



ANNUAL REPORT  
2018-19

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ANTI-DISCRIMINATION  
COMMISSION QUEENSLAND

## ANNUAL REPORT 2018-19

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# Contents

Letter of compliance .....	3
Commissioner's foreword .....	4
About the Anti-Discrimination Commission Queensland .....	5
Performance statement 2018-19.....	9
Community engagement and education .....	10
Complaint management .....	25
Influencing government policy and legislation.....	38
Legal information .....	40
Corporate governance.....	53
Summary of financial information .....	60
Financial statements .....	64
Appendix A: Compliance checklist .....	65
Appendix B: Glossary of terms .....	67
Appendix C: Complaint handling process .....	68
Appendix D: Organisational structure .....	69
Appendix E: Map of areas visited in 2018-19.....	70
Appendix F: Certified financial statements.....	71

# Letter of compliance

30 August 2019

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 2018–2019 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 can be found at Appendix A of this annual report or accessed at [www.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au).

Yours sincerely



**Scott McDougall**  
**Commissioner**  
**Anti-Discrimination Commission Queensland**

# Commissioner's foreword

Welcome to the Anti-Discrimination Commission Queensland's annual report for 2018–19 which is the final report of the Commission before transitioning to the Queensland Human Rights Commission on 1 July 2019.

As the incoming Commissioner, I wish to thank my predecessor Mr Kevin Cocks AM for the outstanding achievements of the Commission during his term, and for his strong leadership in creating a fairer, more inclusive Queensland. Under Kevin's oversight, the Commission successfully promoted greater social, cultural, and economic participation by those groups in our community who face structural discrimination on a daily basis.

I would also like to thank and acknowledge the dedicated public service of Deputy Commissioner Neroli Holmes who acted as Commissioner prior to my commencement in October.

This year saw the introduction of the *Human Rights Act (2019)* which will add significant functions to the Commission's ongoing responsibilities under the *Anti-Discrimination Act (1991)*. The Commission underwent an organisational restructure to reflect the new functions, resulting in the merging of two existing teams and the creation of a Legal Research and Policy Team. These changes occurred at a time when complaints received by the Commission rose by 22% to a total of 961 for the year.

I would like to thank all staff for their patience, professionalism and commitment to the delivery of high quality services, and I look forward to working with the Commission's talented team as we embark upon our important role in protecting and promoting the human rights of people in Queensland.



**Scott McDougall**  
**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:

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

Delivering quality frontline services:

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

Creating jobs and a diverse economy:

- 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 the Queensland public service values of putting customers first, translating ideas into action, unleashing potential, being courageous and empowering people.

## Our functions

Established under the *Anti-Discrimination Act 1991*, the Commission is an independent statutory body that 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.

More detail about how these services are delivered is available in the relevant sections of this annual report.

## 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.

During 2018-19 an organisational restructure occurred to enable the Commission to deliver additional functions required under the *Human Rights Act 2019*, commencing in 2019-20. A staged implementation of the revised structure commenced in March 2019 and is reflected in the organisational structure in Appendix D.

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

The Director, Complaint Management has program responsibility for the provision of complaint management services throughout the state and supervision of the regional offices.

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, Engagement and Corporate Services has program responsibility for the provision of training and engagement activities, marketing and communications and the administrative, financial, human resource, information technology, facilities and governance services of the Commission.

The newly established Legal, Research and Policy team is based in the Brisbane office and reports to the Deputy Commissioner. It provides executive support and legal services; develops human rights policy and undertakes research on human rights issues.

# Performance statement

## 2018-19

The ADCQ performed strongly throughout the 2018–19 financial year, meeting or exceeding the majority of performance targets across core service delivery areas. Highlights included:

- resolving 53% of accepted complaints, with 83% of clients as at 30 March 2019 being satisfied with the complaint handling service;
- delivering training to approximately 4480 people, and achieving an average 97% satisfaction rate;
- responding to 2637 enquiries about the *Anti-Discrimination Act 1991* and ADCQ services;
- conducting 286 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	2018–19 Target/est.	2018–19 Actual
Effectiveness measures			
Percentage of accepted complaints resolved by conciliation		55%	53%
Percentage of clients satisfied with complaint handling service measured via client survey	1, 3.	85%	83%
Percentage of clients satisfied with training sessions measured via client survey	1.	95%	97%
Percentage of accepted complaints finalised within the Commission		75%	70%
Efficiency measures			
Clearance rate for complaints	2.	—	—

### 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.
2. This new service standard is a proxy measure of efficiency which compares the number of complaints finalised with the number of complaints received in the reporting period. The measure is affected by both the number and timing of new matters and closures. This measure was added in 2018-19 to commence in 2019-20.
3. Service standards data is provided as at 30 March 2019 and may vary slightly from data as at 30 June 2019.

# Community engagement and education

An important aspect of the ADCQ's role is the provision of education programs, and the promotion of understanding, 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**

<b>Engagement, consultation and community development</b>	<b>Web and social media</b>	<b>Partnerships and networks</b>	<b>Information products and services</b>
Increase community ownership and investment in human rights	Broaden ADCQ's reach through the use of the web and social media to allow for 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
<b>Education</b>	<b>Media</b>	<b>Events</b>	<b>Marketing and promotion</b>
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

The ADCQ's community engagement and development is the 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.

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

Major achievements in this area throughout 2018–19 include:

### Human Rights Month

For the fourth year running, the ADCQ ran the Human Rights Month campaign from 10 November to 10 December 2018. The focus of the 2018 campaign was on the 70<sup>th</sup> anniversary of the Universal Declaration of Human Rights. This theme was chosen to celebrate the milestone, and also in preparation for the anticipated introduction of the Queensland *Human Rights Act 2019*.

The campaign provided information and resources about the international human rights framework and its linkages to domestic anti-discrimination and human rights provisions.

### Aboriginal and Torres Strait Islander Optimal Health Project

In 2017 the ADCQ in partnership with the Queensland Aboriginal and Islander Health Council (QAIHC) published a report on institutional barriers to health equity for Aboriginal and Torres Strait Islander people in Queensland's public hospital and health services. The report used a tool, known as the Matrix, to provide a set of baseline data from which to measure progress towards elimination of institutional barriers to health equity in health services over time. Since completion of the report, Queensland Health, QAIHC, and the Commission have collaborated on ways to improve health equity for Aboriginal and Torres Strait Islander people when accessing public hospital and health services.

In November 2018, a panel of experts in Aboriginal and Torres Strait Islander health reviewed and refined the Matrix tool, to more accurately reflect the matters that are within the immediate control of public health service providers.

Noticeable changes have occurred in Queensland Health and Hospital Services since the first audit. The representation of Aboriginal and Torres

Strait Islander people on hospital boards has increased from 9 positions in 2017 to 17 positions in 2019; there are now new identified executive directors of Aboriginal and Torres Strait Islander Health in the Cairns and Hinterland, North West, Torres and Cape and Townsville Hospital and Health Services; and Aboriginal and Torres Strait Islander people have been appointed to other senior positions across Queensland Health.

Breaking down institutional barriers to Indigenous health equity will require constant vigilance and long term vision. In order for things to continue to improve, ongoing monitoring will be required – from both within the health system and outside it. ADCQ and QAIHC have committed to undertaking a follow-up audit in 2019-20 to measure how much change has taken place since the first round of figures were published, and to see what work remains to be done.

## Women In Prison Report

In 2004, the Commission received a submission from the advocacy group for female prisoners, Sisters Inside Inc, requesting the Commission to inquire into possible discrimination on the basis of sex, race, and disability within Queensland women's prisons. In response to the wide range of matters raised by Sisters Inside, the Commission conducted a thorough review on the treatment of women in Queensland prisons, and published the *Women In Prison* report in 2006.

Ten years on from the report, and with the numbers of women being incarcerated steadily increasing, the Commission commenced a follow-up consultation which is reported in our *Women In Prison 2019* human rights consultation report.

We found that in many ways, the situation had not improved in the intervening decade.

The female prison population swelled by 59% between 2006 and 2016. Recently, overcrowding resulting from that increase has impacted several other parts of the prison system and negatively affected female prisoners, both during and after incarceration. With the opening of the new Southern Queensland Correctional Centre for Women in late 2018, overcrowding and its negative consequences has been solved for the present time.

The over-representation of Aboriginal and Torres Strait Islander women within the female prison population is of serious concern. Over one third (35%) of female prisoners are Aboriginal and Torres Strait Islander women. Not only are they statistically more likely to be incarcerated, Aboriginal and Torres Strait Islander women fare worse in prison than their non-Indigenous counterparts. They are more likely than non-Indigenous women to be held in high security prisons, make up almost half of the female prisoners on safety orders or separate confinements, and are more likely to return to prison for breach of parole. It is clear that the system is not designed with them in mind, and does not respond well to the complex and specific needs of Aboriginal and Torres Strait Islander women in prison.

The large increase in the numbers of female prisoners in the past decade have stretched the limited resources available in prisons for counselling and substance abuse programs. Many women in prison have backgrounds involving complex trauma, with high levels of sexual abuse and substance problems compared to the general population, but have little or no access to support for these issues inside prison.

Lack of support was also apparent when women transitioned from prison to living in the community once they have served their sentences. Recently, enhanced transitional support has been developed and is now being offered to women as they exit prison.

The lack of available, appropriate, and affordable housing has taken its toll on women exiting prison. Both short-term transitional housing and longer-term accommodation are in short supply, impacting heavily on women trying to reintegrate into society. The critical shortage of housing has resulted in women being refused bail or parole. The lack of housing may also be a contributing factor to women offending and reoffending. Recently, an intergovernmental taskforce has started to address this critical housing shortage.

This report contains 46 recommendations to improve the prison system and outcomes for female prisoners.

This report is the latest of several released in recent years focussing on aspects of the Queensland correctional system and the over-representation of Indigenous people in Australian prisons. All have called for sweeping changes. Although there appears to be growing awareness amongst government that major reform is vital, courage and leadership will be required to develop and implement a coherent plan to reduce the number of women in Queensland prisons.

## Whole-of-government plans

ADCQ contributed actively to the following whole-of government plans and initiatives during 2018-19:

### Queensland: an age-friendly community – Action plan

ADCQ delivered 15 free age-friendly communities training sessions throughout the year, providing information to seniors about their rights and responsibilities under Queensland anti-discrimination law. A further 55 training sessions on unconscious bias were delivered, and 211 general training sessions that contained information about the prevention of age discrimination. ADCQ staff also attended seniors' events including Ipswich City Council's, See Create Connect Expo and Townsville Seniors Expo.

### Multicultural Action Plan

ADCQ delivered 277 training sessions this year which provided information on discrimination law, unconscious bias and financial benefits of diverse and inclusive workplaces. All other ADCQ actions contained in the 2016-18 Multicultural Action Plan were finalised prior to this financial year. Further actions have been committed to for the revised 2019-22 action plan.

### Queensland Youth Strategy

Student and teacher resources on the ADCQ website were accessed 4453 times (3235 unique views) during 2018-19. ADCQ used social media to promote information and events relevant to youth during the year, including information about age discrimination, Queensland Youth Week activities, the benefits of age-friendly workplaces, Wear It Purple Day and Queeriosity. Young people were also engaged in a consultation process for the development of a Trans@School resource. The resource is aimed at educating school communities, students and other stakeholders about the legal aspects of practical issues affecting transgender students in schools.

## Speaking engagements

Staff of the Commission 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 instruments. In 2018-19, a total of 28 formal speaking engagements were conducted including presentations to:

- Legal Studies Teachers' Conference;
- Human Rights Law Conference;
- Bond University – Diversity in the workplace panel;
- Bribie Island High School – transgender students in school;
- Brisbane Regional Disability Advisory Council;
- Central Queensland Multicultural Association Harmony Day event;
- Minter Ellison Human Rights Seminar;
- James Cook University, Cairns – guest lecture to social work students;

- QCAT Biennial Members' Conference;
- The Smith Family, Townsville – community networking function;
- YFS Ltd – Culturally Competent Criminal Law Clinic;
- UQ Law School Forensic Mental Health & Human Rights Workshop;
- TAFE – Diploma of Travel and Tourism students;
- Peakcare Queensland – National Child Protection Conference;
- QCOSS – building awareness of the Human Rights Act in Queensland.

## 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 website is accessible for users with assistive technologies.

The ADCQ website 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. The ADCQ is aware of the importance of making information and services accessible to all Queenslanders and is committed to working on continuous improvement in this area.

The Commission's website remains a popular means for Queenslanders to access information about discrimination law and the services of the ADCQ. In 2018–19 there were 243,860 visitors to the Commission's website, an increase from the previous year's total of 211,788 visitors. New visitors made up 86.6% of all website visits this financial year.

Table 3 shows the top twenty most visited pages on the Commission's website in 2018–19. This list shows that 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. This year new information about the *Human Rights Act 2019* was readily accessed by web visitors.



**Table 3: Top 20 most visited website pages**

1	Resources for employers – employer rights & responsibilities	11	Making a complaint
2	Case studies - sexual harassment	12	Resources for employers
3	Resources for employers – diversity in the workplace	13	Guidelines – discrimination in education
4	Fact sheet – Indirect discrimination	14	Guidelines – discrimination in the provision of goods and services
5	Legislation	15	Human rights
6	Complaints	16	Make a complaint
7	Complaints – discrimination	17	About us
8	Human rights – Qld Human Rights Act	18	Case studies – sex discrimination
9	Resources – case studies	19	Complaints – sexual harassment
10	Guidelines – discrimination in employment	20	Contact us

The Commission maintains a social media presence through Facebook, YouTube, Instagram and Twitter accounts. 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 Engagement and Corporate Services team in the Brisbane office, and is guided by an internal social media policy.

## Partnerships and networks

As a small organisation, the ADCQ is increasingly aware that the establishment of strong and productive partnerships and networks is an effective strategy for achieving outcomes across a broader range of issues, stakeholder groups, and geographical areas. The ADCQ is 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. The key partnerships and networks in which ADCQ was an active member in 2018–19 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 ADCQ contributes on matters that fall within its jurisdiction under the *Anti-Discrimination Act 1991*.

## Queensland Police Service and Muslim Community Reference Group

The ADCQ is an active member of this Queensland Police Service initiated community reference group, which consists of representatives from several 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, 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 Multicultural Recognition Act and associated Multicultural Queensland Charter. SOGMA provides whole-of-government strategic leadership and advice on key elements to implement the Queensland Multicultural Recognition Act.

## Multicultural and multi-faith networks

The ADCQ is an active member of multicultural and multi-faith networks across Queensland including:

- 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

The ADCQ is involved with disability advisory groups and networks across the state, including:

- Queenslanders with Disability Network;
- Queensland Disability Information Network;
- Aboriginal and Torres Strait Islander Disability Network Queensland;
- Rockhampton Access and Equity Group;
- Capricorn Coast Community Access Group;
- Townsville Inclusive Community Advisory Committee;
- Capricornia Region Accessible Transport Network; and
- Cairns Transition Network.

The ADCQ gives input on matters relating to impairment discrimination and accessibility, as well as keeping abreast of issues concerning this significant stakeholder group.

## Community and other networks

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

- Townsville Community Network;
- Burdekin Community Network;
- 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;
- Diversity Practitioners Association (DPA); and
- Coordinators of Funded Services Network, Cairns.

## Information products and services

### Products

The Commission produces a wide range of print and non-print publications including guidelines, fact sheets, information brochures, rights cards, videos, and audio files. All publications are available online, and many in hard copy by request.

In 2018-19 the Commission's hard copy newsletter, *Balancing the Act*, was replaced by a schedule of email bulletins. Subscribers are provided with a range of information about ADCQ services as well as changes to legislation and events promoting diversity and inclusion.

### 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 continues to respond the bulk of enquiries across the state.

This year the Commission answered 2,637 telephone, email, postal and personal enquiries about anti-discrimination laws, a decrease from 3,038 in the previous year. In response to the wide range of enquiries it receives, the Commission provides telephone information as well as fact sheets, brochures and videos which it makes available to the public through the website and by email or post.

## Marketing and promotion

The ADCQ mostly relies on our established and developing networks to communicate with stakeholders and the broader community. No professional marketing services were engaged in 2018–19.

