairment or the impact of impairment.

While Table 10 clearly shows the prevalence of discrimination complaints across most grounds in the workplace, a significant number of complaints of impairment discrimination arose in connection with the provision of goods and services (17%) which includes access to public places and buildings. Impairment (45.6%) and race (11%) are the most common grounds for discrimination complaints across all areas of life. Last year, sex was the second most common ground for discrimination complaints across all areas; however, this year sex discrimination complaints made up 10.6% of all complaints, a

decrease from 14.6% last year, and have now been overtaken by complaints of race discrimination. The number of pregnancy discrimination complaints remained similar to last year with 22 complaints this year (21 last year), and again predominantly in the area of work.

Table 10: State-wide accepted discrimination complaints by ground, by area

	Accomm	State laws &	Goods & services	Club membership	Super & insurance	Disposal of land	Work	Education	To	otal
		programs	Services	membership	insurance	OI IAIIU			#	%
Age	3	0	5	0	1	0	23	2	34	7.5%
Breastfeeding	0	0	0	0	0	0	1	0	1	0.2%
Family responsibility	2	1	2	0	0	0	31	1	37	8.1%
Gender identity	0	2	1	0	0	0	2	2	7	1.6%
Impairment	16	12	35	0	0	0	131	13	207	45.6%
Lawful sexual activity	0	0	0	0	0	0	0	0	0	0.0%
Parental status	3	0	5	0	0	0	11	0	19	4.2%
Political belief/activity	0	0	0	0	0	0	2	0	2	0.4%
Pregnancy	0	0	1	0	0	0	21	0	22	4.8%
Race	2	1	13	0	1	0	32	1	50	11.0%
Relationship status	0	0	1	0	0	0	2	0	3	0.7%
Religion	1	2	1	0	0	0	5	1	10	2.2%
Sex	2	1	5	0	0	0	38	2	48	10.6%
Sexuality	0	1	2	1	0	0	7	0	11	2.4%
Trade union activity	0	0	0	0	0	0	3	0	3	0.7%
Total	29	20	71	1	2	0	309	22	454	100%

Settlement of complaints

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

This year saw the settlement rate of 53.6% not reach the target of 55%, and was a drop from last year's high rate of 60%. Although the Commission did not reach its annual target in this area, there was an increase from 3.8% last year to 9.8% this year in the number of unresolved complaints that were not referred to QCAT or the QIRC. This means that although matters were not resolved at conciliation, the complainant made an informed decision after facilitated discussions with the respondents not to progress their complaint to a hearing. Some of these matters may have resolved informally after the conciliation conferences. Overall, the percentage of matters finalised at the Commission increased, which demonstrates that the complaint handlers are continuing to work effectively with parties to resolve complaints at the Commission stage.

Overall, 74.6% of accepted complaints were finalised within the Commission, leaving 25.4% of accepted complaints referred to the Queensland Civil and Administrative Tribunal or the Queensland Industrial Relations Commission. This was an improvement from last year when 73.8% of accepted complaints were finalised within the Commission and 26.2% were referred to QCAT. The combination of a 54.6% settlement rate and an increased rate of finalisation within the Commission demonstrates that complaint handlers are continuing to work effectively with parties to reach closure of the dispute.

Table 11: State-wide outcomes for accepted complaints by region

	South-East	Central	North	Far North	State-wide	% Outcome for accepted complaints state-wide
Conciliated	118	42	19	39	218	53.6%
Lost contact (s169)	3	0	0	0	3	0.7%
Referred to QCAT	60	12	12	12	96	23.6%
Referred to QIRC	4	0	1	2	7	1.8%
Lapsed (s168)	2	0	1	0	3	0.7%
Unconciliable but not referred	24	4	1	11	40	9.8%
Withdrawn	17	6	6	11	40	9.8%
Total	228	64	40	75	407	100%

Timeliness

The Commission continued to manage complaints in a timely way.

Sixty-four percent of complaints were finalised within three months from assessment notification, and a further 24.7% were finalised within six months. This means a total of 88.7% of complaints were finalised within six months of acceptance. This, together with the large volume of files finalised during the year, shows staff's consistent commitment to managing complaints efficiently and effectively.

Sixty-three percent of accepted complaints were assessed and notified within 28 days of lodgement. This was a significant improvement from last year's 56%, and exceeded the Commission's target of 60%. This demonstrates that the Commission has been more consistently able to assess complaints based on the information initially provided by the complainant, rather than requiring further information.

There was one area where the Commission did not meet timeliness targets. Sixty-three percent of accepted complaints reached conference within the 42-day statutory timeframe from notification of decision until conciliation conference. This was below the target of 70%. Conferences in the remaining matters were generally delayed where parties were unavailable to participate for a variety of reasons. Although the complaint handlers resist adjournments where there are unsatisfactory reasons for delaying the conference, they must also take into account the individual circumstances of parties seeking a change of conference date to ensure that parties are not unfairly denied an opportunity to participate in conciliation.

Conciliated outcomes

The following are examples of complaints made to ADCQ in 2016–17 that were successfully resolved through conciliation.

Sexuality discrimination at work

The complainant alleged that after starting work he was repeatedly subjected to offensive, belittling, and degrading comments about his sexuality. After a period of time, the complainant did not go back to the workplace. When he made a complaint and asked for alternative work with the company, he was told that no other positions were available. The complainant also alleged he was not made permanent and was demoted because of his sexuality.

The respondent employer argued that they had taken reasonable steps by having a code of conduct and complaint management procedures. They added that the complainant was aware of how to complain, having made other complaints in the past, and therefore questioned the credibility of his allegations as they were not made contemporaneously. They also noted that they employ a number of openly gay, lesbian, and bisexual employees, and there had been no complaints from those workers. There was much factual dispute at the conciliation conference, however an agreement was reached that the complainant was paid financial compensation and that one of the individual respondents provide a written apology.

Unfavourable treatment and dismissal of pregnant worker

The complainant had been working for two months when she advised her employer that she was pregnant, after which the employer was rude to her, ignored her, made fun of her at work, gave other staff less physically demanding tasks, and told staff that if anyone else got pregnant they would be fired. The complainant also overheard the employer saying that she wanted to get rid of another pregnant employee.

Approximately one month later, the complainant was criticised by the employer who said that she was having trouble keeping up and that she was no longer able to lift heavy objects. Two days later, the complainant was dismissed because the employer said she lied about spray painting a chalkboard with chalk paint. Agreement was reached at conciliation that the employer and all staff participate in anti-discrimination training, and the complainant was paid financial compensation.

Transgender female advised not to use female toilets

The complainant, while visiting a popular retail precinct, approached the female toilets and was stopped by a security guard who allegedly told her that 'He was instructed by Centre Management to enforce that I was to be referred to using the men's toilet.'. The complainant said she was told by the security guard that 'people like me were not allowed to use the women's toilet'. Two separate agreements were reached at conciliation: one with the security guard company (the first respondent), and one with the retail precinct (the second respondent).

The agreement with the respondents included: a policy review be undertaken and a policy implemented concerning how to conduct positive interactions with members of the transgender community and allow the use of bathrooms by transgender people according to their identified gender; that the Respondents would attend anti-discrimination training; a donation be made to a transgender support group; and financial compensation paid to the complainant.

Transgender female locked out of account due to masculine voice

The complainant was locked out of her accounts by a telephone operator, even though the complainant answered the security questions correctly.

The complainant alleged being locked out of her accounts because the operator had concerns about the complainant's masculine voice, despite the complainant disclosing her transgender status, and this being documented on the complainant's account.

The respondent gave the complainant a verbal apology, agreed to pay general damages of \$6,000 to her, and to provide training to all staff on how to better assist transgender clients via telephone.

Sexual comments and requests at work

The complainant alleged her employer (the respondent) made sexual comments relating to placing items in the complainant's mouth, called her 'sexy legs', repeatedly asked her to be his wife and hold his hand, repeatedly pressured her to attend lunches with him, massaged her shoulders and watched her as she walked.

The respondent denied he had done any of this. At conciliation, an agreement was reached that the respondent pay financial compensation to the complainant, that the respondent receive training about sexual harassment, and a waiver of a debt that the respondent had claimed was owed to him by the complainant.

Different pay rate based on race

The complainant identified as Pakistani race and was engaged under a verbal agreement as a kitchen hand and delivery driver. Rates of pay were not discussed, and one month after commencing the complainant raised questions about pay rates, which were ignored.

The complainant then discussed wages with co-workers who advised they were being paid more than the complainant. The complainant alleged that the only exception to the rates of pay were workers of Pakistani extraction who were paid less per hour than other workers. When the complainant subsequently approached the employer to request underpaid wages, they were asked to sign a statutory declaration and were subjected to physical violence. The respondent agreed to: implement an anti-discrimination policy in the workplace, ensure all managers received anti-discrimination training, and to pay financial compensation to the complainant.

Support and assistance for remote patient

The complainant was a resident in a regional town and suffered from a life-threatening illness requiring regular medical treatment in Brisbane. She was refused accommodation assistance under a patient subsidy scheme on the basis that she was able to travel to Brisbane and return in one day. However, due to her condition and her medication, she was too ill and tired to complete the return trip in one day, as this would make her condition worse.

At the conciliation conference, the respondents agreed to approve accommodation expenses for the complainant to attend her appointments in Brisbane on an annual basis. The respondents also appointed a 'Nurse Navigator' to assist the complainant with her needs in the health care system, and agree to assist the complainant in arranging telehealth appointments so that her need to travel to Brisbane was reduced.

Termination during sick leave

The complainant was unable to attend work for two weeks due to a temporary medical condition. While absent, the complainant's employment was terminated and they were given no opportunity to respond to the termination.

The respondents agreed to pay financial compensation to the complainant.

Denial of opportunities for employee on return to work plan

The complainant was away from work due to an injury and was negotiating a return to work plan with her employer. Prior to her return to work, the complainant applied for a higher role with her employer, but was told by the respondent that she would not interviewed for the position because she was on a return to work plan and would be away at the time of the short listing.

At the conciliation conference, the respondents agreed to return the complainant to her substantive position and to pay her financial compensation.

Sex discrimination and sexual harassment on farm

The complainant, who was female, worked on a farm where the majority of employees were male. She was undertaking a training program alongside a male trainee and other male workers, and she had a male supervisor. Despite her previous experience using machinery, the supervisor would ask the male trainees to use the machinery and not ask her. She was given strict instructions that the male trainees were not given, and when she asked to gain experience using different equipment, her request was denied and instead it was offered to male workers. She was not offered shift work while male trainees and a worker with less experience than her were offered shift work. Her supervisor referred to her as 'a pair of tits' when she refused his offer of help.

The parties reached an agreement prior to conference, including that the respondent provide the complainant with a written apology, the respondents undergo anti-discrimination training, and the respondents pay financial compensation to the complainant.

Evaluation

Following each conciliation conference, complaint parties are asked to evaluate the Commission's complaint process based on a variety of factors including:

- outcome of the complaint;
- fairness of the process;
- clarity of letters and brochures provided;
- reliability of information provided;
- timeliness of the process;
- · conciliator's skills: and
- impact of the process on understanding of rights and responsibilities under anti-discrimination law.