The ADCQ promotes not only the work and services of the Commission, but the positive human rights actions and initiatives of the Queensland community. The ADCQ 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 pioneers, 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 ADCQ attends a variety of community events across the state. Having a presence at these events not only enables the Commission 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, the ADCQ presence at community events is in the form of an information stall. On some occasions Commission staff members are asked to open events or undertake speaking engagements. In regional areas, ADCQ staff members often have significant involvement on planning and organising committees for major community events. During the reporting period, ADCQ staff was involved in the following types of community events:

- Luminous Lantern Parade, Brisbane;
- NAIDOC week events in Cairns, Townsville, Rockhampton and Brisbane;
- Multicultural events in Brisbane, Cairns, Mareeba and Townsville;
- Law Week, Rockhampton;
- Seniors events in Townsville, Ipswich and Cairns;
- University orientation week events in Rockhampton, Townsville and Cairns; and
- Disability inclusion and awareness events in Brisbane, Townsville, Rockhampton and Cairns.

Major events which ADCQ hosted or co-hosted in 2018-19:

### Mabo Oration

In June 2019, coinciding with Mabo Day, the ADCQ co-hosted the biennial Mabo Oration in partnership with the Queensland Performing Arts Centre (QPAC) and the Mabo family.

This year's orator was Luke Pearson, founder and CEO of IndigenousX, a social media platform designed to showcase and amplify a diverse range of Indigenous voices online.

The 2019 Mabo Oration was delivered to a sold out crowd of almost 800 people and also live streamed on Facebook.

### Townsville Inclusive Games Day

In September 2018, our Townsville team hosted their second inclusive games day in partnership with Townsville City Council and Cootharinga North Queensland. The event was held as part of Disability Action Week.

Participants of all abilities participated in a range of activities including netball, rugby league, goal ball, AFL, basketball and wheelchair basketball, land-based water polo and tai chi. WNBL Townsville Fire players and Invictus Games athletes were also in attendance, assisting participants with activities throughout the day. The inclusive games day gave participants a unique opportunity to get involved in new sports, learn skills, socialise and

engage with others while also demonstrating their enthusiasm and abilities to the activity facilitators and other participants.

### Cairns All Abilities Sports Day

In celebration of Disability Action Week 2018, our Cairns team partnered with ARC Disability Services, Surf Life Saving Queensland and other local sports groups to deliver the 6<sup>th</sup> annual All Abilities Sports Day. The successful event again provided participants of all ages and abilities the opportunity to engage in sports, games and social activities together. Held on the Cairns Esplanade, the day involved a free sausage sizzle and a range of activities including chess and checkers, bocchia, golf using a ParaGolfer, cricket, sailing, rugby league, AFL, tennis and a fitness circuit.

### Changing Lives, Changing Communities

Throughout 2018-19, a series of 12, two-day events were held across Queensland as part of the Changing Lives, Changing Communities project, a partnership between ADCQ, Queensland Council of Social Service (QCOSS) and Queenslanders with Disability Network (QDN). The events provided new ways for people – citizens, community organisations, the private sector and government representatives – to come together, envision and ask, ‘what will it take to create communities where everyone contributes, matters and belongs?’ The aim of the events was to co-create solutions to ensure everyone is included in their community, and can access what they need; like a place to call home, good health, transport, education and meaningful employment.

The Changing Lives, Changing Communities events will continue throughout 2019-20.

### International Women's Day – Townsville and Rockhampton

For the fourth consecutive year the North Queensland office of the ADCQ partnered with North Queensland Women's Legal Service to host an International Women's Day event with the theme *Invest in Women. Invest in the Future*.

The sold out event provided a platform for three local women to share their stories of success – who invested in them, the challenges they have faced along their journeys, and how they are supporting and investing in other women.

The Central Queensland office of the ADCQ also celebrated International Women's Day by hosting a movie evening where the film *On the Basis of Sex* was shown to an audience of approximately 96. The movie is an American biographical legal drama based on the life and early cases of Supreme Court Justice Ruth Bader Ginsburg. It depicts the struggle endured by Justice Ginsburg as a new mother facing adversity and numerous obstacles in her fight for equal rights.

## Media

In 2018–19, the ADCQ provided information and public comment to a variety of mainstream, regional and independent media outlets including ABC 4 Corners, WIN News Rockhampton, The Courier Mail, A Current Affair, ABC News online, ABC Radio National, 4EB, Central Queensland Radio, The Guardian and Ten TV.

## Education

The ADCQ delivers training courses based on the *Anti-Discrimination Act 1991* as well as topics related to diversity, inclusion and stereotypes. The primary objectives of 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 2018–19 we delivered 277 training sessions to approximately 4,480 people. This was a slight increase on the previous year's total of 271 sessions. Overall training demand from across the various sectors evened out this financial year. While the previous year saw increased demand in training to the public sector, this year 88 sessions were delivered to public sector organisations compared with the 136 sessions delivered in 2017-18. Private sector training increased from 59 sessions to 92 sessions and community sector training also increased from 31 sessions to 48.

**Table 4: Delivery of training by sector, by region**

	<b>South-East</b>	<b>Central</b>	<b>North</b>	<b>Far North</b>	<b>Total</b>
Private sector	31	18	30	13	<b>92</b>
Public sector	66	2	10	10	<b>88</b>
Community	37	5	3	4	<b>49</b>
In-house	16	12	13	7	<b>48</b>
<b>Total</b>	<b>150</b>	<b>37</b>	<b>56</b>	<b>34</b>	<b>277</b>

**Table 5: Types of training sessions**

Course	South-East	Central	North	Far North	Total
Introduction to the Anti-Discrimination Act	62	17	24	14	117
The Contact Officer (standard and refresher course)	11	5	7	2	25
Managing complaints	2	1	—	1	4
Recruitment and Selection	—	1	2	3	6
Tracking your rights — A and TSI	7	—	—	—	7
Introduction to the Anti-Discrimination Act for Managers	17	7	6	10	40
Unconscious bias	31	5	13	3	52
Business benefits of diverse & inclusive workplaces	3	—	—	—	3
Gender identity and discrimination	5	—	—	—	5
Age-friendly communities	10	1	3	1	15
Ensuring Safe and Inclusive Public Transport	1	—	—	—	1
Tailored training	1	—	1	—	2
<b>Total</b>	<b>150</b>	<b>37</b>	<b>56</b>	<b>34</b>	<b>277</b>

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 has remained steady, as has the Introduction to the Anti-Discrimination Act for Managers course.

As part of the ADCQ's commitment to the whole-of-government Queensland – an age-friendly community strategy, 15 free information sessions focussed on age discrimination were delivered.

The Safe and Inclusive Public Transport project which was initiated in 2016 in partnership with Department of Transport and Main Roads and Queensland Police Service, was finalised this financial year. This training was delivered to frontline staff in the public transport industry and continues to be delivered by the Queensland Bus Industry Council to its members.

Interest in the ADCQ's online training module, Discrimination Awareness in Queensland, remained steady this year, with 184 new subscribers undertaking the training. ADCQ invested in a new online training platform this financial year, to be launched in July 2019. It is anticipated that the relaunch of the existing online training and the addition of new modules will increase demand and client satisfaction.

Training revenue for 2018–19 exceeded the target of \$180,900 to reach total revenue of \$190,536. This revenue will be invested in the development of online training modules about the new *Human Rights Act 2019*.



**Table 6: Details of training sessions**

	<b>South-East</b>	<b>Central</b>	<b>North</b>	<b>Far North</b>	<b>Total</b>
No. of people	2543	688	678	571	4480
Hours of delivery	385	113	149	114	761
Actual revenue	\$88,399	\$27,811	\$35,933	\$38,393	\$190,536

## Evaluation

As part of the ADCQ's commitment to continuous improvement of services, training participants are asked to complete an evaluation form at the end of each training session. Evaluation is based on the following criteria:

- content of the training session;
- quality of information resources provided;
- 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; and
- whether the training material can or will be applied in practice.

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

Here is a sample of responses from 2018–19 training participants:

<b>What did you like most about this training?</b>
The knowledgeable trainer; positive delivery of thought provoking material.
The openness of the trainer, the workbook, the dialogue and the examples.
Practical and inspiring; real world examples & participant involvement. Helped understand and put in perspective a lot of things.
It was presented in a very digestible manner and was easy to engage with.
Resource material was great, great presentation/engagement of the group, answered questions well.
It made me think and re-evaluate. I will be reflecting on all of this.
Interactive – integration with our policies.
The enthusiasm of the presenter and responsiveness to each individual member of the audience.
Engaging – not boring.
Interactive, interesting and applicable content.
Clear and good examples of what's appropriate and what's not.

# Complaint management

Complaint numbers have continued to increase this financial year, continuing the trend of recent years. The Commission has been busy in its complaint management role and it has been a challenge to meet the increasing complaint management demands with existing resources. As in previous years, the Commission's complaint management focus has been 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, as well as discrimination against residents of regional communities.

The Commission has met or exceeded some of its complaint management targets in terms of timeliness of the overall process. The satisfaction rates was 84% of all parties evaluating the service.

Complaints continue to be managed in 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 the various different offices depending on available resources. Telephone conferences are commonly held as a result, and 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 throughout the 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 961 complaints were received across the state, representing an 18.6% increase from the 810 complaints received last year. This further increase means there has been a 51% increase in complaints in the last 3 years (636 complaints were received in 2015-2016) and this has had a significant impact on the Commission's complaint handling demands with more staff focussing on complaint management activities.

Of the total complaints received this year, 558 were accepted as coming within the Commission's jurisdiction, representing about 58% of complaints received. The Commission continues to undertake a thorough assessment process at the initial lodgement stage, however there has been an increase in the number of complaints accepted after the Commission received strong direction from the Queensland Court of Appeal regarding accepting complaints in the decision of *Toodayan v Anti-Discrimination Commission*

*Queensland [2018] QCA 349.* 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 referred to another agency that can assist them, if there is one.

The number of complaints finalised this year was 849. This, again, is an increase from the 818 finalised last year, and 700 in 2016-17. Although the Commission finalised substantially less files than were received, the Commission avoided any backlog and the files not finalised are in the process of complaint management and are likely to be finalised early in the following financial year. The complaint management team across Queensland continue to work together to meet increased client demands, whilst continuing to provide high quality service in a high pressure environment of increasing complaint numbers with limited resources.

**Table 7: Complaints received, accepted and finalised**

	<b>South-East</b>	<b>Central</b>	<b>North</b>	<b>Far North</b>	<b>State-wide</b>
Complaints received	899	17	19	26	<b>961</b>
Complaints accepted	285	78	74	121	<b>558</b>
Complaints finalised — accepted	244	71	73	107	<b>495</b>
Complaints finalised — not accepted	176	55	42	81	<b>354</b>
Total complaints finalised	<b>420</b>	<b>126</b>	<b>115</b>	<b>188</b>	<b>849</b>

*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 69.4% of accepted complaints which is a slight rise from last year (68.6%). Discrimination complaints involve allegations of less favourable treatment based on an 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 ground, comprising 30.3% of all complaints (29.5% last year). This represents 268 complaints which is a significant increase from 202 last year.

We received 70 race discrimination complaints this year, comprising 7.9% of discrimination complaints, fairly consistent with last year's 7.4%. The proportion of sex discrimination allegations has remained consistent at 9.3% (9.2% last year).

Family responsibilities complaints decreased to 6.3% (6.9% last year). Age discrimination complaints rose slightly from 3.9% to 5.3%. Religious discrimination complaints comprised only 1.7% of complaints, consistent with low numbers in previous years. Gender identity complaints increased from 1.2% last year to 1.7% this year.

Table 8 shows that sexual harassment allegations of unwelcome sexual behaviour to or about a complainant are included in 10.4% of accepted complaints. This is a slight decrease from last year (11.4%) in terms of percentages, but represents an increase in number of complaints from 78 last year to 92 this year. The vast majority (77.1%) of complaints of sexual harassment arise in the workplace, as can be seen from Table 9.

Sexual harassment may involve allegations of unwelcome sexual behaviour such as comments about a person's body and/or sex life, telling lewd jokes to or about a person, requests for sex, sending sexualised emails and texts, showing pornographic pictures and/or videos, sexual assault and even rape. 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 have increased from 9.2% of accepted complaints last year to 10.7% of accepted complaints this year. As shown in Table 9, 57.1% of victimisation complaints arose in the workplace. Because of the continuing relationship between the employer and their employees, there is more opportunity for victimisation complaints to arise after a person makes an initial complaint at work, compared to other areas. Fear of victimisation is also a reason why complainants are sometimes reluctant to lodge complaints until after they leave the workplace, or at all.

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. Public vilification complaints remain low with only 1.8% of accepted complaints accepted on the basis of allegations of race, religious, sexuality or gender identity vilification. The Commission accepted four complaints of whistle blower reprisal, representing 0.3% of overall accepted complaints. Despite commencement of a new type of discrimination in 2017-18, on the basis of residence of a regional community near a large resource project, the Commission did not accept any complaints on this ground again this year.

**Table 8: State-wide accepted complaints by ground**

Ground	Number	%
Discrimination		
Age	47	5.3%
Breastfeeding	2	0.2%
Family Responsibility	47	5.3%
Gender Identity	10	1.1%
Impairment	268	30.3%
Lawful Sexual Activity	3	0.3%
Parental Status	13	1.5%
Political Belief/Activity	9	1.0%
Pregnancy	25	2.8%
Race	70	7.9%
Relationship Status	6	0.7%
Religion	15	1.7%
Sex	82	9.3%
Sexuality	14	1.6%
Trade Union Activity	3	0.3%
<b>Sub-total Discrimination</b>	<b>614</b>	<b>69.4%</b>
Discriminatory Advertising	0	0.0%
Request/Encourage a Breach	12	1.4%
Sexual Harassment	92	10.4%
Unnecessary Questions	53	6.0%
Victimisation	95	10.7%
<b>Sub-total</b>	<b>252</b>	<b>28.5%</b>
Vilification		
Gender identity	3	0.3%
Race	6	0.7%
Religion	3	0.3%
Sexuality	4	0.5%
<b>Sub-total Vilification</b>	<b>16</b>	<b>1.8%</b>
Whistle-blower reprisal	3	0.3%
Resident of regional community	0	0.0%
<b>Total</b>	<b>885</b>	<b>100%</b>

*Note: Complaints may be accepted under more than one ground. Percentages have been rounded to one decimal point.*

The number and proportion of work-related complaints shows workplace fairness is the most significant area of people's lives. Table 9 shows that 60.2% of complaints arose in the workplace or when seeking work. This is consistent with previous years.

Complaints arising in the area of the provision of goods and services, which includes access to public places and buildings, made up 16.7% of total complaints. The number of complaints in the area of accommodation has increased this year to 47 (38 last year) representing 5.9% of complaints. These complaints generally represent concerns about the fairness of accommodation arrangements such as 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 breach	Sexual harassment	Unnecessary questions	Victimisation	Vilification	Whistle-blower reprisal	Total	
									#	%
Accommodation	33	—	—	1	3	8	2	—	47	5.9%
State laws and programs	35	—	—	2	1	3	—	—	41	5.2%
Goods and services	106	—	1	5	3	12	5	—	132	16.6%
Club membership and affairs	0	—	—	1	—	1	—	—	2	0.3%
Superannuation and insurance	5	—	—	—	1	—	—	—	6	0.8%
Disposition of land	1	—	—	—	—	—	—	—	1	0.1%
Work	312	—	3	74	30	56	1	—	476	60.2%
Education	32	—	—	2	1	4	1	—	40	5.1%
Not recorded*	—	—	9	11	3	14	6	3	46	5.8%
<b>Total</b>	<b>524</b>	<b>—</b>	<b>13</b>	<b>96</b>	<b>42</b>	<b>98</b>	<b>15</b>	<b>3</b>	<b>791</b>	<b>100%</b>

*Note: Only discrimination breaches require an area*

Impairment discrimination continues to dominate complaints in the workplace. Table 10 shows that 53% of impairment discrimination complaints arise at work. Impairment discrimination complaints arising 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 (21%) which includes access to public places and buildings. Impairment (44.7%), sex (13.1%) and race (11.2%) are the most common bases for discrimination complaints across the total of all areas of complaint consistent with last year. 26 pregnancy discrimination complaints were accepted, an increase from last year when we received only 18 complaints. There was also an increase in the number of complaints in the area of Superannuation and Insurance from two last year to six this year.

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

	Accommodation	State laws & programs	Goods & services	Club membership	Super & insurance	Disposal of land	Work	Education	Total	
									#	%
Age	4	2	8	—	—	3	29	2	48	7.5%
Breastfeeding	—	—	—	—	—	—	2	—	2	0.3%
Family responsibility	—	—	4	—	—	—	42	1	47	7.3%
Gender identity	—	3	4	—	—	—	2	1	10	1.6%
Impairment	26	22	60	—	1	1	153	24	287	44.9%
Lawful sexual activity	—	—	1	—	—	—	2	—	3	0.5%
Parental status	2	—	—	—	—	—	12	—	14	2.2%
Political belief/activity	—	1	4	—	—	—	4	—	9	1.4%
Pregnancy	1	—	1	—	—	—	24	—	26	4.1%
Race	6	6	23	—	—	—	32	5	72	11.3%
Relationship status	—	2	—	—	—	—	4	—	6	0.9%
Religion	—	3	2	—	—	—	9	—	14	2.2%
Sex	1	1	5	—	—	—	75	2	84	13.1%
Sexuality	—	1	4	—	—	—	9	—	14	2.2%
Trade union activity	—	—	—	—	—	—	3	—	3	0.5%
<b>Total</b>	<b>40</b>	<b>41</b>	<b>116</b>	<b>—</b>	<b>1</b>	<b>4</b>	<b>402</b>	<b>35</b>	<b>639</b>	<b>100%</b>

## Settlement of complaints

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

This year saw the settlement rate of 53.8%, the same percentage as last year. This is slightly below the Commission's target of 55%; however, this settlement rate demonstrates that our conciliators continue their commitment to helping parties reach settlement, in a busy client-focused environment.

Referrals to QIRC continued this year for all work-related matters. 105 complaints were referred to QIRC (an increase from 98 last year). 52 non-work related complaints were referred to QCAT, a significant increase from the previous year's 39 referrals.

Overall, there were 157 complaints referred to QIRC or QCAT, an increase from 137 the previous year. This reflects the increase in overall complaint numbers and also a slight increase in the referral rate to 31.8%, from last year's referral rate of 30.5%. 25 (5.1%) complainants withdrew their complaints and 34 (6.9%) accepted complaints were unconciliated but not referred. This meant that overall 68.2% of accepted complaints were finalised within the Commission, below the target of 75%. We continue to focus on resolving complaints between parties and to finalising matters within the Commission; however, there has been a growing tendency for complainants to seek referral of unconciliated complaints than they have historically which is predominantly outside the Commission's control.

**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	132	41	37	56	266	53.8%
Lost contact (s169)	4	2	1	3	10	2%
Referred to QCAT	31	9	4	8	52	10.5%
Referred to QIRC	46	11	20	28	105	21.3%
Lapsed (s168)	2	0	0	0	2	0.4%
Unconciliable but not referred	18	7	4	5	34	6.9%
Withdrawn	11	0	7	7	25	5.1%
<b>Total</b>	<b>244</b>	<b>70</b>	<b>73</b>	<b>107</b>	<b>494</b>	<b>100%</b>



## Timeliness

The Commission continued to manage complaints in a timely way and met or exceeded most of its timeliness targets. This meant that, despite the increase in complaint numbers, our conciliators were committed to working efficiently and effectively throughout the year to avoid any backlogs in complaints.

The majority of complaints (65.6%) were finalised within three months from assessment notification, and a further 24.3% were finalised within six months. This means a total of 89.9% of complaints were finalised within six months of acceptance.

Of accepted complaints, 62.9% were assessed and notified within 28 days of lodgement which 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.

Of accepted complaints, 68.2% reached conference within the 42-day statutory timeframe from notification of decision until conciliation conference. This was a decrease from 70.3% last year and is just below the Commission's target of 70%. It demonstrates that although the Commission endeavours to set matters down for an early conciliation conference, there have been a higher number of justifiable reasons provided by parties to adjourn conferences.

## Conciliated outcomes

The following are examples of complaints made to ADCQ in 2018–19 that were successfully resolved through conciliation.

### Insensitive request for medical records of transgender employee

A transgender woman lodged a complaint with the Commission after transitioning from male to female. The complainant requested to change her name on the payroll system and was asked by her employer to provide formal paperwork, either a passport or "hospital documents of the procedure". The complainant had provided a Medicare card and driver's licence but these were not documents accepted under the name change policy. The complainant says she felt embarrassed and hurt about receiving the request for hospital documents to confirm her gender change. During conciliation, the respondents explained the context in which the request had been made – the complainant's payroll record was about to expire on the system and they were anxious to complete the change quickly. The complainant had lost a copy of her certificate of name change from Birth Deaths & Marriages and the request for a hospital document was made as an alternative to other formal documents. Following a conciliation conference, the respondent agreed to pay \$6000.00 in compensation to the complainant, change the internal policies around gender transitioning and

provide a statement of regret acknowledging the distress and upset she felt she experienced.

### Racist comments at work

The complainant identified as Aboriginal and South Sea Islander and was a former employee of a non-profit organisation providing services to the Aboriginal and Torres Strait Islander community. The complainant alleged he had been subjected to racist comments by his supervisor. The complainant chose to pursue his complaint with the organisation as the supervisor had already left the organisation. He was of the view that the organisation should have included questions focussed on cultural awareness and sensitivity when hiring staff to avoid the racist treatment he had experienced, and to ensure appropriate hiring.

At conciliation the parties discussed broader systemic issues around the organisation's hiring process as well the professional supports available for employees who identified as Aboriginal and/or Torres Strait Islander.

The agreement included:

- An undertaking to ensure all Aboriginal and Torres Strait Islander employees had cultural supervision available and they were aware of it;
- A review of the hiring processes for relevant roles including:
  - interview questions had a sufficient cultural component; and
  - panel members included an Aboriginal or Torres Strait Islander person who is a respected member of the local community.
- \$5,000 financial settlement

### Employee with intellectual disability bullied at work

A man with an intellectual disability was employed at a recreational club. He alleged that his supervisor constantly bullied him because of his disability, including making him work in wet conditions for hours, refused him permission to speak with clients of the club, constantly questioned him about what he was doing and made derogatory comments about his ability to understand his duties. The complainant had been dismissed after he lost his temper because of the alleged treatment of his supervisor. The respondent denied allegations. An agreement was reached at conciliation that all staff would receive training in discrimination law, a statement of service was provided, and \$1,500 was to be paid by the individual respondent to a disability support organisation located in the complainant's neighbourhood.

### Female employee receives hundreds of sexual texts from supervisor

Soon after commencing work, the female employee received text messages and phone calls on a regular and increasing basis from one of her supervisors. After a few months the intensity of texts and calls increased including the context of the messages. The message repeatedly stated that the colleague loved the female worker, and made unwanted expressions of

his feelings and emotions, advances and excessive compliments about her appearance. The messages referred to her as “sweetie”, “sweetheart” and “darl”. He sent her a picture of a bra and said “I walked past a lingerie shop tonight and saw this massive bra and thought of you. You're the only girl I know that could fill it”. A further message included an image of the female employee’s work ID and said “I'm smelling your ID and it smells lovely. I think I'll take it home with me for the night. Don't worry, I'll wash it before I hand it back tomorrow”. Further, “I have absolutely no interest in being intimate with anyone but you”.

She alleged that after reporting the sexual harassment to her workplace, she was victimised by being told to avoid the workplace whilst the supervisor was promoted.

At conciliation conference, the supervisor stated that he believed their friendship was at a point that he could say the things he had said. The workplace denied any wrong doing following the employee’s reporting of the sexual harassment.

An agreement was reached at conciliation that the complainant agreed to resign, was paid \$13,333 payment in lieu of notice, \$93,333.31 compensation for future economic loss, \$75,000 general damages, statement of service was provided for the employee together with agreed communications about the cessation of her employment, and a confidentiality agreement including destruction of documents relating to the complaint.

### Child with ADHD and ASD not permitted to attend school camp

The 13 year old complainant had ADHD and ASD Level 1, the characteristics of which included impulsivity and violent outbursts that could be minimised by medication. The complainant had attended mainstream schooling and school camps for his entire schooling with minimal problems. He attended a private school and alleged (through his mother as his agent) that the acting principal would not permit him to attend school camp due to violent outbursts and ASD. The school informed the mother the complainant needed to be in another educational facility as they did not believe he could be in mainstream schooling.

No written response was provided. During conference the school representatives explained the reasons for the steps taken and provided details as to the concerns they had around safety, including the complainant’s behaviour towards other students and staff. However, they did express regret over the way the matter was handled, and the school acknowledged communication could have been better.

The school assured the complainant’s mother that they had already taken steps to improve communication and one of the school representatives that attended the conference was a new employee hired to address problems such as this in the future.

The complaint was resolved by conciliation by agreement on the terms of \$3,000 general damages; \$720 special damages for medical expenses; waiver of all school fees owed; and that policies and procedures would be reviewed, revised and implemented - specifically, improved communication with parents/guardians, improved management of students with challenging behaviours and improved complaint management.

### Legally blind resident provided with a safe path of travel

The complainant was legally blind and complained that there was inadequate lighting, signs, crossings and tactile indicators in the high traffic area where she resided. This meant she did not have access to a clear and safe path of travel. The respondent local council lodged a detailed written response stating they had complied with regulatory standards but were also looking into the complainant's concerns and further works were planned. Detailed diagrams and photos of different sites were provided. Pre-conference communication with the complainant and the council representative led to productive conference discussions involving an expert in regulatory requirements and the council representative responsible for works of this nature. Post-conference negotiations led to significant council works that addressed every safety concern and the matter settled by conciliation agreement on the basis that the complainant was satisfied with discussions at conference and the council works that had been completed addressing all of her concerns.

### Church excluded and restricted congregation member with disability

This was a joint complaint made by a mother on behalf of herself and her adult (18 year old) son against a church, its clergy and certain members of the congregation. The mother alleged that her son had ten separate and significant disabilities including severe physical, sensory (hearing and vision) and intellectual impairments. He used a wheelchair and required oxygen, and his intellectual impairments affected his behaviour.

The mother had been an active member of a church congregation since 1996, and had been bringing her son to church with her since he was around 6 years old. The mother alleged that the church, its clergy and various members of the congregation treated her and her son in the following discriminatory ways from 2006 to December 2018:

Writing a letter to the mother "on behalf of the clergy and congregation" suggesting that the son's behaviour was disrespectful and stating that the church "is so pleasant and peaceful when you're not there";

Excluding the mother and son from church activities and placing restrictions on where they should sit in the church, effectively excluding them from the main area where most the congregation sat;

Unfairly blaming the son and/or falsely accusing him of certain behaviour which either didn't occur, or was behaviour characteristic of one or more of his impairments;

After an incident in which the son's oxygen trolley accidentally fell and knocked a bystander (who was unharmed), imposing restrictions on the use of his oxygen, allegedly for workplace health and safety reasons.

The mother and son eventually left the congregation and attended another church, but the complaint alleged that discrimination continued. After a conciliation conference and subsequent negotiations, the parties reached an agreement that, amongst other things, provided for:

- The son's input into a working group to develop a Disability Access and Action Plan for the respondent;
- A meeting between the mother, a senior member of the clergy and an independent consultant with expertise in the inclusion of people with disabilities, workplace health and safety and risk management, to develop a disability support plan to facilitate the son's return to regular worship at the church; and
- Payment of a small sum as general damages.

### Bank provides sit-down transaction facilities

The complainant had a disability that caused her to experience excruciating pain when walking or standing. She complained that she was not provided adequate seating when using her local bank so she could not effectively do her banking.

The complaint was resolved through early negotiations on the basis that the bank would provide adequate sit down facilities at its local branches, appropriate security for those facilities, additional customer service training for its staff including in anti-discrimination and awareness, and a meeting between the complainant and the bank executives to ensure that the banking facilities were accessible for the complainant, and to deliver face to face verbal apology.

## Evaluation

Following each conciliation conference, complaint parties are asked to evaluate the ADCQ 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 2018–19 conciliation parties follows:

(The conciliator) was very thorough and professional during the whole process and was always clear and straight forward with anything I asked him he was very good and a great asset to the (commission). (Complainant)
The flexibility of the conciliator, while still working within the legislative framework, was appreciated. (Complainant)
I was extremely happy with the process. (The conciliators) were professional and compassionate. (Complainant)
(The conciliator) did an excellent job in her role as conciliator. (Respondent's lawyer)
(The conciliator) was very kind and patient with me throughout the entire process. So thankful for her role and the (Commission's) assistance in helping me deal with this situation. I am also grateful for the free legal aid clinic that is provided which I was able to access and helped to boost my confidence and alleviate some of my anxiety I had as I knew the respondents had proper legal representation. (Complainant)
The conciliator handled my frustrations nervousness and emotions in a calm and caring manner. (Complainant)
I would just really like to thank the ADCQ for giving me the opportunity to be heard without bias or judgement. I found the conciliator very professional and not at all intimidating. I am very grateful for the whole process. Thank you. (Complainant)
Preparation of response and for mediation process is onerous for respondent/respondent organisations. More rigorous testing of complaints against legislative thresholds and against evidence provided by respondents before progressing to mediation should occur. Complaint processes are an important protection and deterrent against illegal action by employers however there seems to be increased tendency for complaint processes to be used by disaffected employees to secure payments. This is a general observation - not specific to this particular case. (Respondent's advocate)
(Conciliator) displayed a high level of professionalism and EQ throughout a rather unpleasant process. When the complainant behaved aggressively and unethically, (Conciliator) was able to resolve the situation quickly and with a positive outcome. (Respondent)
I felt slut shamed at work and no one was listening. (Conciliator) was a great mediator who was fair on everyone and was very clear in discussing my risks with me and this was very much appreciated. I don't think I would have got through this if it was not for the way both (advocate) and (Conciliator) approached the mediation. I assumed (Conciliator's) plain speaking to me about risks and strengths was also provided to the other side and this gave me a great feeling of fairness and justice. As a (redacted profession), this was also appreciated. Can you please pass on to (Conciliator) and her boss that she has helped close a stressful but important step and while I was dreading and sick with fear at the beginning, I am very glad I did this. I am not quite sure my old bosses learned their lesson but time will tell. (Complainant)
The Conciliator was easy to deal with and assisted at all times, and was forthcoming with information to keep us up to date of where the matter was at. Is an excellent conciliator. (Respondent's lawyer)
I appreciate help understand through the process as a person with a disability thankyou (Conciliator) was very understanding of my needs and respectful. (Complainant)
(Conciliator) was very professional and helpful throughout the process.(Respondent)

# Influencing government policy and legislation

In 2018-19 the Commission provided submissions to various bodies on the development of government policies and legislation. These included:

## *Anti-Discrimination (Right to Use Gender-Specific Language) Amendment Bill 2018 to the Legal Affairs and Community Safety Committee*

This was a private member's Bill, the objective of which was to protect an individual's right to use gender-specific language and to protect businesses and other organisations from disadvantage in the provision of facilities and services that exclusively recognise gender as either male or female.

The Commission did not support the Bill and submitted that the amendments were not necessary or warranted, and were inconsistent with the objectives of the *Anti-Discrimination Act 1991*.

The Commissioner and the Principal Lawyer appeared at a public hearing of the Committee.

The Bill was not passed.

## *Human Rights Bill 2018 to the Legal Affairs and Community Safety Committee*

The purpose of the Bill is to recognise the inherent dignity and worth of all human beings by protecting and promoting human rights, building a culture in the public sector that respects and promotes human rights, and promoting a dialogue about the nature, meaning and scope of human rights.

The Commission provided an analysis of how the Act would operate in Queensland. The Commission supported the Bill, including a complaints function for the Commission, a feature that does not currently exist in Australian jurisdictions that have legislated human rights protections.

The Commissioner, Deputy Commissioner, and Principal Lawyer appeared at a public hearing of the Committee.

The Bill was passed and the educative functions of the Commission commenced on 1 July 2019. The obligations on public entities and remainder of the provisions are expected to commence on 1 January 2020.

## *Inquiry into imprisonment and recidivism to the Queensland Productivity Commission*

The Commission referenced its two *Women In Prison* reports (2006 & 2019) and made suggestions for reducing overcrowding in prisons and recidivism, including addressing underlying issues, reconsidering remand and criminal offences, and implementing justice reinvestment and diversionary programs.