A sample of responses from 2016–17 conciliation parties follows:

- Our conciliator was very easy to deal with, respectful, and knowledgeable. (Respondent's lawyer)
- (The conciliator) was excellent, in what was a very difficult situation. She's an excellent conciliator. (Respondent)
- Extremely professional and made our client feel comfortable throughout a difficult time. (Complainant's lawyer)
- (The conciliator) was excellent throughout the process and was easy to talk to throughout the complaint process. (Complainant)
- (The conciliator) was a wonderful conciliator. She is a credit to the Anti-Discrimination Commission Queensland. Thank you (Conciliator). The only hard part was the (Respondent) Lawyers they aren't very nice or fair. (Complainant)
- (The conciliator) was professional and approachable. (Respondent)
- I found the whole process easy to follow and was quite happy with result. (Complainant)
- (The conciliator) was amazing. She explained the process, helped me understand process and outcomes. (Complainant)
- I would like to thank the ADCQ for all of their support during the whole process. (The conciliator) was exceptional in handling this matter and I really appreciated all of her efforts and hard work in achieving a desirable outcome and reaching an agreement. Thanks everyone at ADCQ. (Complainant)
- Thank you very much for hearing my complaint and for resolving it for me. There is no way I could have had this result without your intervention. (Complainant)
- (The conciliator) was very informative, fair and understanding. I feel I was educated through the process. (Respondent's advocate)
- (The conciliator) is a highly skilled conciliator who ran the process perfectly in a fair manner. I
 would recommend conciliation to anyone who experiences difficulties because of being a
 foreigner. (Complainant)
- This conciliation was my first experience of the ADCQ, having only previously provided advice
 to clients pursuing complaints further in QCAT. I hope to have further opportunities to represent
 clients in the ADCQ as I found the experience a positive one, both for myself and more
 importantly, my client. (Complainant's lawyer)
- This complaint was handled very professionally throughout the entire process. (Respondent)

Influencing government policy and legislation

The Commission provides human rights-based commentary on the development of legislation and to other Inquiries.

In 2016–17, the Commission provided submissions to various state and federal bodies on the development of government policies and legislation. These included:

Health and Other Legislation Amendment Bill 2016 to the Queensland Parliamentary Legal Affairs and Community Safety Committee

One of the purposes of the Bill was to amend the *Criminal Code* to standardise the age of consent for consensual sex, and to replace references to 'sodomy' with 'anal intercourse'. The Commission supported this Bill, and has long advocated for the removal of the discriminatory impact of the higher age of consent for anal intercourse.

Industrial Relations Bill 2016 to the Queensland Parliamentary Finance and Administration Committee

The Bill included provision for work-related matters under the *Anti-Discrimination Act 1991* to be dealt with by the Queensland Industrial Relations Commission (QIRC), instead of by the Queensland Civil and Administrative Tribunal (QCAT). The Commission identified both substantive and drafting issues, and made recommendations for the better operation of the functions to be performed by the QIRC, and the interface with the QCAT.

Adoption and Other Legislation Amendment Bill 2016 to the Queensland Parliamentary Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee

The Commission supported the broadening of the eligibility criteria, to include same-sex couples and singles, for expressions of interest to adopt.

Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Bill 2017 to the Queensland Parliamentary Education, Tourism, Innovation and Small Business Committee

The objectives of the Bill are for 17-year-olds to be treated as children in the criminal justice system, and to provide a mechanism for transferring 17-year-olds to the youth justice system. The Commission has long advocated that treating 17-year-olds as adults in the criminal justice system, including placing them in adult prisons, is inconsistent with our obligations under international human rights agreements. Queensland has been the only Australian jurisdiction to continue to treat 17-year-olds as adults in the criminal justice system, and has been criticised by the United Nations Committee on the Rights of the Child for doing so.

Strong and Sustainable Resource Communities Bill 2016 to the Queensland Parliamentary Infrastructure, Planning and Natural Resources Committee

The Bill introduces measures to ensure that regional communities benefit from large resource projects in their vicinity, by limiting the use of fly-in fly-out workforces. The Bill introduces new protections under the *Anti-Discrimination Act 1991* by prohibiting discrimination of local residents in recruitment for the operational phase of the projects, and of fly-in fly-out workers who choose to become local residents.

The Commission provided a forensic analysis of how amendments to the *Anti-Discrimination Act* 1991 will operate.

Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill to the Select Committee on the Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill

The Bill would amend the *Marriage Act* to allow for same-sex marriage, and provide exemptions from discrimination for ministers of religion, marriage celebrants, and religious bodies that provide

facilities and other goods and services. The Commission supports the proposal to provide equality before the law for same-sex couples by allowing them to marry. The Commission recommended the exemption for ministers of religion be confined to their religious beliefs rather than including exemption for 'conscientious belief', and that marriage celebrants and religious bodies providing services should not have an exemption to allow them to discriminate against same-sex couples wishing to celebrate their marriage.

Criminal Law Amendment Bill 2016 to the Queensland Parliamentary Legal Affairs and Community Safety Committee

The Commission commented on the amendment to the partial defence of killing on provocation in the *Criminal Code*. The proposed amendment would make a defence based on unwanted sexual advance unavailable, except in circumstances of an exceptional character. The exclusion would apply whether the unwanted sexual advance was homosexual or heterosexual. The Commission said this approach is consistent with human rights principles of equality before the law and freedom from discrimination.

Regulation of the Labour Hire Industry 2016: Issues Paper to the Office of Industrial Relations Queensland

The Commission provided a submission to an earlier inquiry into the practice of labour hire in Queensland, and to this Issues Paper. Through community engagement work, particularly in the Lockyer Valley region, the Commission was aware of community concerns about poor working and living conditions for seasonal farmworkers, as well as sexual harassment and discrimination of the workers. The Commission recommended the establishment of a system for the regulation of labour hire contractors, based on the United Kingdom model in the *Gangmasters (Licensing) Act 2004*.

Queensland Building Plan Discussion Paper to the Department of Housing and Public Works

In November 2016, the Queensland Government released the Queensland Building Plan Discussion Paper, which was developed as a guide to potential or planned reforms and to start or continue conversations about proposed policy or legislative amendments.

The Commission commented on two of the ten areas of discussion: Liveable housing design, and Inclusive communities. The Commission submitted that a minimum standard of liveable housing design (Silver Level) should be mandated for all new residential dwellings by 2020, and pointed to a number of strategies to help improve amenity in public buildings for people with disability.

Courts and Civil Legislation Amendment Bill 2017 to the Queensland Parliamentary Legal Affairs and Community Safety Committee

The Bill amended a variety of Acts, and the Commission's submission concerned amendments to the *Queensland Civil and Administrative Tribunal Act 2009* about enforcement of orders, as well as editorial amendments to the *Anti-Discrimination Act 1991*. In response to the submission, the Bill was amended during to consideration in detail to make it clear that the process for enforcing QCAT orders includes settlement agreements filed with QCAT under the *Anti-Discrimination Act*.

Strengthening Multiculturalism to the Select Committee on Strengthening Multiculturalism

The Commission commented on the negative impact of racism on health and wellbeing, community cohesion, and economic strategies, and noted media as a barrier to social cohesion. The Commission gave examples of improvement of expected standards of public discourse through community leadership, community action, and creating safe spaces for discussion and communication.

Criminal Law (Historical Homosexual Convictions Expungement) Bill 2017 to the Queensland Parliamentary Legal Affairs and Community Safety Committee

The Commission supports the establishment of a scheme to expunge criminal records for historical homosexual convictions that occurred before consenting male homosexual sex was decriminalised in 1991. The Commission argues there is a discriminatory effect relating to the age of consent, and recommends that eligible offences be extended to include offences relating to consensual anal intercourse involving persons over the age of 16 years between 1991 and 2016 (when the age of consent for anal intercourse was reduced to 16 years).

Labour Hire Licensing Bill 2017 to the Queensland Parliamentary Finance and Administration Committee

Consistent with earlier submissions, the Commission endorsed the introduction of a licensing system to regulate the labour hire industry. The Commission recommended incorporating the standard of services, such as accommodation and transport, into the criteria for granting a license, and to the circumstances for suspending or cancelling a license. The Commission also recommended expanding the detail about the accommodation to be included in the reporting requirements. In the Commission's experience, accommodation has been a critical component in the exploitation or workers, including by overcrowding, overcharging, poor conditions, and sexual assault and harassment.

Applications to the Tribunal for review

Under section 169 of the *Anti-Discrimination Act 1991*, 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.

From 1 March 2017, for work-related matters the tribunal is the Queensland Industrial Relations Commission, and for all other matters the tribunal is the Queensland Civil and Administrative Tribunal.

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 have been six judicial review applications. Two applications, for review of two decisions to reject two complaints, were dismissed for non-appearance by the applicant. The applicant reapplied for review of those two decisions, and made further applications for review of a decision not to accept a complaint made out of time, and a decision to reject a joint complaint.

The four pending applications are to be heard in the next reporting period.

Intervention in proceedings

Under section 235 of the *Anti-Discrimination Act 1991*, the Commission has the function to intervene in a proceeding that involves human rights issues, with the leave of the court hearing the proceeding, if the Commission considers it appropriate to do so.

The Commissioner did not intervene in any proceedings during the period.

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 *Anti-Discrimination Act 1991*. From 1 March 2017, for 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 the Commission made six submissions to QCAT and one submission to the QIRC on applications for exemption from the operation of the *Anti-Discrimination Act 1991*.

Tribunal and court decisions

Tribunal

Under the Anti-Discrimination Act 1991, the tribunal has the functions of:

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

From 1 March 2017, 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 23 decisions published for the period, of which there were 11 decisions on final hearings, 2 appeal decisions, 6 exemption application decisions, 1 costs decision, and 5 decisions before final hearing.

The following is a selection of the published decisions.

Complaints

A prank amounts to sexual harassment

A cleaner at a school was sexually harassed when two of his co-workers, one male and one female, set up a staff room to appear as though two staff members had used the room for a sex romp. The prank was directed at the cleaner, and the room was set up with empty alcohol bottles, clothes, and a condom containing fluid. The male co-worker invited the cleaner to sniff boxer shorts left in the room. The cleaner was distressed by the scene, including that he thought he was cleaning up bodily fluids. He was also upset and concerned that two named staff members were having an affair and had used the school premises to get together. He was preoccupied with the sex romp to the point that he intended to speak to one of the staff members who he thought was involved. At that time, the male co-worker involved in the prank told the cleaner that it had all been a prank. On hearing this, the cleaner fell to his knees.

The tribunal found it was also sexual harassment of the cleaner when the male co-worker invited him to sniff the boxer shorts, and when that co-worker informed staff in a nearby shop of the prank.

The tribunal found the cleaner had been victimised after complaining of sexual harassment. The male co-worker had pretended to photograph or video the cleaner when he was at the school, and had gestured with his middle finger to the cleaner's wife and children at the school.