## Inquiry into aged care, end of life and palliative care, and voluntary assisted dying to the Health, Communities, Disability Services, and Domestic and Family Violence Committee

The Commission provided information on human rights relevant to voluntary assisted dying, including references to issues papers and reports, and the background to the Victorian legislation. An analysis of the relevant human rights suggests that there is no one right that compels voluntary assisted dying to be legislated for, nor is there one right that prevents it, provided stringent safeguards are implemented.

The Deputy Commissioner and the Principal Lawyer appeared at a public hearing of the Committee.



# Legal information

## 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.

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*.

The Court of Appeal allowed an appeal against a decision on a judicial review application where the Court at first instance dismissed the application. The Court of Appeal set aside the Commissioner's decision rejecting a complaint. A summary of the Court of Appeal decision is included in this Annual Report.

There were no new applications for judicial review made in the 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 Commission applied to the Queensland Industrial Relations Commission (the tribunal) to intervene in the hearing of an application to dismiss a complaint that had been referred to the tribunal.

In their application to dismiss the complaint the respondents argued that the Commissioner's decision to accept the complaint was wrong, and that the earlier settlement agreement precluded the tribunal from dealing with the complaint.

The Commission made submissions about the jurisdiction of the tribunal on referred complaints and the effect of section 137 of the *Anti-Discrimination Act 1991*, which allows the Commissioner to accept a complaint notwithstanding an earlier agreement not to complain. The Commission submitted that the tribunal does not have jurisdiction to review the Commissioner's decision under section 137 of the Act and does not have

jurisdiction to consider common law principles of accord and satisfaction and estoppel in relation to the agreement.

As a consequence, the respondents withdrew their arguments about the Commissioner's decision and the effect of the agreement.

## 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*. 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 two submissions to QCAT and three submissions to 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;<sup>1</sup>
- b) hearing and determining applications for exemptions;<sup>2</sup>
- c) hearing and determining applications for interim orders before referral of a complaint;<sup>3</sup>
- d) considering applications for review of a decision that a complainant has lost interest;<sup>4</sup> and
- e) providing opinions about the application of the Act.<sup>5</sup>

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.

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<sup>1</sup> *Anti-Discrimination Act 1991*, section 175

<sup>2</sup> *Anti-Discrimination Act 1991*, section 113

<sup>3</sup> *Anti-Discrimination Act 1991*, section 144

<sup>4</sup> *Anti-Discrimination Act 1991*, section 169

<sup>5</sup> *Anti-Discrimination Act 1991*, section 228

There were 25 decisions of the tribunals published for the period, made up as follows:

	<b>QIRC</b>	<b>QCAT</b>	<b>Totals</b>
Final hearings	2	5	<b>7</b>
Dismiss/strike out	1	3	<b>4</b>
Legal representation	-	2	<b>2</b>
Produce documents	-	1	<b>1</b>
Costs	-	2	<b>2</b>
Amend complaint	-	2	<b>2</b>
Interim orders before referral (s.144)	1	1	<b>2</b>
Injunction	-	1	<b>1</b>
Miscellaneous process	-	1	<b>1</b>
Exemption applications	2	1	<b>3</b>
	<b>6</b>	<b>19</b>	<b>25</b>

The following is a selection of the published decisions.

## Tribunal and Court decisions: Complaints

### Former politician denied job in public hospital

A specialist doctor was a former member of parliament and Assistant Minister for Health. He was sacked as Assistant Minister for Health and he resigned from parliament and from the Liberal National Party. He had been critical of the government of the time, being involved in a very public dispute over employment contracts of public hospital doctors. Before going into politics he had been employed in public hospitals throughout Queensland as a physician and geriatrician, and at one stage he was the State President of the Australian Medical Association.

After leaving politics, the doctor applied for an advertised position as a specialist geriatric medicine senior medical officer for the Royal Brisbane and Women's Hospital. The doctor was the only applicant for the position. The standard recruitment procedure was not followed, and the doctor was eventually informed that the position had been withdrawn.

The tribunal found that departure from the standard recruitment process by notifying the Board (via the chief executive) would have occurred in the case of an application from any person with a high profile, and accordingly was not less favourable treatment of the doctor.

However, the tribunal found that the decision of the CEO to cease the recruitment process and not appoint the doctor amounted to less favourable treatment of him. An inference that the decision was made because of the doctor's political belief or activity was open on the evidence, and there was no innocent explanation for the decision.

As a consequence of the discrimination, the doctor said he lost dignity, lost his standing in the profession, and lost self-esteem as he had been reduced from a medical director of a major academic clinical department to a clinician incapable of securing a public hospital position. He suffered considerable

distress and isolated himself, which resulted in his not applying for further public hospital clinical jobs. He had minimal opportunity to practice his professional skills or engage in professional development that is integral with public hospital clinical practice.

The tribunal found that the discrimination caused the doctor to change from a confident, highly achieving medical professional capable of taking responsibility for the management and direction of an entire department of a major public hospital to an anxious, despondent, socially isolated person who demonstrates a lack of purpose, self-worth and drive. The tribunal found the deleterious impact had been long lasting and was ongoing.

Although the doctor did not rely on medical evidence that he sustained a diagnosed psychological disorder, the tribunal found that the impact on his functioning caused by the discrimination is not dissimilar to, and has had serious and debilitating consequences in common with, the effects of diagnosed psychological disorder.

The tribunal adopted the reasoning used in *Green v State of Queensland* as to assessment of damages and considered that in the absence of psychological injury the tribunal should consider the persuasive influence of the Full Court of the Federal Court in *Richardson v Oracle*. The tribunal considered the impacts of contraventions and awards of damages in QCAT cases of *Green*, *STU*, and *Carey*, and concluded that the impact on Mr Green and STU were significantly greater than the impact to the doctor. The tribunal awarded damages totalling \$1,450,771.69 comprised of:

General damages	\$ 50,000.00
Interest on general damages	\$4,410.00
Past economic loss	\$830,824.83
Lost superannuation	\$78,928.35
Interest of past economic & super	\$78,784.62
Future economic loss	\$407,823.89

*Davis v Metro North Hospital and Health Services & Ors [2019] QCAT 18*

### University student required to sit exam while a psychiatric inpatient

A student from the United States (US) was studying medicine at the University of Queensland (UQ) as part of a program between UQ and a US health provider, where the first two years would be studied at UQ Brisbane and the next two years in New Orleans.

For the 2012 year the student's grade point average was 2.5. In January 2013 he was diagnosed with Bipolar 1 and Social Anxiety Disorder. In November 2013 UQ terminated the student's enrolment and he appealed. He claimed his poor performance was based on his psychiatric conditions, and in April 2014 the appeal was upheld.

By October 2016 there was one last course requirement – a complex clinical practice assessment called OSCE, which students must pass before moving

to the 2<sup>nd</sup> phase of working with real patients. Students were allowed three attempts to pass the OSCE assessment.

The student was first scheduled to sit the exam on 14 October 2016. He experienced a panic attack and the exam was rescheduled for 11 November 2016, but the student did not attend. The student sat the exam on 15 December 2016 but did not pass.

The exam was rescheduled for 25 January 2017. The student experienced a manic episode beforehand and was hospitalised on 23 January 2017 and UQ was notified. The student sat the exam on 25 January 2017 while he was still an inpatient and he failed.

On 2 February 2017 UQ advised the student by letter that he had failed the exam and that he was refused further enrolment. He appealed, and in June 2017 his enrolment was reinstated. He was not allowed to sit the exam in the US and it was rescheduled for 14 October 2017 with an observer present. The student again failed the exam. He asked for a supplementary assessment and was informed he was excluded from the course.

The parties were in dispute about the calculation of the number of attempts at the exam. Both excluded the exam that the student sat while an inpatient, however UQ counted the exam scheduled for 16 November 2016 that the student did not attend.

The tribunal was satisfied that the student had bipolar disorder, anxiety disorder, and panic disorder. For direct discrimination, the tribunal found the comparator was a fellow medical student without the disorders, who was in the Ochsner program undertaking the OSCE practical examination. The treatment was the conduct of UQ in the application of its rules and policies as to the number of attempts at the examination before exclusion, the time and date when attempts must be undertaken, employment of an observer, and lack of feedback.

The tribunal found that the evidence favoured the proposition that the observer was put in place not because of any impairment, but because the student had lost trust in UQ, and to ensure the exam process was fair, robust, and beyond reproach. Accordingly, there was no direct discrimination or victimisation.

The tribunal considered three claims of indirect discrimination.

The requirement to sit the exam in January 2017 without feedback on the failed attempt in December 2016. The student claimed there was a term relating to the delay between the two exams, e.g. Christmas.

The tribunal found there was no term imposed that feedback would not be provided over the Christmas break. There were no policies, procedures or rules and no obligation to provide feedback to students before assessments. Even if a term had been imposed, it was reasonable in the circumstance – there was a change of staff and a misunderstanding that feedback had been given.

The requirement to undertake the examination in January 2017 when the student was an inpatient of a psychiatric ward, having experienced a manic episode. The consequence was failing the exam and the lengthy appeals process was a material disadvantage.

The tribunal said there was a lack of evidence to find that there was an offer to defer the exam till June (at a meeting the day before the scheduled exam). A term was imposed that to pass the course the student needed to attend and pass the exam on the specified date, namely 25 January 2017.

The tribunal ordered nominal compensation because the requirement to sit the exam 'did not play a starring role' in the ultimate disenrollment, as it was not counted as an attempt.

The exam scheduled for November 2016 being included in the count and the disenrollment. UQ said four opportunities were given to the student (not including the January 2017 exam) and it was not reasonable to provide endless opportunities.

A medical certificate nominated one day only that the student was unfit for studies or work, and that day was not the exam date. As there was no medical evidence that the student was unfit on the scheduled day, he failed to attend without reasonable excuse, so was in no different position to a student without his impairments. The student alleged there was a term that to pass he must attend in person and pass on a least one of three occasions. The tribunal said there was no term imposed.

The requirements to sit the January 2017 exam did not lead to the final expulsion of the student. The tribunal found that the student was not disenrolled due to his impairment – he was excluded due to the valid application of university rules relating to the number of attempts at examinations.

Attempts by UQ to 'right the wrong' did not mean there could be no finding of discrimination, however it impacted the assessment of compensation. The tribunal considered the student should not be compensated beyond nominal compensation, and given there was a lack of submissions on the amount of compensation sought, the tribunal ordered the university to pay \$2,000 to the student.

*Patel v University of Queensland [2019] QCAT 108*

### Proof of impairment, and expert evidence

A woman who worked for yourtown as a Production Administrator in the fundraising department had high levels of absenteeism due to illness, and she failed to successfully complete two return to work programs.

The woman failed to return to work in late November 2016, and in early December 2016 she said she couldn't work full-time, and she asked to work part-time. For various reasons, including that December is the busiest time for the employer in fundraising, the woman was told to stay away from work

until further details of her ability to work were received from her psychologist, and that the request for part-time work would be reviewed in January.

At the QIRC a complainant is required to file a Statement of Facts and Contentions (SOFC), which is not as formal as a pleading, however an outline of the case is required of a complainant. By the conclusion of the hearing, the woman's allegations differed from those in the SOFC, and the changing nature of the contentions put the respondents at a distinct disadvantage. Nine allegations of direct discrimination had become three, and in the closing submissions there was a reformulation of the term for the case of indirect discrimination.

In the present case the tribunal said the late amendment of the term was unfair to the respondents, and the woman was bound by the term as particularised in the SOFC.

The woman claimed to have an impairment of anxiety and PTSD. Her treating Clinical Psychologist Registrar gave evidence, however the woman's representatives at the hearing submitted that the psychologist was not an expert witness, and the parties were in dispute as to whether a Clinical Psychologist Registrar could provide a diagnosis.

Only an expert witness can express an opinion. The onus is on the party seeking to rely on the evidence to demonstrate that the witness has specialised knowledge based on training, study, or experience that allows them to give an opinion on a matter relevant to the proceeding. An opinion must be based on specialised knowledge, and a failure to demonstrate that the witness has specialised knowledge affects its admissibility, not its weight.

In this case there was no evidence of the psychologist's qualifications, and no evidence to support the contention of impairment. The tribunal could not form a view that the woman had an attribute, and on that basis the complaint failed. Even if the psychologist was an expert, the tribunal found her evidence was so deficient that it had no weight. At the highest, the woman had anxiety.

In the event the tribunal was wrong in concluding that the woman had not established that she had the attribute of impairment, the tribunal proceeded on the basis that the woman had anxiety.

For the claims of direct discrimination the tribunal found that the comparator was another employee working in the position of Production Administrator who does not have anxiety or any characteristics of anxiety, and the circumstances are that the person has taken extended periods of personal leave and wishes to return to work. The tribunal discussed case law that establishes a two-step process for considering direct discrimination – firstly whether there has been less favourable treatment (differential treatment) and if so, what was the reason for the differential treatment (causation).

The three allegations of direct discrimination and the findings of the tribunal were:

- Requiring the woman to take three months leave instead of one month. Finding - The evidence did not support the claim that the employer required the woman to take three months leave instead of one;
- Frustrating the return to work process. Finding - Requesting further information from the psychologist regarding fitness for work and duration was not a deliberate act to delay or frustrate the woman's return to work, and not treatment that was less favourable than a comparator; and
- Refusing to make reasonable adjustments in the nature of part-time work. Finding - there was no refusal to provide reasonable adjustments, and the approach taken by the employer was reasonably necessary to protect the health and safety of the woman.

For the case of indirect discrimination, the alleged term was a requirement to obtain medical evidence confirming the woman was fit to return to work full time duties. The tribunal found that the term was not imposed, and as to reasonableness, the tribunal took into consideration the employer's non-delegable duty of care to ensure so far as is reasonably practicable, the health and safety of all workers.

*Curran v yourtown & Anor [2019] QIRC 059*

## Tribunal and Court decisions: Application for an interim order

### No power for the tribunal to stop the Commissioner from exercising its function

This was an application made by a complainant for an order under section 144 of the *Anti-Discrimination Act 1991*. That section allows the tribunal to make an order, before a complaint is referred to it, to stop a person from doing an act that might prejudice the investigation or conciliation of a complaint, or an order the tribunal might make after a hearing. In this case, the complainant applied for an order to prevent the Commission from lapsing a complaint.

The Commissioner had made an initial decision under the section 168 show cause process, that he considered the complaint was misconceived or lacking in substance. Under the section 168 process, the complainant then has 28 days to satisfy the Commissioner that the complaint is not misconceived or lacking in substance. The material in support of the application criticised the decision, claiming facts in dispute had been decided thereby improperly exercising a function of the tribunal, and that the decision-maker was biased.



The tribunal found that section 144, read in the context of the Act as a whole, shows that it is not the intention of the legislature that an order would be made against the Commissioner, nor that the power extended to a review, or quasi-review, of decisions of the Commissioner.

The tribunal noted that if the decision-making process undertaken by the Commission miscarries, then the appropriate avenue for redress is judicial review. The application did not seek a preservation of the status quo pending final adjudication, which is the purpose of section 144. Rather, the application sought to interfere in the exercise of a statutory function of the Commissioner.

The tribunal said the statutory scheme reflects an intent of the legislature to limit avenues of appeals from a decision of the Commissioner under section 168, and to increase the Commission's ability to vet unmeritorious complaints. The tribunal said the applicant was attempting to impermissibly circumvent the statutory process of section 168, and found that the tribunal does not have the power to grant the order sought. The application was dismissed.

*McAllister v Anti-Discrimination Commission Queensland [2018] QIRC 120*

## Exemption applications

During 2018-19 three decisions on applications for exemption from the operation of the Act were published. There were two decisions by the QIRC and one decision by the QCAT. In some cases, applications were not pursued after the Commission made submissions about the application.

The QIRC granted an exemption to The Women's Legal Service Inc to allow the service to employ only women who identify as women. The Women's Legal Service is a registered charity that provides free legal and social support to vulnerable women who have been subjected to domestic or sexual violence, usually by men. Because of the vulnerability of the clients it is necessary that everyone who works for the service are women who identify as women.<sup>6</sup>

The Better Together Housing project is a web-based platform aimed at connecting women aged over 55 years who are looking to share accommodation. The QCAT granted an exemption to allow the online service to be restricted to women aged 55 years and over.<sup>7</sup>

Children by Choice Association was granted an exemption to allow it to advertise for and recruit females into positions of counsellors, manager, campaign coordinator, and education and training coordinator.<sup>8</sup>

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<sup>6</sup> Re The Women's Legal Service Inc [2019] QIRC 060

<sup>7</sup> Sundale Limited [2019] QCAT 83

<sup>8</sup> Re Children by Choice Association Inc. [2018] QIRC 153

## QCAT Appeal Tribunal

A party to proceedings in QCAT may appeal a decision on a question of law, and apply for leave to appeal a decision on questions of fact or questions of mixed fact and law. There were three decisions of the QCAT Appeal Tribunal published in the period.

### Complaint amended to include allegations not accepted by the Commission

A complaint made to the Commission included allegations of discriminatory conduct that had occurred outside the statutory time limit of 12 months. The Commissioner considered whether to exercise the discretion (under section 138 of the *Anti-Discrimination Act 1991*) to accept the out-of-time part of the complaint, and decided not to accept the complaint.

The rest of the complaint, about conduct within the 12 month period, was accepted; however, the complaint was not resolved through conciliation. When the complaint was referred to the tribunal, the complainant applied to amend the complaint by adding the out-of-time allegations that the Commissioner had not accepted. The tribunal allowed the complaint to be amended in this way.

On appeal, the Appeal Tribunal agreed with the tribunal at first instance that if the Commissioner does not exercise the discretion to include the out-of-time allegations in a complaint:

- the out-of-time allegations were never part of a valid complaint because there was never an entitlement to make a complaint;
- those allegations were not rejected by the Commissioner; and
- the allegations did not lapse as a result.

The Appeal Tribunal found that because the out-of-time allegations had not been rejected and had not lapsed, they were not precluded from being re-ventilated by the tribunal in exercising its discretion to amend the complaint. The Appeal Tribunal considered the unfettered discretion to allow new complaints to be incorporated into referred complaints includes a discretion to include allegations previously found by the Commissioner to have been out-of-time.

*Bond v State of Queensland [2019] QCATA 60*

### Refusal to grant injunctions pending a hearing

After a complaint of reprisal was referred to the tribunal, the complainant (who is a psychologist) applied for injunctions to lift a ban imposed by Queensland Health that prevented him from providing services for Queensland Health employees as part of the employee assistance program. The direction not to refer Queensland Health employees to the complainant had not been part of the referred complaint, however the tribunal allowed the complaint to be amended in this regard.

The tribunal considered that injunctions would in effect be a final remedy without a hearing into the question of whether the complainant had been the victim of reprisal related to a public interest disclosure he had made. The tribunal considered there was not a sufficient likelihood of success to justify reverting to the previous position where the complainant was available as a provider of psychological services in the employee assistance program.

The complainant's appeal against the tribunal decision did no more than baldly assert that the tribunal erred in law and erred in fact. The Appeal Tribunal found that the complainant had failed to demonstrate that an appeal was necessary to correct a substantial injustice, and failed to advance any argument that there was error in the tribunal's decision which needed to be corrected. The complainant was refused leave to appeal.

*Gobus v Cairns Hinterland Hospital and Health Service [2018] QCATA 121*

## Court of Appeal

A party may apply to the Court of Appeal for leave to appeal a decision of the QCAT Appeal Tribunal on a question of law. For work-related matters, a party may appeal a decision of the Industrial Relations Court of Queensland on the ground of error of law, or excess or want of jurisdiction. In the period, there was one decision of the Court of Appeal in a complaint under the *Anti-Discrimination Act 1991*.

There was also a decision on an appeal in a judicial review application relating to a decision of the Commissioner to reject a complaint as misconceived or lacking in substance.

### Meaning of 'in the course of work'

This was an appeal from a decision of the QCAT Appeal Tribunal about the liability of an employer for sexual harassment by a man engaged to provide after-hours caretaking services at a hotel. The man was required to be on-call between 10pm and 6am to provide various services, and in return he was permitted to occupy a unit in the hotel rent free. With his agreement, an arrangement was made for a woman who was to start work at another hotel in the group, to share the unit. After the first night, the woman woke at 5am to find the man naked in her bedroom and he indecently assaulted her. She told him to stop and to leave the room, and she broke down crying.

The woman made a complaint of sexual harassment against the man, his employer, and her employer (the woman's employer was a wholly owned subsidiary of the man's employer). The complaint against the woman's employer was settled, and the complaint against the man and his employer proceeded to hearing. At the hearing (which the man did not attend), there was no issue that the man had sexually harassed the woman. The issue at the hearing, and on appeal, was whether the sexual harassment happened 'in the course of work' so as to make the man's employer vicariously liable.

Leave was granted to appeal on the ground that there had been an error of law in the finding that the conduct had occurred in the course of work within the meaning of the vicarious liability provision of the Anti-Discrimination Act. The employer argued that the word 'work' in the phrase 'in the course of work' connotes only active obligations, and that the employer was not liable when the man was simply on-call.

The Court looked at the purposes of the Act and the purpose of the vicarious liability provision, and concluded that 'in the course of work' should be given a broader construction, and that 'work' comprehends a more general meaning of 'employment' or 'job' rather than being confined to activities.

The Court suggested that even on a more narrow construction the employer may still be liable, because by being in the unit, the man was fulfilling his contractual obligation to be in or near the hotel. His obligation to be vigilant for situations that could cause a safety risk was as much a part of his work under the contract for services as was his obligation to respond to calls.

The Court said it is inappropriate to construe the Anti-Discrimination Act by analogy with common law principles about the vicarious liability of an employer for the negligent or intentional criminal acts of an employee. The expression 'in the course of work' should not be confined to analogies from the law of vicarious liability in tort. In light of its text and statutory purpose the words 'in the course of work' should be construed broadly.

*Oaks Hotels and Resorts Limited v Knauer & Ors [2018] QCA 359*

### Test for rejecting a complaint as misconceived or lacking in substance

The Commissioner had rejected complaints of race and religious belief discrimination after concluding that an inference of discrimination was improbable and therefore the complainants had not established a sufficient connection between the attributes and the conduct.

The Court of Appeal said this approach was wrong, and it appeared the delegate had decided the complaint, which is not part of the Commissioner's functions under the *Anti-Discrimination Act 1991*. The Court said that where one or more inference is reasonably open on the indicated circumstances, it is not for the Commissioner, when forming an opinion under section 139 of the Act, to decide which inference is more probable; that is a matter within the exclusive province of the tribunal.

The Court also said that at the lodgement stage, there is no requirement for the complaint to be supported with evidence. The obligation is to provide reasonably sufficient details to indicate a contravention. The question for the Commissioner to consider is whether the details provided with the complaint, if proved at a hearing of the tribunal, are indicative of a contravention that is neither misconceived nor lacking in substance.

A complaint will be 'misconceived' if it is based on a false conception or notion (such as discrimination on the basis of an attributed that is not protected by the Act) and 'lacking in substance' where the detail provided in the complaint fails to point to conduct that is capable, if proved, of amounting to a contravention under the Act.

Because rejection of a complaint will deprive the complainant of a hearing, it must clearly appear that the complaint is misconceived or lacking in substance before the requisite opinion may reasonably be formed.

*Toodayan v Anti-Discrimination Commissioner Queensland [2018] QCA*

# Corporate governance

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*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.*

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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; and
- 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; and
- 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 Management; and
- Director, Engagement and Corporate Services.

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

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

The members of the Leadership Group are:

- Anti-Discrimination Commissioner (Chair);
- Deputy Commissioner (Deputy Chair);
- Director, Complaint Management;
- Director, Engagement and Corporate Services;
- Principal Lawyer;
- Manager, Far North Queensland Region;

- Manager, North Queensland Region;
- Manager, Central Queensland Region;
- Manager, Brisbane Complaint Team;
- Aboriginal & Torres Strait Islander Community Engagement Coordinator; and
- Senior Communications Officer.

## Commission staff

The ADCQ maintains offices in Brisbane, Cairns, Townsville and Rockhampton. At 30 June 2019, we employed 35 full-time equivalent permanent and temporary staff. The proportion of permanent staff increased from 88 to 89 per cent over the last year. The permanent staff retention rate during 2018–19 was 97 per cent. The permanent staff separation rate was 3 per cent.

ADCQ 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 arrangement like 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 multi-disciplinary teams.

The success of these strategies can be seen in the most recent Working for Queensland survey where the responses of staff were very positive. Some of the key responses in the survey include:

- 98% of responses to questions relating to support for diversity and inclusion were positive;
- 89% of responses indicated use of some form of flexible work arrangement over the course of the year;
- 89% of responses indicated a positive assessment of their workgroups;
- 76% of responses indicated that the commission was innovative; and
- 88% of responses indicated that staff were empowered to do their work.

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

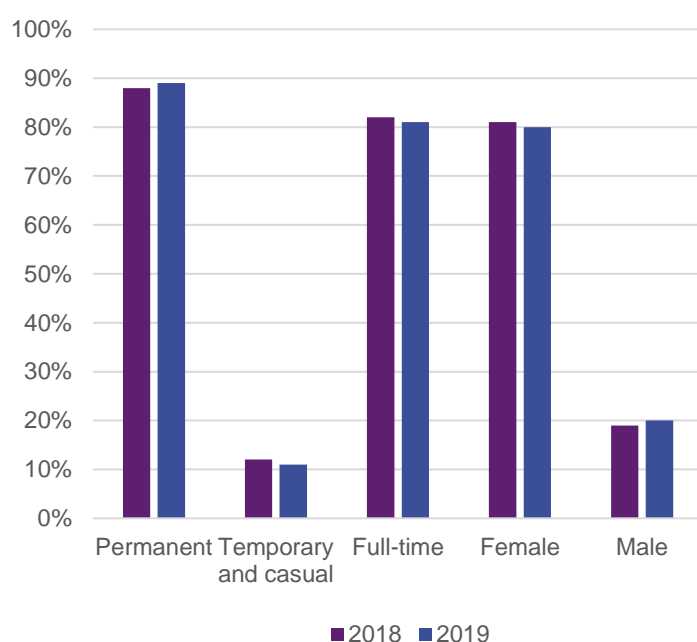
The commission implemented a minor restructure as part of its transition to becoming the Queensland Human Rights Commission from 1 July 2019. The outcome of the restructure can be seen in Appendix D: Organisational Structure.



**Table 12: Staff groups (rounded)**

Group	Employees
Executive management	3
Legal	1
Corporate support	3
Information technology	1
Conciliation	10
Community relations	8
Regional services	9
<b>Total</b>	<b>35</b>

**Graph 1: Employee profiles**



## 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

Seven complaints about ADCQ service delivery were received during 2018-19 – compared to five in 2017-18. All complaints were resolved or partially resolved. 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 recordkeeping

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

- maintenance of an effective system of internal control;
- regular reporting of identified risks to the Executive Leadership Team;
- physical security of ADCQ assets including security access to premises;
- maintenance of security over access to information through network security;
- investment in new information technology infrastructure; and
- media monitoring 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.

The commission has migrated to a "cloud" based provision of computing and telecommunication services. This approach reduces risks associated with in-house management of computing services and also reduces cost.

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 2018–19.

ADCQ staff did not undertake any overseas travel in 2018-19.

ADCQ incurred approximately \$8,500 in costs for interpreter and translator services in 2018-19. Interpreters were engaged on 42 occasions providing the following interpretation services:

- Arabic x 4
- Auslan x 7
- Mandarin x 6
- Spanish x 10
- Korean x 7
- Thai x 1
- Tamil x 1

- Tigrinya x 1
- Somali x 1
- Chinese x 2
- Amharic x 1
- Punjabi x 1

## Early retirement, redundancy and retrenchment

The ADCQ made no payments of this nature during 2018-19.

The above information relating to consultancies, overseas travel and language services is also available at <https://data.qld.gov.au>.

# Summary of financial information

## Summary of financial information overview

The operating result for the ADCQ for 2018–19 was a surplus of approximately \$60,000.

The surplus was mainly due to delays in finalising investments to support the implementation of the *Human Rights Act 2019*.

Performance in the remaining budget areas was sound.

The major activities undertaken during the year include:

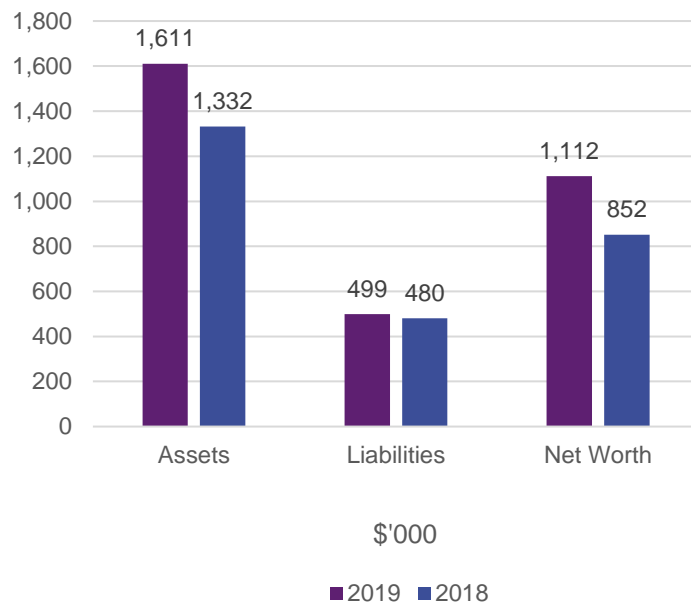
- Transitioning to the Queensland Human Rights Commission in preparation for its commencement on 1 July 2019 which involved a minor restructure, rebranding, the development of educational and promotional resources as well as system changes to support new functions;
- Fitting out the new Cairns Regional Office;
- Co-hosting the biennial Mabo Oration with QPAC;
- Managing a significant increase in complaint numbers whilst achieving most targets.

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.qhrc.qld.gov.au](http://www.qhrc.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 2019. This provides a measure of our equity level. ADCQ's assets at 30 June 2019 were \$1.6 million and liabilities were \$0.5 million, resulting in a total equity of \$1.1 million. The increase in net worth is largely the result of delays in finalising investments to support the implementation of the *Human Rights Act 2019*. These investments will be finalised in the 2019-20 financial year. The ADCQ's financial position remains strong.

**Graph 2: Net worth**



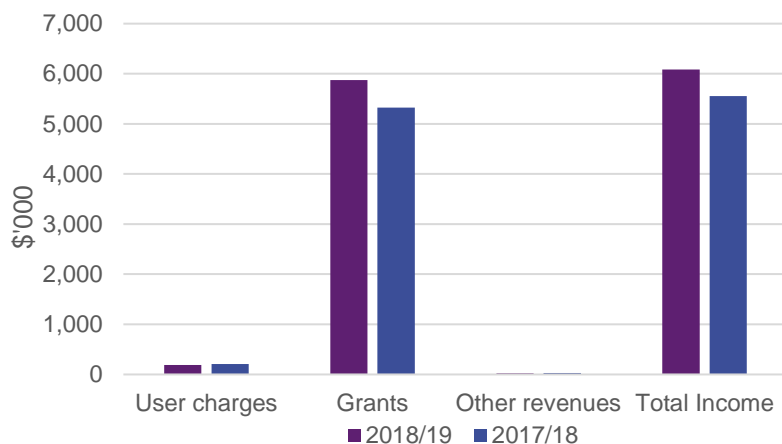
## Financial performance

The Income Statement shows the total income for 2018–19 as \$6.082 million and expenditure as \$6.022 million. The ADCQ finished the year with an operating surplus of approximately \$60,000. The surplus mainly relates to delays in finalising investments to support the implementation of the *Human Rights Act 2019*.