The cleaner suffered an acute anxiety state because of the prank, and within a month he was unable to work. He suffered an adjustment disorder with anxiety and depression, and his psychological condition developed into post-traumatic stress disorder. His condition caused

¹ Anti-Discrimination Act 1991, section 175.

² Anti-Discrimination Act 1991, section 113.

³ Anti-Discrimination Act 1991, section 144.

⁴ Anti-Discrimination Act 1991, section 169.

⁵ Anti-Discrimination Act 1991, section 228.

problems sleeping and concentrating, fatigue, rapid heart rate, trembling, obsessive thinking, eating and stomach problems, compulsive behaviours, bouts of crying, depressed mood, and feelings of hopelessness an anxiety. He was unable to work for two years, and was then only able to return to part-time work. The tribunal considered he would be unable to return to full-time work for a further two years.

The tribunal discussed at length how QCAT should assess damages in light of the 2014 decision of the Full Court of the Federal Court in *Richardson v Oracle*. The tribunal stressed the importance of consistency in awards, particularly as required under the QCAT Act. The tribunal also examined the six cases where *Richardson* has been cited in other Australian jurisdictions. That examination showed that although there have been some increases in the level of awards, those increases have not been nearly as dramatic as in *Richardson* itself.

The tribunal concluded that where there is a recognisable personal injury, the tribunal should continue the approach of consistency with Queensland court awards in personal injury cases. However, where there is no recognisable personal injury and therefore no comparable Queensland awards, the tribunal can be influenced by *Richardson* to increase the level of awards, if it is appropriate to do so.

When considering previous awards, those awards should be adjusted for inflation. Advocates would assist the tribunal in adjusting previous awards for inflation when citing them.

The tribunal also determined that interest on non-financial loss should be awarded unless there is a proper reason for not doing so, though not at a commercial rate.

The tribunal awarded a total of \$156,051, made up of:

Non-financial loss	\$70,000
Interest on non-financial loss	\$3,160
Past loss of income (gross)	\$17,430
Past loss of superannuation	\$1,656
Future loss of income	\$48,338
Future loss of superannuation	\$5,467
Future cost of treatment	\$10,000

Green v State of Queensland [2017] QCAT 008

Legal representation allowed

The applicant in a complaint alleging sexual harassment, vilification, and victimisation applied to QCAT for permission to be legally represented in the proceeding. Under the QCAT Act, parties are expected to represent themselves, unless QCAT is satisfied it is in the interests of justice for a party to have legal representation.

In this case, the respondent to the complaint argued that the facts of the case were simple, and that lawyers would make the case complex. The tribunal disagreed, and considered that the case involved novel and complex issues of law. The tribunal was satisfied that it would benefit by the presence of lawyers skilled in anti-discrimination law, and that it is in the interest of justice that parties are able to present their cases properly with full appreciation of the legal implications of the issues they raise.

Beck v Rowan [2017] QCAT 51

Able to comply with requirement

A man with a hearing impairment claimed his internet service provider (ISP) discriminated against him by requiring him to contact them by telephone to cancel the service and to discuss a debt, and in referring a debt to a debt recovery agency.

The man and his partner were making arrangements to move house, and they rang the ISP to ask about transferring the service to new premises. They weren't happy about the additional cost to move the service, so they asked if they could cancel it. They were told to call again on the day they wanted to cancel the service and also that there would be a cancellation fee. The man then made a complaint to the ISP by email, and after another phone call, he asked for escalation of his complaint to take place by email. After complaining to the Anti-Discrimination Commission, the man cancelled the service by email, and he was issued with a final invoice, which included a cancellation fee. The man did not pay the invoice, and he was sent automated calls from the debt department asking him to contact them by phone. The debt was later referred to a debt collection agency, which sent the man correspondence, telephone and other contact details, but no email address.

Although the man was born with significant hearing loss, he had a cochlear implant that gave him significantly improved hearing.

The tribunal found that the ISP had imposed a term that cancellation of a service had to be done by telephone (this was a mistake on the part of the operator as the ISP policy did allow cancellation to be done by email). The tribunal found however, that the man was able to comply with the term because the evidence showed he was capable of hearing and conducting conversation on the telephone in relation to matters of a straightforward nature. He spoke clearly, and the details required were of a straightforward nature, which he had managed before.

In respect to being asked to contact the ISP by telephone about the debt, the tribunal said the request did not preclude other modes of communication, and did not amount to a requirement or condition. If the request did amount to the imposition of a term, the man was able to comply with it.

The tribunal was not satisfied that the debt was referred to the debt collection agency because of the man's impairment. If a term was imposed that the man contact the agency by telephone, the tribunal was not satisfied that the man was unable to comply with the term.

There was no discrimination and the complaint was dismissed.

Bell v iiNet Ltd [2017] QCAT 14

Exemption applications

During the reporting period, six decisions on applications for exemption from the operation of the Act were published. There were five decisions by the QCAT and one by the QIRC.

The QIRC granted an exemption to allow the Gold Coast 2018 Commonwealth Games Corporation to advertise for Aboriginal and Torres Strait Islander people to take up volunteer roles in accordance with its Reconciliation Action Plan (RAP). Under the RAP, the Corporation aims to provide meaningful opportunities for Indigenous Australians to participate in the Games, beyond the traditional inclusion of culture within the opening ceremonies.

In three separate applications, the QCAT granted exemptions allowing three manufactured home parks on the Gold Coast to limit accommodation to people 50 years of age and over. Two of the parks had been previously been granted exemptions, ⁷ and although the other park had been

⁶ Gold Coast 2018 Commonwealth Games Corporation [2017] QIRC 038.

Palmpoint Pty Ltd [2006] QCAT 419; and Burleigh Town Village Pty Ltd [2017] QCAT 161.

operating since 2008, this was the first application for an exemption.⁸ The Commission continued to oppose the segmentation of affordable housing by age, and using temporary exemptions for long-term purposes and potentially circumventing government policy. In the most recent of the three decisions, the tribunal agreed that a series of temporary exemptions is not ideal, and that manufactured home park owners should not expect that the development, advertising, sale, and operation of an age-limited park will necessarily result in an automatic grant of an exemption.⁹ In another decision, the tribunal said the applicant and residents are now on notice that the tribunal may not grant future exemptions if other non-discriminatory ways are available to achieve the purpose of providing age-specific accommodation.¹⁰

An exemption was granted to allow an organisation to specifically recruit for male or female counsellors for a homeless program in Cairns, where the clientele is 95% Indigenous.¹¹

An application to allow a health service to identify a position of Manager, Community and Cultural Relations to be filled only by an Aboriginal or Torres Strait Islander person, was refused on the basis that it was not necessary. It was a genuine occupational requirement that the position be filed by an Aboriginal or Torres Strait Islander person, and the exemption in section 25 of the *Anti-Discrimination Act* applies to the position.

Court of Appeal

A woman, who relied on Auslan to communicate because of a hearing impairment, claimed she was subjected to impairment discrimination in her dealings with police, because they failed to provide an Auslan interpreter and failed to investigate her complaints in a timely manner. The woman had been involved in a physical altercation at the home she shared with others. Police attended the incident and communicated with her by writing in the police officer's notebook and speaking with a hearing person. The woman later complained of fraud, and attended the police station on multiple occasions seeking assistance. On at least three occasions she was told an interpreter would be organised for a formal statement, and that it might take some time to organise.

At first instance, the tribunal said there was no evidence that the referral of the combined incidents to the CIB was less favourably treatment, or that a hearing person with communication difficulties would have been treated more favourably that the woman.

On the first appeal to the Appeal Tribunal, the woman argued that the appropriate comparator was someone who was not hearing impaired and who had no relevant communication difficulty. The Appeal Tribunal said that argument was inconsistent with the reasoning of the High Court in *Purvis v State of New South Wales (Department of Education and Training)* (2003) 217 CLR 92. The appellant student in *Purvis* had an impairment that manifested in disturbed behaviour, which had included violence to teachers. The High Court held that the 'circumstances' for the comparison included the factual premise of the behaviour that had occurred.

On further appeal, the Court of Appeal said the Act had to be construed from a consideration of the Act as a whole, and distinguished *Purvis*, which was decided under the *Disability Discrimination Act* 1992 (Cth). The *Disability Discrimination Act* did not contain an equivalent of section 8 of the Queensland *Anti-Discrimination Act* 1991, by which the meaning of discrimination on the basis of impairment is defined to include discrimination on the basis of a characteristic of that impairment. The Court accepted that deafness is an impairment, and communication by Auslan is a characteristic that persons who are deaf usually possess.

The Court found the Appeal Tribunal had overlooked the effect of section 8 on section 10 (meaning of direct discrimination) of the Anti-Discrimination Act. The effect of section 8 in combination with

⁸ Seachange (Land) Pty Ltd & Ors [2016] QCAT 519.

⁹ Burleigh Town Village Pty Ltd [2017] QCAT 161.

¹⁰ Palmpoint Pty Ltd [2006] QCAT 419.

¹¹ Mission Australia [2017] QCAT 024.

section 10 is to proscribe discrimination on the basis of the woman's ability to communicate by speech. That proscription would be ineffective if the characteristic of the impairment was also treated as a circumstance in the comparison for the purpose of section 10.

The Court said the Appeal Tribunal was wrong to liken the characteristic of the woman's impairment with the incidents of violent behaviour that had taken place in *Purvis*. The complication in *Purvis* — of the behaviour also being an incident of the disability — did not exist in the present case.

The Court found the Appeal Tribunal misunderstood the relevance of the reasoning in *Purvis* and thereby erred in law in identifying the relevant comparator. In effect, the woman's case as to the findings of fact which should have been made by the QCAT member were not properly considered, because in each case the wrong legal test was applied.

The Court noted that the outcome may be the same, but as that did not plainly appear, the case was remitted to the Appeal Tribunal for rehearing.

Woodforth v State of Queensland [2017] QCA 100

High Court

A complaint by a deaf woman, who was summoned for jury duty, but excluded from a jury panel, is the first complaint under the *Anti-Discrimination Act 1991* (Qld) to go all the way to the High Court of Australia.

The woman, Ms Lyons, claimed she had been discriminated against because of her impairment and her reliance on an Auslan Interpreter. The appeal was heard in Brisbane in July 2016.

The High Court held that by excluding the woman from a jury panel, the Deputy Registrar of the Court was simply applying the *Jury Act* 1995 (Qld). The *Jury Act* provides that a person is not eligible for jury service if they have a physical or mental disability that makes them incapable of effectively performing the functions of a juror.

Ms Lyons was not able to effectively perform the functions of a juror because Queensland law does not allow an Auslan interpreter to be part of the jury deliberations. The appeal was dismissed.

Lyons v State of Queensland [2016] HCA 38 (5 October 2016)

Corporate governance

'Corporate governance is the manner in which an organisation is controlled and governed in order to achieve its strategic goals and operational objectives. It is the cornerstone of sound stewardship and effective management.' Queensland Audit Office, 1999.

Governance framework

The ADCQ's governance framework supports transparent, accountable decision-making by establishing clear lines of authority and requiring monitoring and reporting of operational performance. It is the mechanism through which our strategic goals can be achieved and is based on the following principles:

- effective vision, leadership, and strategic direction;
- transparency and disclosure of decision-making processes;
- clear lines of responsibility and accountability;
- participation in the governance process by employees.

These principles ensure that the ADCQ maintains its focus on:

- meeting its statutory responsibilities under the Act;
- effective and efficient performance management;
- improving service delivery through a process of engagement with key stakeholders;
- reporting on performance.

While the ADCQ is independent of government, it is accountable to the Queensland Parliament through the Attorney-General and Minister for Justice.

Managing the ADCQ

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

The Commissioner is appointed under section 238 of the *Anti-Discrimination Act 1991* for a term of no longer than seven years. ADCQ employees are appointed under the *Public Service Act 2008*.

Two committees have been established to support the Commissioner in achieving the strategic goals and operational objectives of the ADCQ. They are the Executive Leadership Team (ELT) and the Leadership Group.

The ELT supports the Commissioner by providing advice in the following areas:

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

The members of the ELT are:

- Anti-Discrimination Commissioner (Chair);
- Deputy Commissioner (Deputy Chair);
- · Director, Complaint Services;
- Director, Corporate Services;
- Director, Community Engagement.

The Leadership Group is a sub-committee of the ELT. The group is responsible for providing advice to the Commissioner in the following areas:

- overseeing strategic and operational planning processes to ensure that strategies, goals, and performance measures address overarching priorities;
- monitoring performance to ensure services are being delivered to the required level and quality;
- driving the identification and establishment of best practice in all aspects of service delivery;
- monitoring the effectiveness of governance practices, including policies and procedures;
- allocating and managing resources;
- ensuring the integrity of reporting systems, and that appropriate systems of internal control are in place to manage risk;
- ensuring there are adequate processes in place to comply with statutory reporting requirements;
- ensuring that planning and performance management processes are based on an understanding of operational issues and constraints;
- maintaining relationships and partnerships with stakeholders.

The members of the Leadership Group are:

- Anti-Discrimination Commissioner (Chair);
- Deputy Commissioner (Deputy Chair);
- Director, Complaint Services;
- Director, Corporate Services;
- Director, Community Engagement;
- Principal Legal Officer;
- Manager, Far North Queensland Region;
- Manager, North Queensland Region;
- Manager, Central Queensland Region;
- Manager, Brisbane Complaint Team;
- Coordinator Aboriginal and Torres Strait Islander Unit;
- Coordinator Community Engagement.

Commission staff

The ADCQ maintains offices in Brisbane, Cairns, Townsville, and Rockhampton. At 30 June 2017, we employed 34 full-time equivalent permanent, temporary, and casual staff. The proportion of permanent staff decreased from 91 to 90% over the last year. The permanent staff retention rate during 2016–17 was 93%. The permanent staff separation rate was 7%.

The Commission is 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: support of flexible work arrangements, such as part-time work and working from home; provision of a parenting room; provision of highly accessible workplaces where possible; establishment of a Healthy Workplaces Program with a focus on mental health; clear induction and performance management policies; professional development of all staff on a continuing basis; and adoption of a model of service delivery that encourages the creation of multidisciplinary teams.

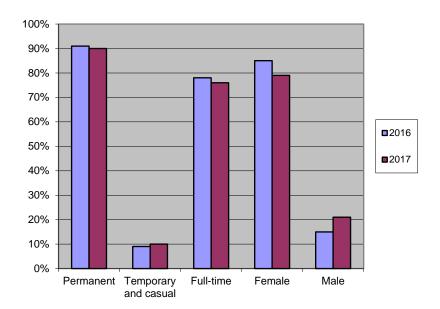
The success of these strategies can be seen in the most recent Working for Queensland survey where the responses of staff were in the first quintile (to 20% of responses for the public sector) in all but two areas where responses fell in the second quintile. Some of the key responses in the survey include:

- 97% of responses to questions relating to support for diversity and inclusion were positive;
- 69% of responses indicated use of some form of flexible work arrangement over the course of the year;
- 83% of responses indicated that workgroups cooperated effectively to deliver services;
- 86% of responses indicated that the Commission was open to new ideas;
- 83% of responses indicated an ability to make a difference to the community.

Overall, the survey continues the trend in past surveys of respondents having a very positive view of working for the Commission.

Table 12 Staff groups (rounded)

Group	Employees
Executive management	3
Legal	1
Corporate support	4
Information technology	1
Conciliation	9
Community relations	7
Regional services	10
Total	34



Shared services

The ADCQ has service level agreements with the Department of Justice and Attorney-General and Queensland Shared Services for the provision of financial, human resource, internal audit, and processing services. These arrangements benefit the ADCQ by providing a cost-effective processing environment and access to a greater range of skills than it can maintain internally, given its size, and allows the organisation to focus on core business.

Statutory obligations

Ethical behaviour

Prior to 1 June 2011, the ADCQ developed a Code of Conduct in accordance with the requirements of the *Public Service Ethics Act 1994*. The code provided guidance on the way staff should behave in the workplace and when representing the ADCQ outside the workplace, clearly explaining the standard of conduct expected of all employees.

Amendments to the *Public Service Ethics Act 1994* (PSEA) in 2010 included the introduction of the *Code of Conduct for the Queensland Public Service* (the Code), applicable to all public service agencies. The *Public Sector Ethics Amendment Regulation (No. 1) 2011* included the ADCQ in the definition of a public service agency, meaning that the Code applied to the ADCQ from 1 June 2011.

The Code applies to every person employed by the ADCQ and breaches of the Code may be subject to appropriate disciplinary action as outlined in the *Public Service Act 2008*.

Client Complaints

Six complaints about ADCQ service delivery were received during 2016–17, the same as in 2015–16. Three complaints were resolved, one was withdrawn, one was rejected as misconceived, and one remains unresolved. All complaints were investigated and managed in accordance with the policy and timeframes of the Commission, and none indicated the existence of any systemic problems.

Information systems and record keeping

The ADCQ recognises the significant value of its information resources to the achievement of corporate goals. Controls are implemented and monitored to safeguard the integrity, availability, and confidentiality of information in order to maintain business continuity. Record keeping policies and systems are being reviewed to ensure they meet the accountability requirements of the *Public Records Act 2002*, as well as other whole-of-government policies and standards, including *Information Standard 40: Recordkeeping*.

Internal and external audit

Internal audit services are provided on an 'as needed' basis to the ADCQ under a service level agreement with the Department of Justice and Attorney-General. The size of the ADCQ is such that a formal Audit Committee is not required. The responsibilities associated with internal audit and the maintenance of an appropriate internal control framework are discharged by the Executive Leadership Team.

A copy of the external audit report and certificate of our financial statements are supplied with this report. The Auditor-General's delegate has provided an unqualified certificate indicating the ADCQ's compliance with financial management requirements and the accuracy and fairness of the financial statements.

Risk management

The ADCQ's risk management framework ensures risk is managed as an integral part of decision-making, planning, and service delivery. This practice aims to reduce vulnerability to internal and external incidents that limit the ADCQ's ability to achieve strategic objectives and deliver services to the community. Key aspects of the risk management framework include:

- maintaining an effective system of internal control;
- reporting identified risks regularly to the Executive Leadership Team;
- ensuring physical security of ADCQ assets, including security access to premises;
- maintaining security over access to information through network security;
- investing in new information technology infrastructure;
- monitoring media and risk evaluation.

The standard operating environment of the Commission is Windows 10 and Office 2016, and all core software is supported by appropriate support agreements and software assurance. The Commission has migrated from laptops to Surface Pro 4s to reduce costs, enhance mobility, and allow for business continuity in the event of natural disasters.

During 2016–17, the Commission began migration to 'cloud'-based computing services, and replacing the current unified communications system. These decisions, when fully implemented, will reduce risks associated with in-house management of computing services and also reduce costs. The responsibilities associated with risk management are discharged by the Executive Leadership Team.

Consultancies, overseas travel, and language services

ADCQ did not engage any consultants during 2016–17.

ADCQ staff did not undertake any overseas travel in 2016-17.

ADCQ incurred approximately \$9,000 in costs for interpreter and translator services in 2016–17.

Early retirement, redundancy, and retrenchment

The ADCQ made no payments of this nature during 2016–17.

Summary of financial information overview

The operating result for the ADCQ for 2016–17 was a deficit of approximately \$187,000.

The deficit was mainly due to: investment in a new telephone system (\$30,000), replacement of computers that had reached the end of their useful life (\$70,000), establishing a new computer network (\$85,000), and additional fit-out in the Brisbane office (\$39,000). These investments are one-off in nature, and are funded from retained earnings rather than the annual budget.

Performance in the remaining budget areas was sound.

The major activities undertaken during the year include:

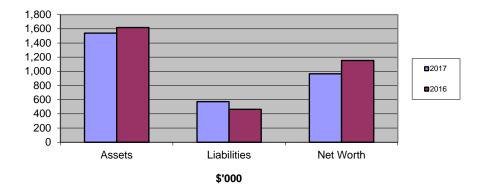
- enhanced community engagement through continuation of the Community Assistance Project, the delivery of the second Human Rights Month event, and co-hosting the second Robert Jones Oration;
- replacement of the computer fleet and the telephone system;
- installation of new network links in preparation for the provision of information and communication technology (ICT) facilities from a 'cloud' provider.

The financial effects of these major activities are provided in detail in the audited financial statements provided with this report and on the ADCQ's website (www.adcq.qld.gov.au).

The ADCQ's financial position

The financial position provides an indication of the ADCQ's underlying financial health, or net worth, at 30 June 2017. This provides a measure of our equity level. ADCQ's assets at 30 June 2017 were \$1.5 million, and liabilities were \$0.6 million, resulting in a total equity of \$0.9 million. The reduction in net worth is the result of one-off investments to replace the computer fleet, telephone system, and the computer network. The ADCQ's financial position remains strong.

Graph 2: Net worth



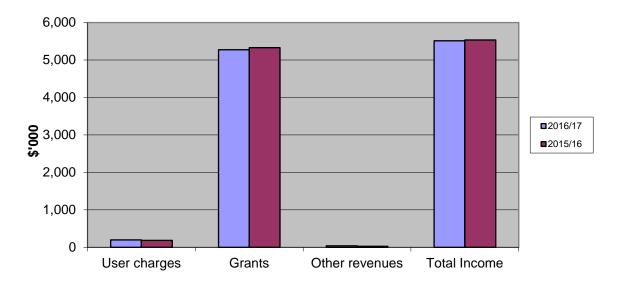
Financial performance

The Income Statement shows the total income for 2016–17 as \$5.514 million and expenditure as \$5.701 million. The ADCQ finished the year with an operating deficit of approximately \$187,000. The deficit relates to one-off factors, primarily investment in replacement information and communications technology. ADCQ is a statutory body and as such is allowed to operate in deficit.