## 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.

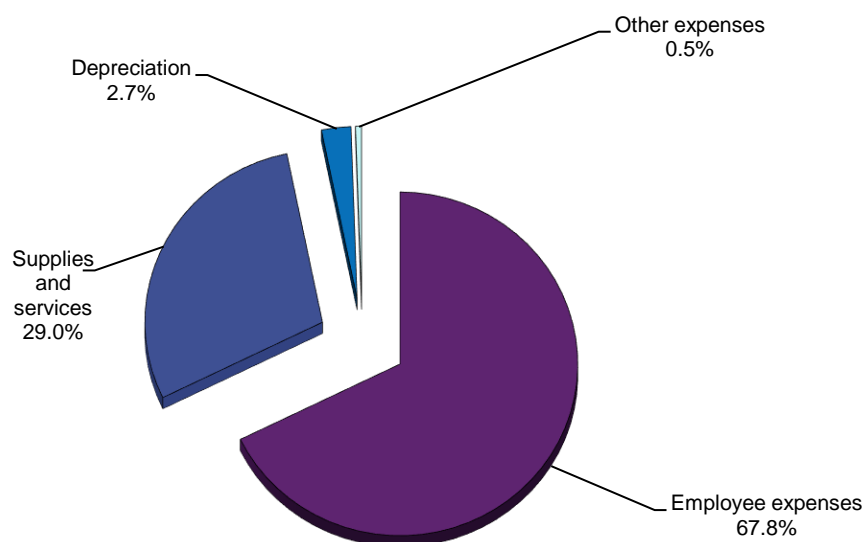
**Graph 3: Source of funds 2018–19**



## Expenses

Total operating expenses for 2018–19 were \$6.022 million. The largest expense category is employee-related costs, which account for almost 67.8 per cent of total expenses. The second biggest category is supplies and services, which accounts for 29 per cent.

**Graph 4: Application of funds**



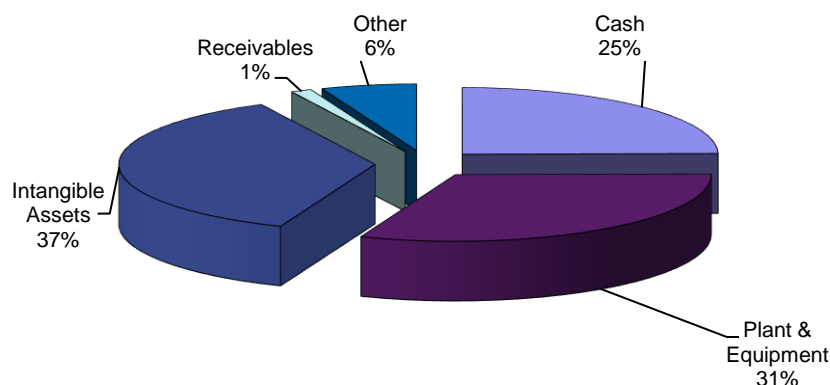
## Comparison to Budget and Actual

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.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au)).

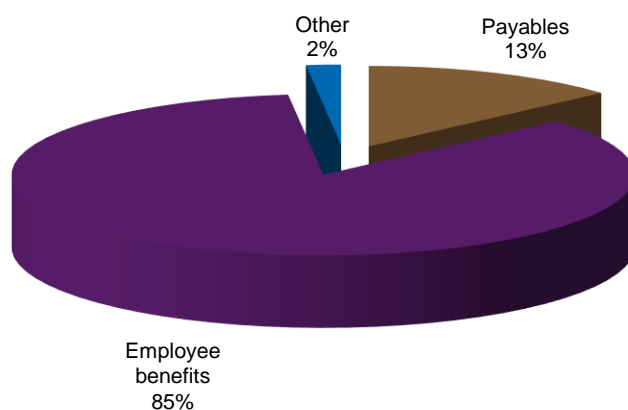
### Assets

Total assets increased from \$1.3 million at 30 June 2018 to \$1.6 million at 30 June 2019. This change is largely the result of delays in finalising investments to support the implementation of the *Human Rights Act 2019* thus increasing the cash balance. Current assets are valued at \$0.5 million and are available to meet current liabilities, which are valued at \$0.5 million. The ADCQ remains well positioned to meet all its obligations as they fall due.

**Graph 5: Asset portfolio**



**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.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au).

## Independent auditor's report

The independent auditor's report accompanies the annual report or can be viewed at [www.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au).

# Appendix A: Compliance checklist

Summary of requirement		Basis for requirement	Annual report reference
Letter of compliance	A letter of compliance from the accountable officer or statutory body to the relevant Minister/s	ARRs — section 7	Page 3
Accessibility	Table of contents	ARRs — section 9.1	Page 2
	Glossary		Appendix B
	Public availability	ARRs — section 9.2	Page 1
	Interpreter service statement	Queensland Government Language Services Policy ARRs — section 9.3	Page 1
	Copyright notice	Copyright Act 1968 ARRs — section 9.4	Page 1
	Information licensing	QGEA — Information Licensing ARRs — section 9.5	Page 1
General information	Introductory Information	ARRs — section 10.1	Page 4
	Machinery of Government changes	ARRs — section 10.2, 31 and 32	N/A
	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	Page 11
	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 49
Governance – management and structure	Organisational structure	ARRs — section 13.1	Appendix D
	Executive management	ARRs — section 13.2	Page 42
	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 46
	Queensland public service values	ARRs — section 13.5	Page 5
Governance – risk management and accountability	Risk management	ARRs — section 14.1	Page 47
	Audit committee	ARRs — section 14.2	Page 47
	Internal audit	ARRs — section 14.3	Page 47
	External scrutiny	ARRs — section 14.4	N/A
	Information systems and recordkeeping	ARRs — section 14.5	Page 47
Governance – human resources	Strategic workforce planning and performance	ARRs — section 15.1	Page 44
	Early retirement, redundancy and retrenchment	Directive No.04/18 Early Retirement, Redundancy and Retrenchment ARRs — section 15.2	Page 47
Open Data	Statement advising publication of information	ARRs — section 16	Page 47

	Consultancies	ARRs — section 33.1	<a href="https://data/qld.gov.au">https://data/qld.gov.au</a>
	Overseas travel	ARRs — section 33.2	<a href="https://data/qld.gov.au">https://data/qld.gov.au</a>
	Queensland Language Services Policy	ARRs — section 33.3	<a href="https://data/qld.gov.au">https://data/qld.gov.au</a>
Financial statements	Certification of financial statements	FAA — section 62 FPMS — sections 42, 43 and 50 ARRs — section 17.1	Page 52 Appendix G
	Independent Auditors Report	FAA — section 62 FPMS — section 50 ARRs — section 17.2	Page 44 Appendix F

FAA *Financial Accountability Act 2009*

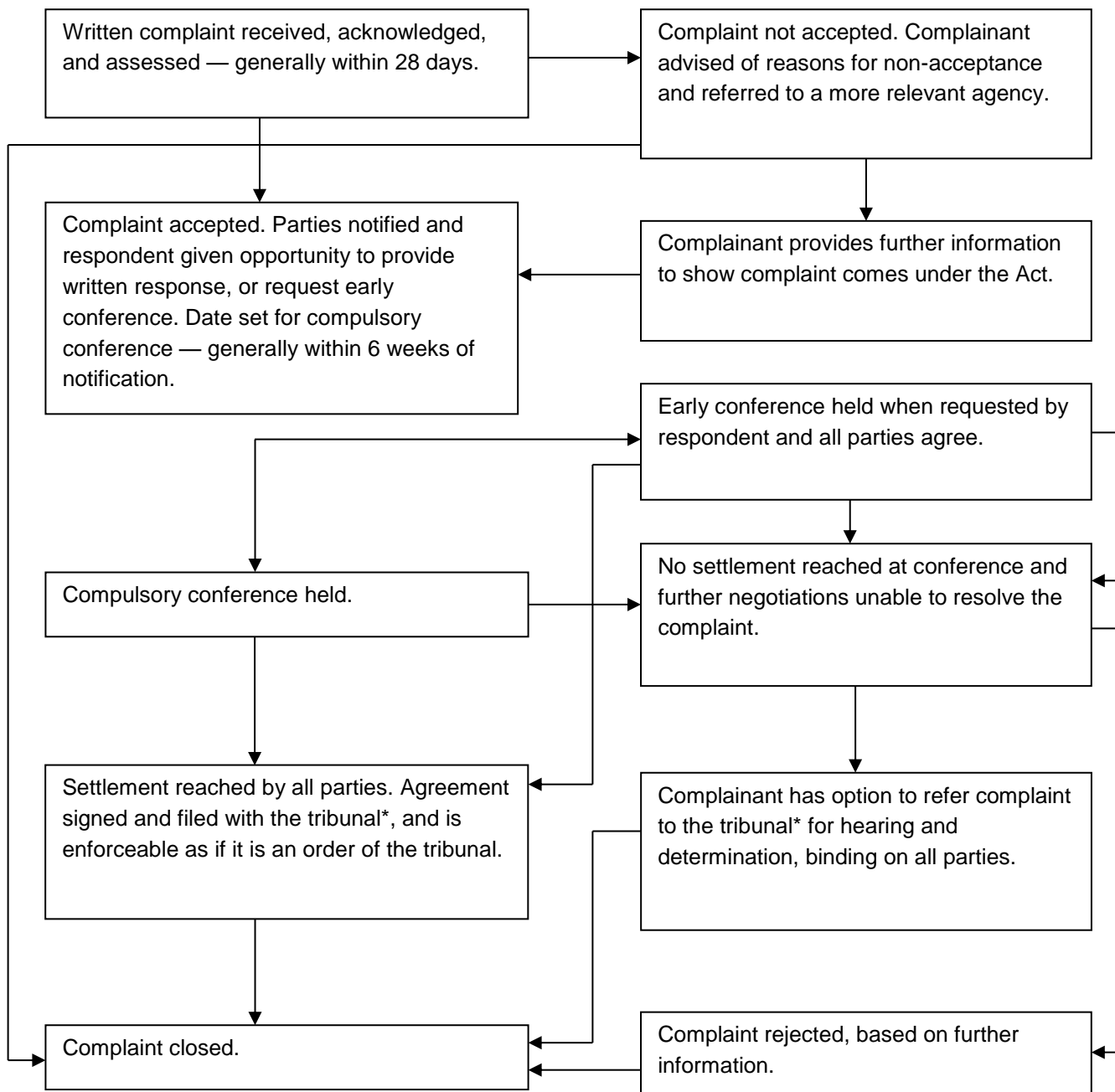
FPMS Financial and Performance Management Standard 2009

ARRs Annual Report Requirements for Queensland Government Agencies

## Appendix B: Glossary of terms

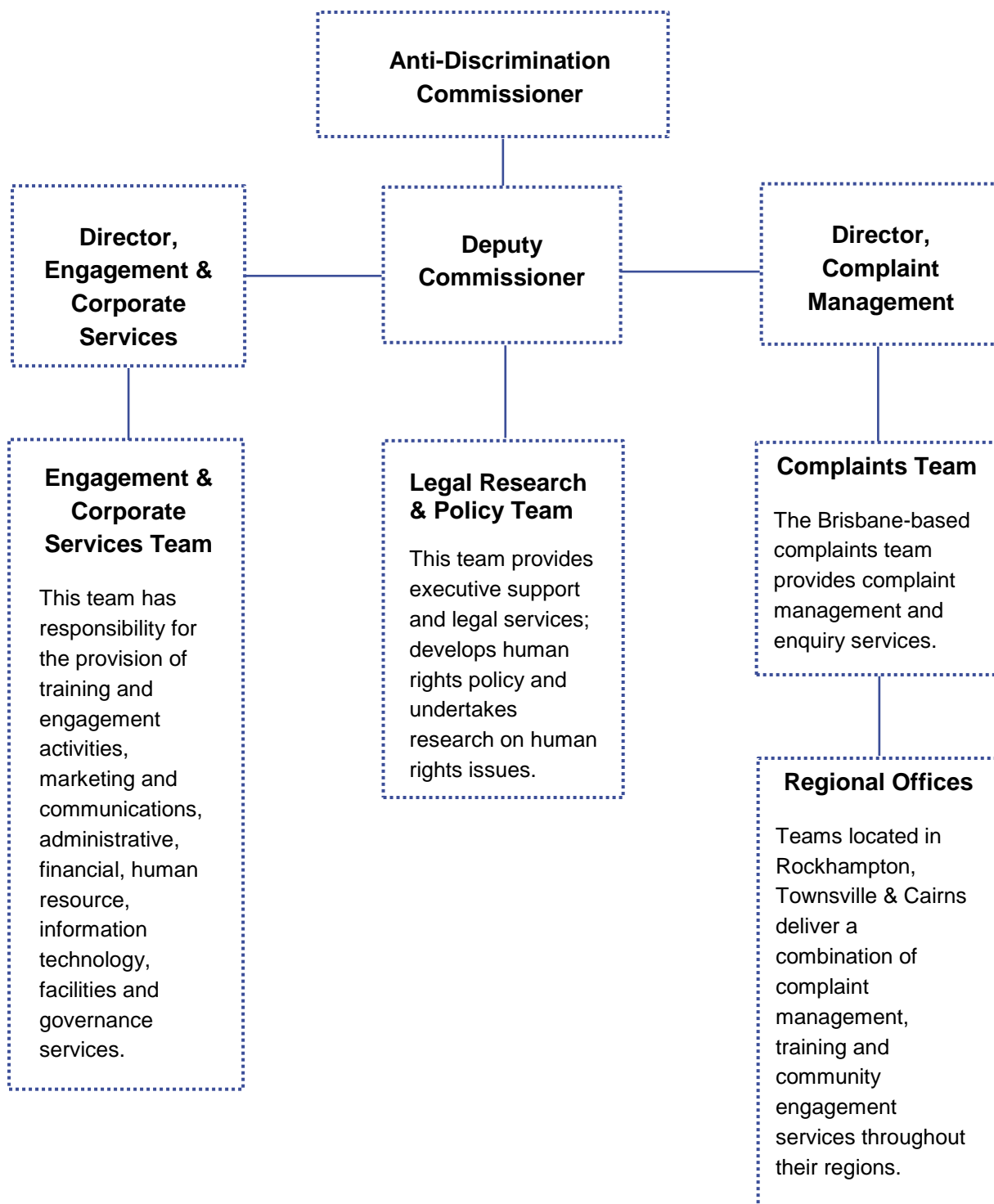
Term	Description
the Act	the <i>Anti-Discrimination Act 1991</i> (Qld)
ADCQ	Anti-Discrimination Commission Queensland
complaint	<p>Means a complaint made under the Act. A complaint must:</p> <ul style="list-style-type: none"> <li>• be in writing</li> <li>• set out reasonably sufficient details to indicate an alleged contravention of the Act</li> <li>• state the complainant's address for service</li> <li>• be lodged with, or sent by post to the Commissioner.</li> </ul> <p>A person is only entitled to make a complaint within one year of the alleged contravention of the Act.</p>
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 Queensland Civil and Administrative 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.
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 C: Complaint handling process



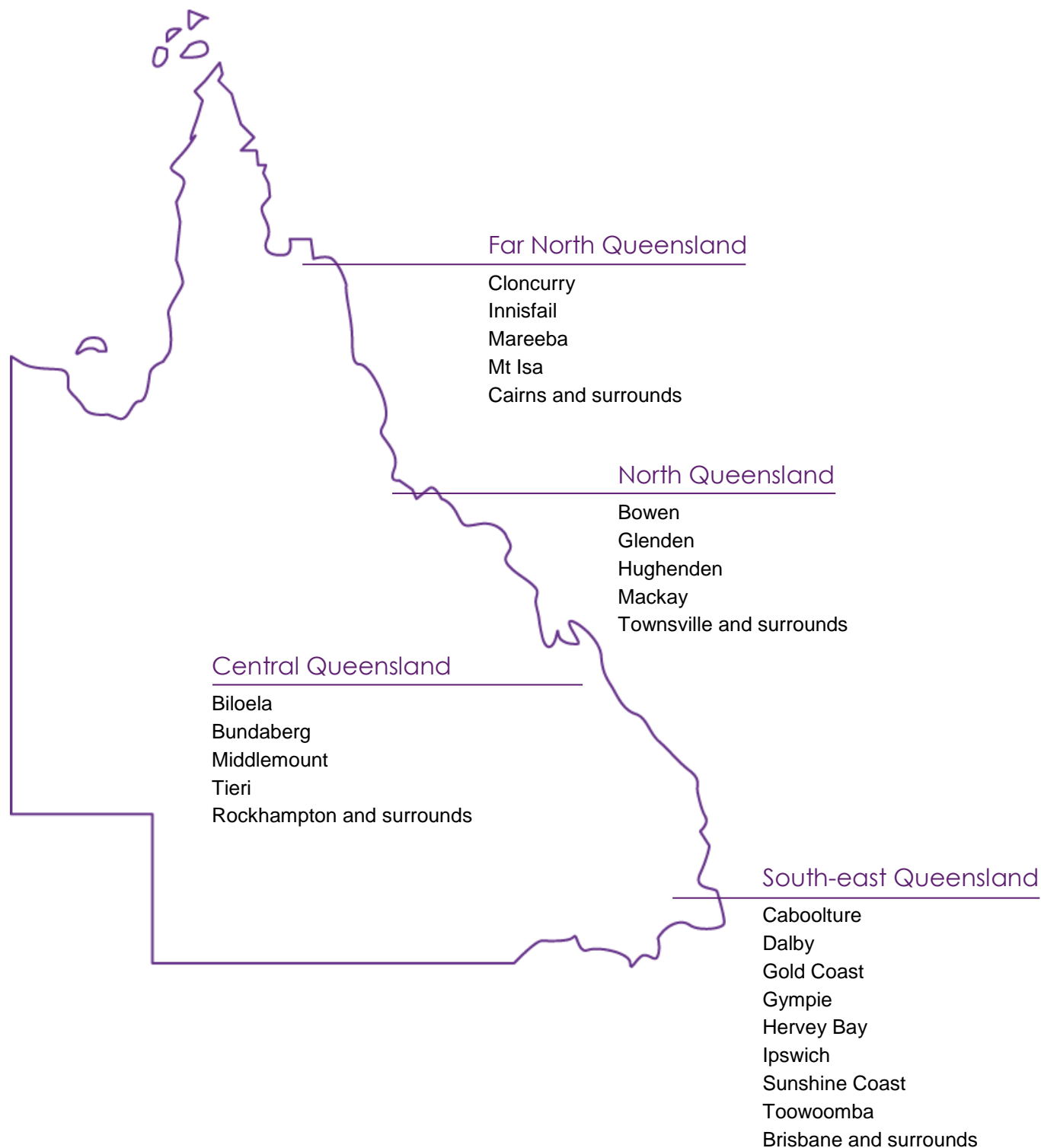
\* From 1 March 2017, for work-related matters the tribunal is the Queensland Industrial Relations Commission, and for all other matters the tribunal is the Queensland Civil and Administrative Tribunal.