Income

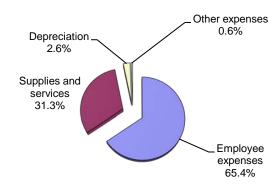
The ADCQ derives most of its income from the Queensland Government, through a grant paid by the Department of Justice and Attorney-General. The ADCQ also generates funds through investment of surplus cash in interest bearing deposits, and the provision of training on a fee-for-service basis.

Graph 3: Source of funds 2016-17



Expenses

Total operating expenses for 2016–17 were \$5.701 million. The largest expense category is employee-related costs, which account for almost 66 per cent of total expenses. The second biggest category is supplies and services, which accounts for approximately 31 per cent.



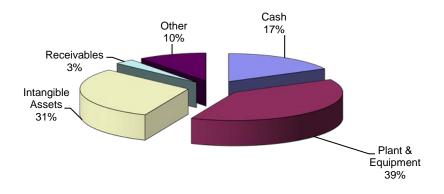
Comparison to budget and actual

Budget and actual performance, together with explanatory notes, are provided in detail in Note E1 of the audited financial statements provided with this report and on the ADCQ's website (www.adcq.qld.gov.au).

Assets

Total assets reduced from \$1.6 million at 30 June 2016 to \$1.5 million at 30 June 2017. This change reflects the investment in replacement information and communications technology, which consumed cash. Current assets are valued at \$0.5 million and are available to meet current liabilities, which are valued at \$0.6 million. The ADCQ remains well positioned to meet all its obligations as they fall due.

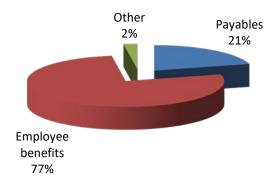
Graph 5: Asset portfolio



Liabilities

Total liabilities at 30 June 2017 were about \$0.6 million. These liabilities mainly relate to accrued employee entitlements and trade creditors.

Graph 6: Liability composition



Financial statements

Certification of financial statements

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

Independent auditor's report

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

Appendix A: Glossary of terms

Term	Description
the Act	the Anti-Discrimination Act 1991 (Qld)
ADCQ	Anti-Discrimination Commission Queensland
complaint	 Means a complaint made under the Act. A complaint must: be in writing; set out reasonably sufficient details to indicate an alleged contravention of the Act; state the complainant's address for service; be lodged with, or sent by post to the Commissioner. A person is only entitled to make a complaint within one year of the alleged contravention of the Act.
conciliation	A conciliation conference is a meeting to help parties resolve a complaint. It is the main way in which complaints are resolved. A conciliator from the ADCQ contacts the parties and manages the conciliation conference. Complaints that cannot be resolved through the conciliation process may be referred to the tribunal for a public hearing to decide whether there has been a breach of the <i>Anti-Discrimination Act 1991</i> , and decide any compensation.
Commission	Anti-Discrimination Commission Queensland
direct discrimination	Direct discrimination on the basis of an attribute happens if a person treats, or proposes to treat, a person with an attribute less favourably than another person without the attribute is or would be treated in circumstances that are the same or not materially different.
Executive Leadership Team	The Executive Leadership Team is one of the key strategic advisory bodies of the ADCQ. It supports the Commissioner in providing the strategic direction as part of the overall corporate governance framework, and oversees the Commission's strategic performance.
indirect discrimination	Indirect discrimination on the basis of an attribute happens if a person imposes, or proposes to impose, a term with which a person with an attribute does not or is not able to comply; and with which a higher proportion of people without the attribute comply or are able to comply; and that is not reasonable.
Leadership Group	The Leadership Group is a sub-committee of the Executive Leadership Team (ELT). It supports the Commissioner by ensuring that operational activity aligns with the strategic direction of the ADCQ as set by the ELT.
LGBTI	Lesbian, gay, bisexual, transgender, intersex
QCAT	Queensland Civil and Administrative Tribunal
QIRC	Queensland Industrial Relations Commission
vicarious liability	If a person's workers or agents contravene the Act in the course of work or while acting as agent, both the person and the worker or agent are jointly and severally civilly liable for the contravention, and a proceeding under the Act may be taken against either or both. It is a defence to a proceeding for a contravention of the Act if the respondent proves, on the balance of probabilities, that the respondent took reasonable steps to prevent the worker or agent contravening the Act.

Appendix B: Compliance checklist

Summary of requ	irement	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 3
Accessibility	Table of contents Glossary	ARRs — section 9.1	Page 2 Appendix A
	Public availability	ARRs — section 9.2	Inside cover
	Interpreter service statement	Queensland Government Language Services Policy ARRs – section 9.3	Inside cover
	Copyright notice	Copyright Act 1968 ARRs — section 9.4	Inside cover
	Information licensing	QGEA — Information Licensing ARRs — section 9.5	Inside cover
General	Introductory Information	ARRs — section 10.1	Page 5
information	Agency role and main functions	ARRs — section 10.2	Page 6
	Operating environment	ARRs — section 10.3	Page 6
Non-financial performance	Government objectives for the community	ARRs — section 11.1	Page 5
	Other whole-of-government plans / specific initiatives	ARRs — section 11.2	N/A
	Agency objectives and performance indicators	ARRs — section 11.3	Page 8
	Agency service areas, and service standards	ARRs — section 11.4	Page 8
Financial performance	Summary of financial performance	ARRs — section 12.1	Page 46

Summary of requi	rement	Basis for requirement	Annual report reference
Governance – management and	Organisational structure	ARRs — section 13.1	Appendix E
structure	Executive management	ARRs — section 13.2	Page 41
	Government bodies (statutory bodies and other entities)	ARRs — section 13.3	N/A
	Public Sector Ethics Act 1994	Public Sector Ethics Act 1994 ARRs — section 13.4	Page 44
	Queensland public service values	ARRs — section 13.5	Page 5
Governance –	Risk management	ARRs — section 14.1	Page 45
risk management and accountability	Audit committee	ARRs — section 14.2	Page 45
,	Internal audit	ARRs — section 14.3	Page 45
	External scrutiny	ARRs — section 14.4	N/A
	Information systems and recordkeeping	ARRs — section 14.5	Page 45
Governance – human resources	Workforce planning and performance	ARRs — section 15.1	Page 43
	Early retirement, redundancy and retrenchment	Directive No.11/12 Early Retirement, Redundancy and Retrenchment Directive No. 16/16 Early Retirement, Redundancy and Retrenchment (from 20 May 2016) ARRs — section 15.2	Page 45
Open Data	Statement advising publication of information	ARRs — section 16	N/A
	Consultancies	ARRs — section 33.1	Page 45
	Overseas travel	ARRs — section 33.2	Page 45
	Queensland Language Services Policy	ARRs — section 33.3	Page 45
Financial statements	Certification of financial statements	FAA — section 62 FPMS — sections 42, 43 and 50 ARRs — section 17.1	Page 50 Appendix G
	Independent Auditors Report	FAA — section 62 FPMS — section 50 ARRs — section 17.2	Page 45 Appendix G

FAA FPMS ARRs Financial Accountability Act 2009 Financial and Performance Management Standard 2009 Annual Report Requirements for Queensland Government Agencies

Appendix C: Publications

Brochures

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

Fact sheets — available from the ADCQ website (www.adcq.qld.gov.au)

- Applying for a Tribunal exemption
- Bullying
- Bystander action
- Comments as discrimination
- Complaints and the role of the Anti-Discrimination Commission
- Direct & indirect discrimination
- Discrimination & religious-based schools and educational institutions
- Discrimination: attributes and areas
- Exemptions
- Identified positions for Aboriginal & Torres Strait Islander people
- Incapacity and work
- Medical information & recruitment (brief and detailed versions)

- Vicarious liability
- Victimisation
- Vilification & Vilification cases
- Work matters and QIRC jurisdiction under anti-discrimination law

Information guides — available from the ADCQ website (www.adcq.qld.gov.au)

- Answers to 20 questions: small business guide
- Discrimination in accommodation
- Discrimination in education
- Discrimination in provision of goods & services
- Discrimination in employment
- Employers' toolkit
- Small business handbook
- Trans@Work a guide for trans* employees, their employers & colleagues

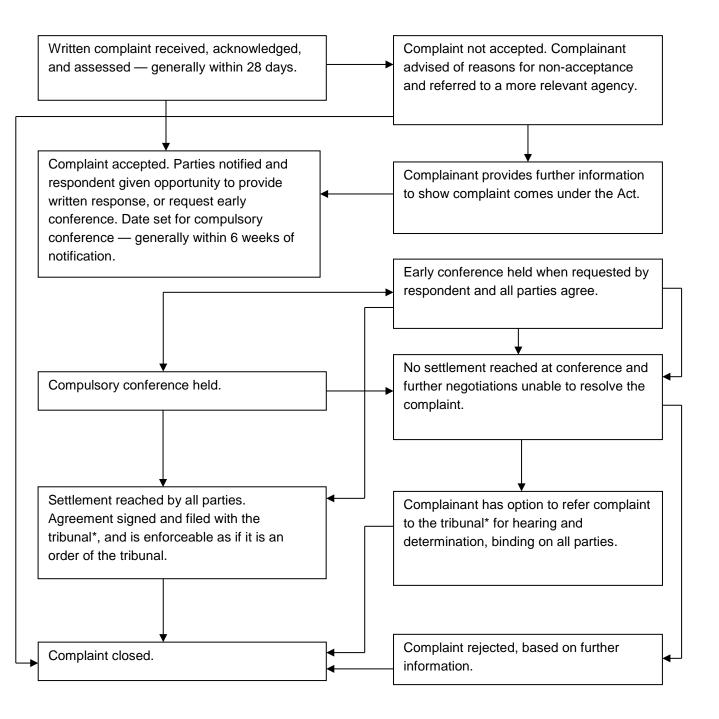
Posters

- Reaching out to Aboriginal and Torres Strait Islander peoples
- Universal Declaration of Human Rights
- · Where do human rights begin?
- Discrimination damages people, productivity, profits
- Sexual harassment is unwanted, unacceptable, unlawful
- Diversity delivers different perspectives, capabilities and innovation
- Valuing difference creates inclusion. Everyone benefits
- · Discrimination is ugly
- Diversity: our difference is our strength
- Don't be a tool! Sexual harassment is against the law
- A fair go. It's the Queensland way
- Discrimination is so last season. Don't wear it (female and male versions)
- Warning: a lack of diversity may be harmful to innovation
- Mentally healthy workplaces are as important as physically safe workplaces
- Stigma leads to discrimination, isolation and exclusion

- Flexible workplaces are strong workplaces
- Workplace flexibility: give a little, gain a lot
- Mental illness won't discriminate

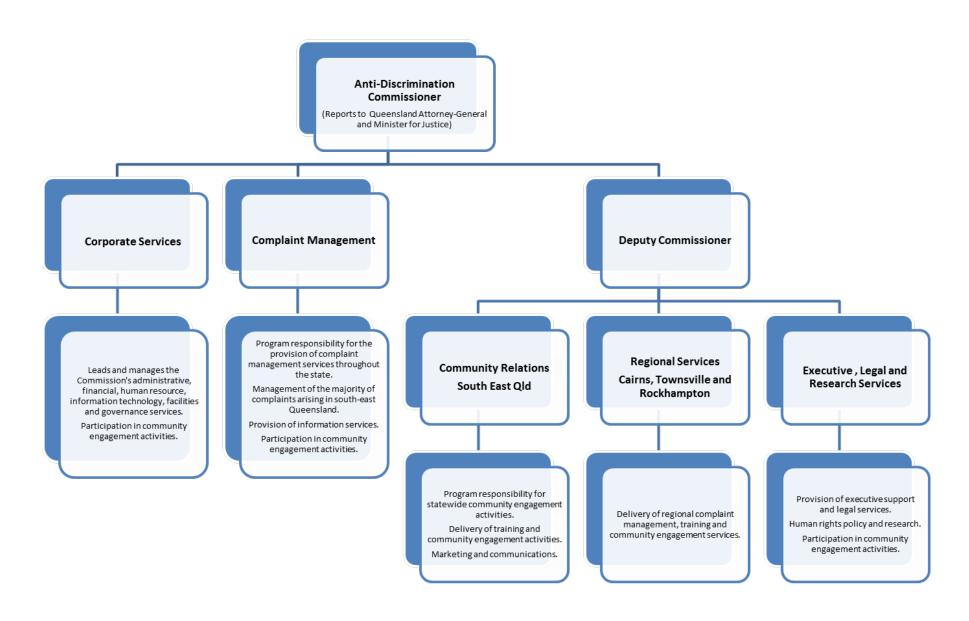
Rights cards

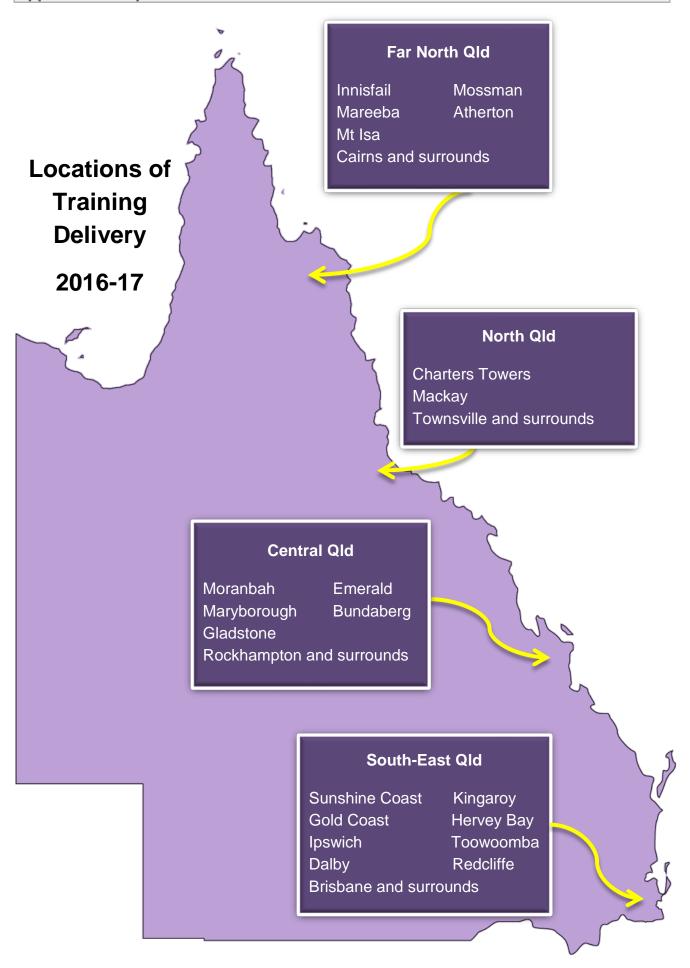
- Aboriginal & Torres Strait Islander peoples
- LGBTI community
- Muslim community
- Young people



* From 1 March 2017, for work-related matters the tribunal is the Queensland Industrial Relations Commission, and for all other matters the tribunal is the Queensland Civil and Administrative Tribunal.

Appendix E: Organisational structure





Appendix G: Certified financial statements



Financial Statements

for the financial year ended

30 June 2017

Anti-Discrimination Commission Financial Statements

For the Year Ended 30 June 2017

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Anti-Discrimination Commission Statement of Comprehensive Income

Year ended 30 June 2017

OPERATING RESULT		2017	2016
	Notes	\$'000	\$'000
Income from Continuing Operations			
User charges and fees		198	183
Grants and contributions	B1-1	5,275	5,328
Other revenues		41	25_
Total Revenue		5,514	5,536
Total Income from Continuing Operations		5,514	5,536
Expenses from Continuing Operations			
Employee expenses	B2-1	3,731	3,701
Supplies and services	B2-2	1,787	1,202
Depreciation and amortisation	B2-3	150	844
Other expenses	B2-4	33	80
Total Expenses from Continuing Operations		5,701	5,827
Operating Result for the Year		(187)	(291)
TOTAL COMPREHENSIVE INCOME		(187)	(291)

Anti-Discrimination Commission Statement of Financial Position

as at 30 June 2017

		2017	2016
	Notes	\$'000	\$'000
Current Assets			
Cash and cash equivalents	C1	267	305
Receivables	C2	45	89
inventories		12	14
Prepayments		145	85
Total Current Assets		469	493
Non-Current Assets			
Plant and equipment	C3	602	639
Intangible assets	C4	467	486
Total Non-Current Assets		1,069	1,125
Total Assets		1,538	1,618
Current Liabilities			
Payables		119	42
Other liabilities		13	21
Accrued employee benefits	C5	441	402
Total Current Liabilities		573	465
			
Total Liabilities		573	465
og (o.)		5 7 7 4 4 9	
Net Assets		965	1,153
Equity		007	007
Contributed equity		337	337 816
Accumulated surplus		628	8.10
Total Equity		965	1,153

Anti-Discrimination Commission Statement of Changes in Equity

for the year ended 30 June 2017

	Contributed Equity	Accumulated Surplus \$'000	TOTAL \$'000
Balance as at 1 July 2015	337	1,107	1,444
Operating result for the Year	-	(291)	(291)
Balance as at 30 June 2016	337	816	1,153
Balance as at 1 July 2016	337	816	1,153
Operating result for the Year	u	(187)	(187)
Balance as at 30 June 2017	337	628	965

Anti-Discrimination Commission Statement of Cash Flows

for the year ended 30 June 2017

		2017	2016
	Notes	\$'000	\$'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Inflows:			
User charges and fees		223	235
Grants and contributions		5,275	5,288
GST input tax credits from ATO		185	174
GST collected from customers		20	21
Other		40	25
Outflows:			
Employee expenses		(3,653)	(3,711)
Supplies and services		(1,789)	(1,572)
GST paid to suppliers		(192)	(171)
GST remitted to ATO		(19)	(21)
Other		(33)	(40)
Net cash provided by operating activities	CF-1	57	228
CASH FLOWS FROM INVESTING ACTIVITIES			
Outflows:		• •	
Payments for plant and equipment		(95)	(89)
Net cash provided by (used in) investing activities		(95)	(89)
n e	4.7		
Net increase (decrease) in cash and cash equivalents		(38)	139
Cash and cash equivalents - opening balance		305	166
Cash and cash equivalents - closing balance	. C1	267	305

Anti-Discrimination Commission Statement of Cash Flows

for the year ended 30 June 2017

NOTES TO THE STATEMENT OF CASH FLOW

2017	2016
\$'000	\$'000
(187)	(291)
150	844
-	1
1	28
(6)	2
25	(21)
24	24
2	(2)
(60)	14
-	(400)
69	18
39	11
57	228
-	\$'000 (187) 150 - 1 (6) 25 24 2 (60) - 69 39

for the year ended 30 June 2017

SECTION 1 ABOUT THE COMMISSION AND THIS FINANCIAL REPORT.

A1 BASIS OF FINANCIAL STATEMENT PREPARATION

A1-1 GENERAL INFORMATION

The Anti-Discrimination Commission ("the commission") is a Queensland Government commission established under the *Anti-Discrimination Act* 1991 and 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 Anti-Discrimination Commission has prepared these financial statements in compliance with section 43 of the *Financial and Performance Management Standard 2009*. The financial statements comply with Queensland Treasury's Minimum Reporting Requirements for reporting periods beginning on or after 1 July 2016.

The Anti-Discrimination 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 2015-16 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.

for the year ended 30 June 2017

A1 BASIS OF FINANCIAL STATEMENT PREPARATION (continued)

A1-4 AUTHORISATION OF FINANCIAL STATEMENTS FOR ISSUE

The financial statements are authorised by the Anti-Discrimination Commissioner and 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 except for inventories which are measured at the lower of cost and net realisable value.

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 the value of all income, expenses, assets, liabilities and equity of the commission. The commission does not control any other entities.

A2 OBJECTIVES OF THE COMMISSION

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

The commission's functions are set out in section 235 of the Act and they fall into two broad categories. The first category is a redress function:

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

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

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

The 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 with respect to:

- · publications; and
- training workshops.

for the year ended 30 June 2017

SECTION 2 NOTES ABOUT OUR FINANCIAL PERFORMANCE

B1 REVENUE

B1-1 GRANTS AND CONTRIBUTIONS

2017 \$'000	2016 \$'000
Recurrent grant from Department of Justice and Attorney-General 5,265	5,288
Goods and services received below fair value	40
Industry contributions 10	-
Total 5,275	5,328

Accounting Policy - Grants, Contributions and Donations

Grants, contributions and donations are non-reciprocal in nature so do not require any goods or services to be provided in return. Corresponding revenue is recognised in the year in which the commission obtains control over the grant/contribution/donation (control is generally obtained at the time of receipt).

Contributed physical assets are recognised at their fair value.

B2 EXPENSES

B2-1 EMPLOYEE EXPENSES

Employee Benefits		
Wages and salaries	2,807	2,715
Annual leave expense	299 😁	336
Employer superannuation contributions	382	369
Long service leave levy	60	64
Other employee benefits	4	10
Employee Related Expenses		
Workers' compensation premium	19	20
Payroll tax	143	13 5
Other employee related expenses	17	52
Total	3,731	3,701
	2017	2016
	No.	No.
Full-Time Equivalent Employees:	34	34

for the year ended 30 June 2017

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 C5).

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 QSuper defined benefit plan as determined by the employee's conditions of employment.

<u>Defined Contribution Plans</u> - 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.

<u>Defined Benefit Plan</u> - 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.

for the year ended 30 June 2017

B2 EXPENSES (continued)

B2-2 SUPPLIES AND SERVICES

	2017 \$'000	2016 \$'000
	·	
Tenancy *	607	217
Property outgoings	147	106
Printing and postage	41	45
Inventory sold	6	15
Professional services	35	26
Travel	44	58
Operating level agreement	137	127
Computing	368	338
Motor vehicle	40	43
Telephones	121	95
Subscription and publications	25	. 22
Stores and stationery	30	27
Conference and workshop	52	37
Other	134	46
Total	1,787	1,202

^{*} The increase is due to the write-off of the lease incentive liability associated with fit-out assets in the Brisbane office in 2015-16. Changes to the lease for the Brisbane office meant that it was no longer correct to recognise a lease incentive liability and it was written-off in 2015-16. The write-off involves a one-off decrease in Tenancy costs.