## Appendix D: Organisational structure



# Appendix E: Map of areas visited in 2018-19

## Locations of training delivered in 2018-19



# Appendix F: Certified financial statements





**ANTI DISCRIMINATION  
COMMISSION QUEENSLAND**

**Financial Statements  
for the financial year ended  
30 June 2019**



**Anti-Discrimination Commission Financial Statements**  
For the Year Ended 30 June 2019

**TABLE OF CONTENTS**

<b>Financial Statements</b>	Statement of Comprehensive Income	Page 2
	Statement of Financial Position	Page 3
	Statement of Changes in Equity	Page 4
	Statement of Cash Flows (Including Notes to the Statement of Cash Flows)	Page 5&6
<b>Notes to the Financial Statements</b>	A1. Basis of Financial Statement Preparation	Page 7
	A1-1 General Information	Page 7
	A1-2 Compliance with Prescribed Requirements	Page 7
	A1-3 Presentation	Page 7
	A1-4 Authorisation of Financial Statements for Issue	Page 8
	A1-5 Basis of Measurement	Page 8
	A1-6 The Reporting Entity	Page 8
	A2. Objectives of the Commission	Page 8
	B1. Revenue	Page 9
	B1-1 Grants and Contributions	Page 9
	B2. Expenses	Page 9
	B2-1 Employee Expenses	Page 9&10
	B2-2 Supplies and Services	Page 11
	B2-3 Other Expenses	Page 11
	C1. Cash and Cash Equivalents	Page 12
	C2. Receivables	Page 12
	C3. Plant, Equipment and Depreciation Expense	Page 13
	C3-1 Closing Balances and Reconciliation of Carrying Amount	Page 13
	C3-2 Recognition and Acquisition	Page 13
	C3-3 Measurement using Historical Cost	Page 13
	C3-4 Depreciation Expense	Page 14
	C3-5 Impairment	Page 14
	C4. Intangibles and Amortisation Expense	Page 15
	C4-1 Closing Balances and Reconciliation of Carrying Amount	Page 15
	C4-2 Recognition and Measurement	Page 15
	C4-3 Amortisation Expense	Page 15
	C4-4 Impairment	Page 16
	C4-5 Other Disclosures	Page 16
	C5. Accrued Employee Benefits	Page 16
	D1. Financial Risk Disclosures	Page 17
	D1-1 Financial Instrument Categories	Page 17
	D2. Commitments	Page 17
	D3. Events Occurring after the reporting date	Page 17
	D4. Future Impact of Accounting Standards Not Yet Effective	Page 18
	E1. Budgetary Reporting Disclosures	Page 19
	E2. Budget to Actual Comparison - Statement of Comprehensive Income	Page 19
	E2-1 Explanation of Major Variances - Statement of Comprehensive Income	Page 19
	E3. Budget to Actual Comparison - Statement of Financial Position	Page 20
	E3-1 Explanation of Major Variances - Statement of Financial Position	Page 20
	E4. Budget to Actual Comparison - Statement of Cash Flows	Page 21
	E4-1 Explanation of Major Variances - Statement of Cash Flows	Page 21
	F1. Key Management Personnel (KMP) Disclosures	Page 22&23
	F2. Related Party Transactions	Page 24
	F3. First Year Application of New Accounting Standards or Change in Accounting Policy	Page 24
	F4. Taxation	Page 24
<b>Certification</b>	Management Certificate	Page 25

**Anti-Discrimination Commission**  
**Statement of Comprehensive Income**  
Year ended 30 June 2019

<b>OPERATING RESULT</b>		<b>2019</b>	<b>2018</b>
	<b>Notes</b>	<b>\$'000</b>	<b>\$'000</b>
<b>Income from Continuing Operations</b>			
User charges and fees		190	205
Grants and contributions	B1-1	5,872	5,323
Other revenues		20	28
<b>Total Revenue</b>		<b>6,082</b>	<b>5,556</b>
<b>Total Income from Continuing Operations</b>		<b>6,082</b>	<b>5,556</b>
<b>Expenses from Continuing Operations</b>			
Employee expenses	B2-1	4,082	3,793
Supplies and services	B2-2	1,746	1,575
Depreciation and amortisation		161	263
Other expenses	B2-3	33	38
<b>Total Expenses from Continuing Operations</b>		<b>6,022</b>	<b>5,669</b>
<b>Operating Result for the Year</b>		<b>60</b>	<b>(113)</b>
<b>TOTAL COMPREHENSIVE INCOME</b>		<b>60</b>	<b>(113)</b>

*The accompanying notes form part of these statements.*

**Anti-Discrimination Commission  
Statement of Financial Position**

as at 30 June 2019

	Notes	2019 \$'000	2018 \$'000
<b>Current Assets</b>			
Cash and cash equivalents	C1	400	223
Receivables	C2	21	88
Inventories		-	14
Prepayments		97	107
<b>Total Current Assets</b>		<b>518</b>	<b>432</b>
<b>Non-Current Assets</b>			
Plant and equipment	C3	591	468
Intangible assets	C4	502	432
<b>Total Non-Current Assets</b>		<b>1,093</b>	<b>900</b>
<b>Total Assets</b>		<b>1,611</b>	<b>1,332</b>
<b>Current Liabilities</b>			
Payables		67	63
Other liabilities		9	10
Accrued employee benefits	C5	423	407
<b>Total Current Liabilities</b>		<b>499</b>	<b>480</b>
<b>Total Liabilities</b>		<b>499</b>	<b>480</b>
<b>Net Assets</b>		<b>1,112</b>	<b>852</b>
<b>Equity</b>			
Contributed equity		537	337
Accumulated surplus		575	515
<b>Total Equity</b>		<b>1,112</b>	<b>852</b>

*The accompanying notes form part of these statements.*

**Anti-Discrimination Commission  
Statement of Changes in Equity**

Year ended 30 June 2019

	Contributed Equity	Accumulated Surplus	TOTAL
	\$'000	\$'000	\$'000
Balance as at 1 July 2017	337	628	965
Operating result for the Year	-	(113)	(113)
Balance as at 30 June 2018	337	515	852
Balance as at 1 July 2018	337	515	852
Operating result for the Year	-	60	60
Transactions with Owners as Owners:			
- Equity Injection Non Appropriated	200	-	200
Balance as at 30 June 2019	537	575	1,112

*The accompanying notes form part of these statements.*

**Anti-Discrimination Commission  
Statement of Cash Flows**

Year ended 30 June 2019

	Notes	2019 \$'000	2018 \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<i>Inflows:</i>			
User charges and fees		262	156
Grants and contributions		5,872	5,323
GST input tax credits from ATO		199	169
GST collected from customers		19	22
Other		20	30
<i>Outflows:</i>			
Employee expenses		(4,058)	(3,840)
Supplies and services		(1,719)	(1,588)
GST paid to suppliers		(210)	(164)
GST remitted to ATO		(21)	(21)
Other		(32)	(36)
<b>Net cash provided by operating activities</b>	CF-1	<u>332</u>	<u>49</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<i>Outflows:</i>			
Payments for plant and equipment		(226)	(66)
Payments for intangibles		(129)	(27)
<b>Net cash provided by (used in) investing activities</b>		<u>(355)</u>	<u>(93)</u>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
<i>Inflows:</i>			
Equity injections		200	-
<b>Net cash provided by financing activities</b>		<u>200</u>	<u>-</u>
Net increase (decrease) in cash and cash equivalents		177	(44)
<b>Cash and cash equivalents - opening balance</b>		223	267
<b>Cash and cash equivalents - closing balance</b>	C1	<u>400</u>	<u>223</u>

*The accompanying notes form part of these statements.*

**Anti-Discrimination Commission  
Statement of Cash Flows**

Year ended 30 June 2019

**NOTES TO THE STATEMENT OF CASH FLOWS**

**CF-1 Reconciliation of Operating Result to Net Cash Provided by Operating Activities**

	<b>2019</b>	<b>2018</b>
	<b>\$'000</b>	<b>\$'000</b>
Operating Surplus/(deficit)	60	(113)
<i>Non-Cash items included in operating result:</i>		
Depreciation and amortisation expense	161	263
<i>Change in assets and liabilities:</i>		
(Increase)/decrease in trade receivables	52	(49)
(Increase)/decrease in GST input tax credits receivable	(12)	8
(Increase)/decrease in LSL reimbursement receivables	7	(2)
(Increase)/decrease in other receivables	20	-
(Increase)/decrease in inventories	14	(2)
(Increase)/decrease in prepayments	10	38
Increase/(decrease) in accounts payables and other liabilities	4	(60)
Increase/(decrease) in accrued employee benefits	16	(34)
<b>Net cash provided by operating activities</b>	<b>332</b>	<b>49</b>



**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

**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 2018.

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 2017-18 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.

**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

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## **A1 BASIS OF FINANCIAL STATEMENT PREPARATION (continued)**

### **A1-4 AUTHORISATION OF FINANCIAL STATEMENTS FOR ISSUE**

The financial statements are authorised by the Human Rights Commissioner and Business Manager 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.

**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

**SECTION 2  
NOTES ABOUT OUR FINANCIAL PERFORMANCE**

**B1 REVENUE**

**B1-1 GRANTS AND CONTRIBUTIONS**

	2019 \$'000	2018 \$'000
Recurrent grant from Department of Justice and Attorney-General	5,872	5,308
Industry contributions	-	15
<b>Total</b>	<b>5,872</b>	<b>5,323</b>

**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).

**B2 EXPENSES**

**B2-1 EMPLOYEE EXPENSES**

**Employee Benefits**

Wages and salaries	3,046	2,825
Annual leave expense	344	330
Employer superannuation contributions	424	391
Long service leave levy	61	58
Other employee benefits	6	6

**Employee Related Expenses**

Workers' compensation premium	18	18
Payroll tax	164	152
Other employee related expenses	19	13
<b>Total</b>	<b>4,082</b>	<b>3,793</b>

	2019 No.	2018 No.
Full-Time Equivalent Employees:	35	32

**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

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**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.

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

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

**Accounting Policy - Workers' Compensation Premiums**

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

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

**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

**B2 EXPENSES (continued)**

**B2-2 SUPPLIES AND SERVICES**

	<b>2019</b>	<b>2018</b>
	<b>\$'000</b>	<b>\$'000</b>
Tenancy	667	630
Property outgoings	123	115
Professional services	64	3
Travel and Motor Vehicle	90	96
Operating level agreement	138	133
Computing and Telephone	484	414
Conference and workshop	26	41
Other	154	143
<b>Total</b>	<b><u>1,746</u></b>	<b><u>1,575</u></b>

**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 OTHER EXPENSES**

External audit fees *	23	23
Sponsorships	4	10
Australian Sports Commission	3	2
Insurance Premiums - QGIF	3	3
<b>Total</b>	<b><u>33</u></b>	<b><u>38</u></b>

**Audit Fees**

\* Total audit fees quoted by the Queensland Audit Office relating to the 2018-19 financial statements are \$22,500 (2018: \$22,500). There are no non-audit services included in this amount.

**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

**SECTION 3  
NOTES ABOUT OUR FINANCIAL POSITION**

**C1 CASH AND CASH EQUIVALENTS**

	2019	2018
	\$'000	\$'000
Imprest accounts	2	2
Cash at bank	398	221
<b>Total</b>	<b>400</b>	<b>223</b>

**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 2.34% (2018: 1.72% and 2.19%).

**C2 RECEIVABLES**

Trade debtors	16	68
GST receivable	23	11
Long service leave reimbursements	2	9
Sundry debtors	(20)	-
<b>Total</b>	<b>21</b>	<b>88</b>

**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.

**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

**C3 PLANT, EQUIPMENT AND DEPRECIATION EXPENSE**

**C3 - 1 CLOSING BALANCES AND RECONCILIATION OF CARRYING AMOUNT**

Plant and Equipment Reconciliation	Plant and Equipment		Work In Progress		Total	
	2019 \$'000	2018 \$'000	2019 \$'000	2018 \$'000	2019 \$'000	2018 \$'000
Gross	1,111	1,161	9	-	1,120	1,161
Less: Accumulated depreciation	(529)	(693)	-	-	(529)	(693)
<b>Carrying amount at 30 June</b>	<b>582</b>	<b>468</b>	<b>9</b>	<b>-</b>	<b>591</b>	<b>468</b>
<i>Represented by movements in carrying amount:</i>						
Carrying amount at 1 July	468	602	-	-	468	602
Acquisitions	18	4	337	89	355	93
Transfers between classes	199	62	(199)	(62)	-	-
Transferred to Intangibles	-	-	(129)	(27)	(129)	(27)
Depreciation	(103)	(200)	-	-	(103)	(200)
<b>Carrying amount at 30 June</b>	<b>582</b>	<b>468</b>	<b>9</b>	<b>-</b>	<b>591</b>	<b>468</b>

**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.

**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

**C3 PLANT, EQUIPMENT AND DEPRECIATION EXPENSE (continued)**

**C3-4 DEPRECIATION EXPENSE**

**Accounting Policy**

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

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

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

Assets under construction (work-in-progress) are not depreciated until construction is complete and the asset is put to use or is ready for its intended use, whichever is the earlier. These assets are then reclassified to the relevant 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	9 - 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. Any amount by which the asset's carrying amount exceeds the recoverable amount is recorded as an impairment loss.

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

An impairment loss is recognised immediately in the Statement of Comprehensive Income.

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



**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

## **C4 INTANGIBLES AND AMORTISATION EXPENSE**

### **C4-1 CLOSING BALANCES AND RECONCILIATION OF CARRYING AMOUNT**

	Software Internally Generated		Software: Work in Progress		Total	
	2019	2018	2019	2018	2019	2018
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Gross	915	811	52	27	967	838
Less: Accumulated amortisation	(465)	(406)	-	-	(465)	(406)
<b>Carrying amount at 30 June</b>	<b>450</b>	<b>405</b>	<b>52</b>	<b>27</b>	<b>502</b>	<b>432</b>
<i>Represented by movements in carrying amount:</i>						
Carrying amount at 1 July	405	467	27	-	432	467
Transfers between classes	104	-	(104)	-	-	-
Transferred from Work in Progress - Refer note C3-1	-	-	129	27	129	27
Amortisation	(59)	(62)	-	-	(59)	(62)
<b>Carrying amount at 30 June</b>	<b>450</b>	<b>405</b>	<b>52</b>	<b>27</b>	<b>502</b>	<b>432</b>

### **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	15 - 16 Years

**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

**C4 INTANGIBLES AND AMORTISATION EXPENSE (continued)**

**C4-4 IMPAIRMENT**

**Accounting Policy**

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

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

**C4-5 OTHER DISCLOSURES**

**Individually significant intangible assets**

At 30 June the commission holds two internally generated software assets being: the Complaints, Training and Contact Management System that has a carrying value of \$345,577 and a remaining amortisation period of 6 years; and the Website that has a carrying value of \$103,736 and a remaining amortisation period of 9 years.