Accounting Policy - Operating Lease Rentals

Operating lease payments are representative of the pattern of benefits derived from the leased assets and are expensed in the periods in which they are incurred.

B2-3 DEPRECIATION AND AMORTISATION

Total	150	844
Software internally generated (Note C4-1)	57	51
Plant and equipment (Note C3-1) *	93	793

^{*} The decrease is due to the write-off of fit-out assets in the Brisbane office 2015-16. Changes to the lease for the Brisbane office meant that it was no longer correct to recognise them as non-current assets so they were written-off in 2015-16. This involves a one-off increase in depreciation costs for Plant and equipment.

for the year ended 30 June 2017

B2 EXPENSES (continued)

B2-4 OTHER EXPENSES

	2017	2016
	\$'000	\$'000
External audit fees *	22	22
Goods and services provided below fair value	-	40
Sponsorships	6 、	4
Australian Sports Commission	2	10
Insurance Premiums - QGIF	3	3
Losses from disposal of plant & equipment	<u> </u>	1
Total	33	80

Audit Fees

^{*} Total audit fees quoted by the Queensland Audit Office relating to the 2016-17 financial statements are \$21,900 (2016: \$21,900). There are no non-audit services included in this amount.

for the year ended 30 June 2017

· · ·	177	SEC	TION 3	11-2	6.7%	1 1	100
NOTES	ABOUT	OUR	FINAN	CIAL	. PO	SIT	ON

C1 CASH AND CASH EQUIVALENTS

	2017	2016
	\$'000	\$'000
Imprest accounts	2	2
Cash at bank	265	303
Total	267	305

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 1.90% and 2.61% (2016: 1.25% and 2.20%).

The commission does not trade in foreign currency and is not materially exposed to commodity price changes. The commission is exposed to interest rate risk through its cash deposited in interest bearing accounts. The commission does not undertake any hedging in relation to interest risk and manages its risk as per the liquidity risk management strategy.

C2 RECEIVABLES

Trade debtors	19	20
GST receivable	19	13
Long service leave reimbursements	7	32
Sundry debtors		24
Total	45	89

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.

for the year ended 30 June 2017

C3 PLANT, EQUIPMENT AND DEPRECIATION EXPENSE

C3 - 1 CLOSING BALANCES AND RECONCILIATION OF CARRYING AMOUNT

Plant and Equipment Reconciliation	Plant and I	Equipment	ulpment Work in		Total	
	2017	2016	2017	2016	2017	2016
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Gross	1,094	1,040	-	-	1,094	1,040
Less: Accumulated depreciation	(492)	(401)	-	-	(492)	(401)
Carrying amount at 30 June	602	639		-	602	639
Represented by movements in carrying amount:	•			·		
Carrying amount at 1 July	639	1,384	-	20	639	1,404
Acquisitions	-	11	95	78	95	89
Disposals	-	(1)	-	-	-	(1)
Transfers between classes	56	38	(56)	(38)	-	-
Transferred to Intangibles	-	-	(39)	(60)	(39)	(60)
Depreciation	(93)	(793)	-	-	(93)	(793)
Carrying amount at 30 June	602	639	-	•	602	639

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 the Non-Current Asset Policies. The carrying amounts for such plant and equipment is not materially different from their fair value.

for the year ended 30 June 2017

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, less any estimated residual value, 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 classes 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.

Depreciation Rates

Key Estimate: Depreciation rates for each class of depreciable asset:

Class	Useful Life
Plant and equipment:	
Computer equipment	5 - 14 Years
Office equipment	5 - 9 Years
Leasehold improvements	5 - 10 Years
Other	4 Years

C3-5 IMPAIRMENT

Accounting Policy

All non-current physical 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. Recoverable amount is determined as the higher of the asset's fair value less costs to sell and depreciated replacement cost. Where the carrying amount of the asset exceeds the recoverable amount, the impairment loss is accounted for as follows:

for assets measured at cost, an impairment loss is recognised immediately in the Statement of Comprehensive Income.

Where an impairment loss subsequently reverses, the carrying amount of the asset is increased to the revised estimate of its recoverable amount, but so that the increased carrying amount does not exceed the carrying amount that would have been determined had no impairment loss been recognised for the asset in prior years.

For assets measured at cost, impairment losses are reversed through income.

for the year ended 30 June 2017

C4 INTANGIBLES AND AMORTISATION EXPENSE

C4-1 CLOSING BALANCES AND RECONCILIATION OF CARRYING AMOUNT

	Software Internally Generated		Total	
	2017	2016	2017	2016
	\$'000	\$'000	\$'000	\$'000
Gross	811	772	811	772
Less: Accumulated amortisation	(344)	(286)	(344)	(286)
Carrying amount at 30 June	467	486	467	486
Represented by movements in carrying amount:				
Carrying amount at 1 July	486	477	486	477
Transferred from Work in Progress	39	60	39	60
Amortisation	(57)	(51)	(57)	(51)
Carrying amount at 30 June	467	486	467	486

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: For each class of intangible asset the following amortisation rates are used:

Class	Useful Life
Intangible assets:	-
Software internally generated	10 - 16 Years

for the year ended 30 June 2017

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 or patent. Recoverable amount is determined as the higher of the asset's fair value less costs to sell and depreciated replacement cost.

C5 ACCRUED EMPLOYEE BENEFITS

	2017	2016
	\$'000	\$'000
Current	ester	
Wages outstanding	65	46
Recreation leave *	360	340
Long service leave levy payable	16	16
Total	441	402

^{*} 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.

for the year ended 30 June 2017

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 instruments are classified and measured as follows:

- Cash and cash equivalents Note C1
- Receivables at amortised cost Note C2
- Payables at amortised cost

No financial assets and financial liabilities have been offset and presented net in the Statement of Financial Position.

The commission does not enter into transactions for speculative purposes, nor for hedging.

D2 COMMITMENTS

Non-Cancellable Operating Lease Commitments

Commitments under operating leases at reporting date (inclusive of non-recoverable GST input tax credits) are payable:

Total	749	719
Later than 1 year and not later than 5 years	56	109
Not later than 1 year	693	610
•	\$'000	\$'000
	2017	2016

for the year ended 30 June 2017

D3 FUTURE IMPACT OF ACCOUNTING STANDARDS NOT YET EFFECTIVE

At the date of authorisation of the financial report, the expected impacts of new or amended Australian Accounting Standards issued but with future effective dates are set out below:

AASB 2016-2 Amendments to Australian Accounting Standards - Disclosure Initiative: Amendments to AASB 107

As from the commission's financial statements for 2017-18, this standard will require additional disclosures to enable the reader to evaluate changes in liabilities arising from financing activities. These disclosures will include both cash flows and non-cash changes between the opening and closing balance of the relevant liabilities and be disclosed by way of a reconciliation in the notes to the Statement of Cash Flows.

AASB 9 Financial Instruments and AASB 2014-7 Amendments to Australian Accounting Standards arising from AASB 9 (December 2014)

These standards will first apply to the commission from its financial statements for 2018-19. The main impacts of these standards on the Anti-Discrimination Commission are that they will change the requirements for the classification, measurement, impairment and disclosures associated with the commission's financial assets. AASB 9 will introduce different criteria for whether financial assets can be measured at amortised cost or fair

The Anti-Discrimination Commission has commenced reviewing the measurement of its financial assets against the new AASB 9 classification and measurement requirements. However, as the classification of financial assets at the date of initial application of the new standard will depend on the facts and circumstances existing at that date, the commission's conclusions will not be confirmed until closer to that time. At this stage, and assuming no change in the types of transactions the commission enters into, all of the commission's financial assets are expected to be required to be measured at fair value (instead of the measurement classifications presently used in Note D1-1). In the case of the commission's current receivables, as they are short-term in nature, the carrying amount is expected to be a reasonable approximation of fair value. Changes in the fair value of those assets will be reflected in the commission's operating result.

Another impact of AASB 9 relates to calculating impairment losses for the commission's receivables. Assuming no substantial change in the nature of the commission's receivables, as they don't include a significant financing component, impairment losses will be determined according to the amount of lifetime expected credit losses. On initial adoption of AASB 9, the commission will need to determine the expected credit losses for its receivables by comparing the credit risk at that time to the credit risk that existed when those receivables were initially recognised.

The Anti-Discrimination Commission will not need to restate comparative figures for financial instruments on adopting AASB 9 as from 2018-19. However, changed disclosure requirements will apply from that time. A number of one-off disclosures will be required in the 2018-19 financial statements to explain the impact of adopting AASB 9. Assuming no change in the types of financial instruments that the Anti-Discrimination Commission enters into, the most likely ongoing disclosure impacts are expected to relate to the credit risk of financial assets subject to impairment.

for the year ended 30 June 2017

D3 FUTURE IMPACT OF ACCOUNTING STANDARDS NOT YET EFFECTIVE (continued)

AASB 16 Leases

This standard will first apply to the commission from its financial statements for 2019-20. When applied, the standard supersedes AASB 117 Leases, AASB Interpretation 4 Determining whether an Arrangement contains a Lease, AASB Interpretation 115 Operating Leases – Incentives and AASB Interpretation 127 Evaluating the Substance of Transactions Involving the Legal Form of a Lease.

Impact for Lessees

Unlike AASB 117 Leases, AASB 16 introduces a single lease accounting model for lessees. Lessees will be required to recognise a right-of-use asset (representing rights to use the underlying leased asset) and a liability (representing the obligation to make lease payments) for all leases with a term of more than 12 months, unless the underlying assets are of low value.

In effect, the majority of operating leases (as defined by the current AASB 117) will be reported on the Statement of Financial Position under AASB 16. There will be a significant increase in assets and liabilities for agencies that lease assets. The impact on the reported assets and liabilities would be largely in proportion to the scale of the agency's leasing activities.

The right-of-use asset will be initially recognised at cost, consisting of the initial amount of the associated lease liability, plus any lease payments made to the lessor at or before the effective date, less any lease incentive received, the initial estimate of restoration costs and any initial direct costs incurred by the lessee. The right-of-use asset will give rise to a depreciation expense.

The lease liability will be initially recognised at an amount equal to the present value of the lease payments during the lease term that are not yet paid. Current operating lease rental payments will no longer be expensed in the Statement of Comprehensive Income. They will be apportioned between a reduction in the recognised lease liability and the implicit finance charge (the effective rate of interest) in the lease. The finance cost will also be recognised as an expense.

AASB 16 allows a 'cumulative approach' rather than full retrospective application to recognising existing operating leases. If a lessee chooses to apply the 'cumulative approach', it does not need to restate comparative information. Instead, the cumulative effect of applying the standard is recognised as an adjustment to the opening balance of accumulated surplus (or other component of equity, as appropriate) at the date of initial application. The commission will await further guidance from Queensland Treasury on the transitional accounting method to be applied.

The Anti-Discrimination Commission has not yet quantified the impact on the Statement of Comprehensive Income or the Statement of Financial Position of applying AASB 16 to its current operating leases, including the extent of additional disclosure required.

All other Australian Accounting Standards and interpretations with future effective dates are either not applicable to the Anti-Discrimination Commission's activities, or have no material impact on the commission.

for the year ended 30 June 2017

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 2016-17 financial results and the original budget presented to Parliament.

E2 BUDGET TO ACTUAL COMPARISON - STATEMENT OF COMPREHENSIVE INCOME

	Variance Notes	Original Budget 2017 \$'000	Actual 2017 \$'000	Variance \$'000
Income from Continuing Operations				
User charges and fees		166	198	32
Grants and contributions		5,267	5,275	8
Other revenues		45	<u>41</u>	(4)
Total Income from Continuing Operations		5,478	5,514	36
Expenses from Continuing Operations				
Employee expenses		3,841	3,731	(110)
Supplies and services	V1	1,465	1, 7 87	322
Depreciation and amortisation		134	150	16
Other expenses		38	33	(5)
Total Expenses from Continuing Operations		5,478	5,701	223
Operating Result for the year			(187)	(187)

E2-1 Explanation of Major Variances - Statement of Comprehensive Income

V1. The variance is mainly due to investments in a new telephone system (\$0.030 million), replacement of computers that had reached the end of their useful life (\$0.070 million), establishing a new computer network (\$0.085 million) and additional fittout in the Brisbane office (\$0.039 million). These investments are one-off in nature and are funded from retained earnings rather than the annual budget. This results in a deficit in the year in which the investments are made.

for the year ended 30 June 2017

E3 BUDGET TO ACTUAL COMPARISON - STATEMENT OF FINANCIAL POSITION

		Original		
		Budget	Actual	
	Variance	2017	2017	Variance
	Notes	\$'000	\$'000	\$'000
Current Assets				(4.40)
Cash and cash equivalents	V2	415	267	(148)
Receivables	V3	120	45 12	(75)
Inventories	V4	12 99	145	46
Prepayments Total Current Assets	V4	646	469	(177)
Total Current Assets		040	403	(1111)
Non-Current Assets				
Plant and equipment		586	602	16
Intangible assets	V5	381	467	86
Total Non-Current Assets		967	1,069	102
Total Assets		1,613	1,538	(75)
			•	
Current Liabilities			•	
Payables	V6	45	. 119	(74)
Other liabilities		1	13	(12)
Accrued employee benefits		303	441	(138)
Total Current Liabilities		349	573	(224)
Non-Current Liabilities		-		
Accrued employee benefits		. 87	_	87
Total Non-Current Liabilities		87	· · · · · · · · · · · · · · · · · · ·	87
, otal Holl-Gallott Elabilities				
Total Liabilities		436	573	(137)
\$ 100.				
Net Assets		1,177	965	212
Total Equity		1,177	965	212
20 Miles (1997)				

for the year ended 30 June 2017

E3 BUDGET TO ACTUAL COMPARISON - STATEMENT OF FINANCIAL POSITION (continued)

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

- V2. The variance for Cash and cash equivalents is mainly due to investments in a new telephone system (\$0.030 million), replacement of computers that had reached the end of their useful life (\$0.070 million), establishing a new computer network (\$0.085 million) and additional fitout in the Brisbane office (\$0.039 million).
- V3. Part of the variance for Receivables (\$0.031 million) is attributable to a lower actual opening balance compared to that estimated in the budget because of the difference between estimated and actual receivables for the previous financial year. The remainder of the variance is substantially due to a reduced balance for long service leave claims receivable from the central scheme (\$0.025 million).
- V4. The variance for Prepayments is mainly due to the purchase of Office 2016 licenses (\$0.026 million), renewal of other software licenses (\$0.018 million) and purchase of a service pack to develop a new intranet (\$0.20 million).
- V5. Part of the variance for Intangible assets (\$0.057 million) is attributable to a higher actual opening balance, compared to what was estimated in the budget, because of the difference between estimated and actual investment for the previous financial year. The remainder of the variance is substantially due to investment in the upgrade of computer software. Cost estimates of this investment were not available at the time the budget was set.
- V6. The variance for Payables is mainly attributable to trade creditors (\$0.060). Two large invoices had payment dates after 30 June 2017.

for the year ended 30 June 2017

E4 BUDGET TO ACTUAL COMPARISON - STATEMENT OF CASH FLOWS

	Original				
	Variance Notes	Budget 2017 \$'000	Actual 2017 \$'000	Variance \$'000	
Cash flows from operating activities Inflows:		****	•	·	
User charges and fees		166	223	57	
Grants and contributions		5,267	5,275	8	
GST input tax credits from ATO		-	185	185	
GST collected from customers		-	20	20	
Other		45	40	(5)	
Outflows:			-		
Employee expenses		(3,841)	(3,653)	188	
Supplies and services	V7	(1,465)	(1,789)	(324)	
GST paid to suppliers		#	(192)	(192)	
GST remitted to ATO		-	(19)	(19)	
Other		(38)	(33)	5	
Net cash provided by operating activities		134	57	(77)	
Cash flows from investing activities Outflows:					
Payments for plant and equipment		(30)	(95)	(65)	
Net cash provided by (used in) investing activities		(30)	(95)	(65)	
Net increase (decrease) in cash and cash equivalents		104	(38)	(142)	
Cash and cash equivalents - opening balance		311	305	(6)	
Cash and cash equivalents - closing balance		415	267	(148)	

E4-1 Explanation of Major Variances - Statement of Cash Flows

V7. The variance is mainly due to investments in a new telephone system, replacement of computers which had reached the end of their useful life, establishing a new computer network and additional fitout in the Brisbane office.

for the year ended 30 June 2017

SECTION 6 OTHER INFORMATION

F1 KEY MANAGEMENT PERSONNEL (KMP) DISCLOSURES

Details of Key Management Personnel

As from 2016-17, 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 and Minister for Training and Skills.

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 2016-17 and 2015-16. 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
Anti-Discrimination Commissioner	Accountable officer responsible for leading the commission in performing its functions under the Anti-Discrimination Act 1991.
Deputy Commissioner	Provide high level advice to enhance the delivery of strategic and operational targets within a human rights framework.
State Director, Complaints Management	Strategic management of complaints under a statutory complaints framework.
Director, Complaint Services	Strategic management of complaints under a statutory complaints framework.
Director, Corporate Services	Provide strategic advice and manage the delivery of corporate services within the commission.
Director, Community Engagement	Manage 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 Government and Whole of Government Consolidated Financial Statements as from 2016-17, 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 Anti-Discrimination 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 including:

- 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; and
- onon-monetary benefits consisting of provision of vehicle together with fringe benefits tax applicable to the benefit, only applicable to SES officers.

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.

<u>Termination benefits</u> 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.

Performance bonuses are not paid under the contracts in place.

for the year ended 30 June 2017

F1 KEY MANAGEMENT PERSONNEL (KMP) DISCLOSURES (continued)

Remuneration Expenses

The following disclosures focus on the expenses incurred by the commission that are attributable to non-Ministerial key management positions during the respective reporting periods. Therefore, the amounts disclosed reflect expenses recognised in the Statement of Comprehensive Income.

2016-17

Position	Short Term Employee Expenses		Long Term Employee Expenses	Post Employment Expenses	Termination Benefits	Total Expenses
	Monetary Expenses \$'000	Non- Monetary Benefits \$'000	\$'000	\$'000	\$'000	\$'000
Anti-Discrimination Commissioner	201		4	22		227
Deputy Commissioner	143	-	3	16	-	162
Director, Complaint Services	115	-	2	. 14	-	131
Director, Corporate Services	123	-	2	15	-	140
Director, Community Engagement	117		2	15		134

2015-16

Position	Short Term Employee Expenses		Long Term Employee Expenses	Post Employment Expenses	Termination Benefits	Total Expenses
	Monetary Expenses \$'000	Non- Monetary Benefits \$'000	\$'000	\$'000	\$'000	\$'000
Anti-Discrimination Commissioner	199	-	4	21	-	224
Deputy Commissioner	117	-	2	15	-	134
State Director, Complaints Management (to 18/9/2015)	31	-	1	3	-	35
Director, Complaint Services (from 24/8/2015)	94	-	2	12		108
Director, Corporate Services	119	-	2	15	-	136
Director, Community Engagement	113	-	2	14	-	129

for the year ended 30 June 2017

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 agency'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.

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

Changes in Accounting Policy

The commission did not voluntarily change any of its accounting policies during 2016-17.

Accounting Standards Early Adopted for 2016-17

No Australian Accounting Standards have been early adopted for 2016-17.

Accounting Standards Applied for the First Time

The only Australian Accounting Standard that became effective for the first time in 2016-17 is AASB 124 Related Party Disclosures. This standard requires note disclosures about key management personnel (KMP) remuneration expenses and other related party transactions, and does not impact on financial statement line items. As Queensland Treasury already required disclosure of KMP remuneration expenses, there was minimal impact for the commission's disclosures compared to 2015-16 (refer to Note F1). Material related party transactions for 2016-17 are disclosed in Note F2. No comparative information is required in respect of 2015-16.

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 Anti-Discrimination Commission. GST credits receivable from, and GST payable to the Australian Tax Office (ATO), are recognised (refer to Note C2).

Anti-Discrimination Commission Management Certificate

for the year ended 30 June 2017

These general purpose financial statements have been prepared pursuant to s.62(1) of the *Financial Accountability Act* 2009 (the Act), relevant sections of the *Financial and Performance Management Standard* 2009 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 Anti-Discrimination Commission for the financial year ended 30 June 2017 and of the financial position of the commission at the end of that year; and
- (c) these assertions are based on an appropriate system of internal controls and risk management processes being effective, in all material respects, with respect to financial reporting throughout the reporting period.

Warren Edwards

Director, Corporate Services

23 August 2017

Kevin Cocks AM

Anti-Discrimination Commissioner

23 August 2017

INDEPENDENT AUDITOR'S REPORT

To the Commissioner of the Anti-Discrimination Commission

Report on the audit of the financial report

Opinion

I have audited the accompanying financial report of Anti-Discrimination Commission.

In my opinion, the financial report:

- a) gives a true and fair view of the entity's financial position as at 30 June 2017, 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 2009 and Australian Accounting Standards.

The financial report comprises the statement of financial position as at 30 June 2017, 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 of Queensland 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 of Queensland 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 Anti-Discrimination 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 2009 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, but not for expressing an opinion
 on the effectiveness of the entity's internal control.
- 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.

In accordance with s.40 of the Auditor-General Act 2009, for the year ended 30 June 2017:

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

~ george

Nick George as delegate of the Auditor-General

Queensland Audit Office Brisbane

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AUDIT OFFICE