**C5 ACCRUED EMPLOYEE BENEFITS**

	2019 \$'000	2018 \$'000
<b>Current</b>		
Wages outstanding	89	63
Recreation leave *	336	328
Long service leave levy payable	18	16
<b>Total</b>	<u>423</u>	<u>407</u>

\* 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*.

**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

**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:

	2019	2018
	\$'000	\$'000
Not later than 1 year	688	730
Later than 1 year and not later than 5 years	2,930	350
Later than five years	-	19
<b>Total</b>	<b>3,618</b>	<b>1,099</b>

**D3 EVENTS OCCURRING AFTER THE REPORTING DATE**

On 1 July 2019 the *Anti-Discrimination Act 1991* was amended by the *Human Rights Act 2019* to: change the name of the Anti-Discrimination Commission to the Queensland Human Rights Commission and the name of the Anti-Discrimination Commissioner to the Human Rights Commissioner (section 234); and provide that the current Anti-Discrimination Commission continues as the Queensland Human Rights Commission, and a reference in a document to the Anti-Discrimination Commission is taken to be a reference to the Queensland Human Rights Commission (section 278).

**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

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#### **D4 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 1058 Income of Not-for-Profit Entities and AASB 15 Revenue from Contracts with Customers**

The transition date for both AASB 15 and AASB 1058 is 1 July 2019. Consequently, these standards will first apply to the commission when preparing the financial statements for 2019-20. The commission has reviewed the impact of AASB 15 and AASB 1058 and identified the following impacts (or estimated impact where indicated) on adoption of the new standards:

##### Deferred Grant Revenue

The commission does not currently have any material grant revenue contracts with specific performance obligations that relate to funding of activity based services, and will monitor the impact of any such contracts subsequently entered into before the new standards take effect.

Recurrent grants from Department of Justice and Attorney-General are expected to be recognised on receipt under AASB 1058.

##### Sale of Services

The commission expects no change to revenue recognition from provision of services as customers are only invoiced after the obligation is performed.

##### Sale of Goods

The commission expects no change to revenue recognition from the sale of goods comprising sale of publications and materials as the delivery of the goods to the customer represents the sole performance obligation. The amount of any right of return asset or refund liability has been determined to be negligible and immaterial to record on transition.

##### **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

Under AASB 16, the majority of operating leases (as defined by the current AASB 117 and shown at Note D2) will be reported on the statement of financial position as right-of-use assets and lease liabilities.

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. In accordance with Queensland Treasury's policy, the commission will apply the 'cumulative approach', and will 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.

##### Outcome of review as lessee

The commission has completed its review of the impact of adoption of AASB 16 on the statement of financial position and statement of comprehensive income and has identified the following major impacts which are outlined below.

During the 2018-19 financial year, the Anti-Discrimination Commission held operating leases under AASB 117 from the Department of Housing and Public Works (DHPW) for non-specialised, commercial office accommodation through the Queensland Government Accommodation Office (QGAO). Lease payments under these arrangements totalled \$666,855 p.a. The commission has been advised by Queensland Treasury and DHPW that, effective 1 July 2019, amendments to the framework agreements that govern QGAO will result in the above arrangements being exempt from lease accounting under AASB 16. This is due to DHPW having substantive substitution rights over the non-specialised, commercial office accommodation assets used within these arrangements. From 2019-20 onwards, costs for these services will continue to be expensed as supplies and services expense when incurred.

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.

**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

**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 2018-19 financial results and the original budget presented to Parliament.

**E2 BUDGET TO ACTUAL COMPARISON - STATEMENT OF COMPREHENSIVE INCOME**

	Variance Notes	Original Budget 2019 \$'000	Actual 2019 \$'000	Variance \$'000
<b>Income from Continuing Operations</b>				
User charges and fees		178	190	12
Grants and contributions	V1	5,524	5,872	348
Other revenues	V2	45	20	(25)
<b>Total Income from Continuing Operations</b>		<b>5,747</b>	<b>6,082</b>	<b>335</b>
<b>Expenses from Continuing Operations</b>				
Employee expenses		4,131	4,082	(49)
Supplies and services	V3	1,442	1,746	304
Depreciation and amortisation	V4	144	161	17
Other expenses	V5	30	33	3
<b>Total Expenses from Continuing Operations</b>		<b>5,747</b>	<b>6,022</b>	<b>275</b>
<b>Operating Result for the year</b>		<b>-</b>	<b>60</b>	<b>60</b>

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

- V1 The increase mainly relates to additional funding provided to fund a conciliator position (\$0.105 million) and the transfer of funds originally provided in the 2019-20 financial year for the implementation of the *Human Rights Act 2019* (\$0.242 million). The commencement date of the Act was brought forward to 1 July 2019.
- V2 Interest revenue was lower than anticipated with rates continuing to be very low and no sponsorships were received.
- V3 The increase mainly relates to: the implementation of the *Human Rights Act 2019* with the commencement date of the Act brought forward to 1 July 2019 (\$0.085 million); delays in system upgrades resulting in higher facilities management charges than expected (\$0.059 million); payment of arrears on network line rental that was undercharged (\$0.026 million); and unexpected legal costs (\$0.012 million).
- V4 The increase mainly relates to higher than anticipated investment in enhancements to software assets which has a flow on effect of higher depreciation costs.
- V5 The increase mainly relates to a minor increase in event sponsorships.

**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

**E3 BUDGET TO ACTUAL COMPARISON - STATEMENT OF FINANCIAL POSITION**

	Variance Notes	Original Budget 2019 \$'000	Actual 2019 \$'000	Variance \$'000
<b>Current Assets</b>				
Cash and cash equivalents	V6	484	400	(84)
Receivables	V7	31	21	(10)
Inventories	V8	13	-	(13)
Prepayments	V9	143	97	(46)
<b>Total Current Assets</b>		<b>671</b>	<b>518</b>	<b>(153)</b>
<b>Non-Current Assets</b>				
Plant and equipment		580	591	11
Intangible assets	V10	370	502	132
<b>Total Non-Current Assets</b>		<b>950</b>	<b>1,093</b>	<b>143</b>
<b>Total Assets</b>		<b>1,621</b>	<b>1,611</b>	<b>(10)</b>
<b>Current Liabilities</b>				
Payables	V11	109	67	(42)
Other liabilities	V12	13	9	(4)
Accrued employee benefits		433	423	(10)
<b>Total Current Liabilities</b>		<b>555</b>	<b>499</b>	<b>(56)</b>
<b>Total Liabilities</b>		<b>555</b>	<b>499</b>	<b>(56)</b>
<b>Net Assets</b>		<b>1,066</b>	<b>1,112</b>	<b>46</b>
<b>Total Equity</b>		<b>1,066</b>	<b>1,112</b>	<b>46</b>

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

- V6 Part of the variance for Cash and cash equivalents (\$0.147 million) is attributable to a lower actual opening balance compared to that estimated in the budget because of the difference between estimated and actual cash for the previous financial year. The remainder of the variance is substantially due to the operating result being a surplus (\$0.080 million).
- V7 Part of the variance for Receivables (\$0.057 million) is attributable to a higher 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 trade debtors (\$0.052 million) and other receivables (\$0.020 million) offset by an increase in GST receivable (\$0.013 million).
- V8 The variance for Inventories relates to the write off of obsolete inventory. In future no stock of inventory will be maintained as resources can be provided digitally or produced on demand.
- V9 The variance for Prepayments is mainly due to a lower actual opening balance compared to that estimated in the budget because of the difference between estimated and actual prepayments for the previous financial year (\$0.036 million).
- V10 The variance for Intangible assets mainly relates to enhancement of the Complaints, Training and Contact Management system (\$0.067 million) and the Website (\$0.037 million).
- V11 The variance for Payables is mainly due to a lower actual opening balance compared to that estimated in the budget because of the difference between estimated and actual payables for the previous financial year (\$0.046 million).
- V12 The variance for Other liabilities is mainly due to a lower actual opening balance compared to that estimated in the budget because of the difference between estimated and actual other liabilities for the previous financial year (\$0.003 million).

**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

**E4 BUDGET TO ACTUAL COMPARISON - STATEMENT OF CASH FLOWS**

	Variance Notes	Original Budget 2019 \$'000	Actual 2019 \$'000	Variance \$'000
<b>Cash flows from operating activities</b>				
<i>Inflows:</i>				
User charges and fees	V13	178	262	84
Grants and contributions	V14	5,524	5,872	348
GST input tax credits from ATO		-	199	199
GST collected from customers		-	19	19
Other	V15	45	20	(25)
<i>Outflows:</i>				
Employee expenses		(4,131)	(4,058)	73
Supplies and services	V16	(1,442)	(1,719)	(277)
GST paid to suppliers		-	(210)	(210)
GST remitted to ATO		-	(21)	(21)
Other		(30)	(32)	(2)
<b>Net cash provided by operating activities</b>		<b>144</b>	<b>332</b>	<b>188</b>
<b>Cash flows from investing activities</b>				
<i>Outflows:</i>				
Payments for plant and equipment	V17	(130)	(226)	(96)
Payments for intangibles	V18	-	(129)	(129)
<b>Net cash provided by (used in) investing activities</b>		<b>(130)</b>	<b>(355)</b>	<b>(225)</b>
<b>Cash flows from financing activities</b>				
<i>Inflows:</i>				
Equity injections	V17	100	200	100
<b>Net cash provided by financing activities</b>		<b>100</b>	<b>200</b>	<b>100</b>
<b>Net increase (decrease) in cash and cash equivalents</b>		<b>114</b>	<b>177</b>	<b>63</b>
Cash and cash equivalents - opening balance		370	223	(147)
<b>Cash and cash equivalents - closing balance</b>		<b>484</b>	<b>400</b>	<b>(84)</b>

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

- V13 The increase mainly relates to the reduction in the Trade debtors balance over the course of the year which resulted in higher cash receipts than anticipated.
- V14 The increase mainly relates to additional funding provided to fund a conciliator position (\$0.105 million) and the transfer of funds originally provided in the 2019-20 financial year for the implementation of the *Human Rights Act 2019* (\$0.242 million). The commencement date of the Act was brought forward to 1 July 2019.
- V15 Interest revenue was lower than anticipated with rates continuing to be very low and no sponsorships were received.
- V16 The increase mainly relates to: the implementation of the *Human Rights Act 2019* with the commencement date of the Act brought forward to 1 July 2019 (\$0.085 million); delays in system upgrades resulting in higher facilities management charges than expected (\$0.059 million); payment of arrears on network line rental that was undercharged (\$0.026 million); and unexpected legal costs (\$0.012 million).
- V17 The increase relates to the early completion of the fit out of the new Cairns Office which involved drawing forward the Equity Injection initially budgeted for 2019-20 (\$0.100 million).
- V18 The variance for Intangible assets mainly relates to enhancement of the Complaints, Training and Contact Management system (\$0.067 million) and the Website (\$0.037 million).

**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

**SECTION 6  
OTHER INFORMATION**

**F1 KEY MANAGEMENT PERSONNEL (KMP) DISCLOSURES**

**Details of Key Management Personnel**

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

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 2018-19 and 2017-18. 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 <i>Anti-Discrimination Act 1991</i> .
Deputy Commissioner	Provide high level advice to enhance the delivery of strategic and operational targets within a human rights framework.
Director, Complaint Management (formerly 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, Engagement and Corporate Services (formerly Director, Community Engagement)	Provide strategic advice and manage the delivery of community engagement, training and corporate services within the commission.

**KMP Remuneration Policies**

Ministerial remuneration entitlements are outlined in the Legislative Assembly of Queensland's Members' Remuneration Handbook. The commission does not bear any cost of remuneration of Ministers. The majority of Ministerial entitlements are paid by the Legislative Assembly, with the remaining entitlements being provided by Ministerial Services Branch within the Department of the Premier and Cabinet. As all Ministers are reported as KMP of the Queensland Government, aggregate remuneration expenses for all Ministers is disclosed in the Queensland General Government and Whole of Government Consolidated Financial Statements for the 2018-19 financial year, which are published as part of Queensland Treasury's Report on State Finances.

Remuneration policy for the commission's other KMP is set by the Queensland Public Service Commission as provided for under the *Public Service Act 2008*, with the exception of the 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
- non-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.

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

Performance bonuses are not paid under the contracts in place.



**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

**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.

**2018-19**

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 (from 08/10/2018)	173	-	4	21	-	198
Anti-Discrimination Commissioner (Acting to 05/10/2018)	49	-	1	5	-	55
Deputy Commissioner (from 06/10/2018)	106	-	2	12	-	120
Director, Complaint Management (formerly Director, Complaint Services)	126	-	3	15	-	144
Director, Corporate Services (to 25/03/2019)	87	-	2	11	-	100
Director, Engagement and Corporate Services (formerly Director, Community Engagement)	133	-	2	16	-	151

**2017-18**

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 (Acting from 07/02/2018)	60	-	1	6	-	67
Anti-Discrimination Commissioner (to 06/02/2018)	141	-	3	14	-	158
Deputy Commissioner (to 06/02/2018)	92	-	2	11	-	105
Director, Complaint Services	110	-	2	15	-	127
Director, Corporate Services	127	-	3	16	-	146
Director, Community Engagement	126	-	3	16	-	145

**Anti-Discrimination Commission  
Notes to the Financial Statements**

Year ended 30 June 2019

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## **F2 RELATED PARTY TRANSACTIONS**

### **Transactions with people/entities related to KMP**

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

### **Transactions with other Queensland Government-controlled entities**

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

The commission receives property tenancy and maintenance services from the Department of Housing and Public Works.

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

### **Changes in Accounting Policy**

The commission applied AASB 9 *Financial Instruments* for the first time in 2018-19. Comparative information for 2017-18 has not been restated and continues to be reported under AASB 139 *Financial Instruments: Recognition and Measurement*. The nature and effect of the changes as a result of adoption of this new accounting standard are described below.

#### *Classification and measurement*

The commission's debt instruments comprise of receivables disclosed in Note C2, which as at 30 June 2018 were measured at amortised cost. Under AASB 9, they continue to be measured at amortised cost beginning 1 July 2018.

#### *Impairment*

AASB 9 requires the loss allowance to be measured using a forward-looking expected credit loss approach, replacing AASB 139's incurred loss approach. AASB 9 also requires a loss allowance to be recognised for all debt instruments other than those held at fair value through profit or loss. On adoption of AASB 9's new Impairment model, there was no change to the commission's provision for impairment of trade receivables, which remained at nil balance.

### **Accounting Standards Early Adopted for 2018-19**

No Australian Accounting Standards have been early adopted for 2018-19.

### **Accounting Standards Applied for the First Time**

Other than AASB 9 *Financial Instruments*, which is detailed above, no accounting standards that apply to the commission for the first time in 2018-19 have any material impact on the financial statements.

## **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**

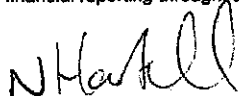
Year ended 30 June 2019

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These general purpose financial statements have been prepared pursuant to s.62(1) of the *Financial Accountability Act 2009* (the Act), s.43 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:

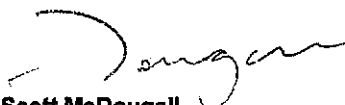
- (a) the prescribed requirements for establishing and keeping the accounts have been complied with in all material respects; and
- (b) the financial statements have been drawn up to present a true and fair view, in accordance with prescribed accounting standards, of the transactions of the Anti-Discrimination Commission for the financial year ended 30 June 2019 and of the financial position of the commission at the end of that year; and

We acknowledge responsibility under s.8 and s.15 of the *Financial and Performance Management Standard 2009* for the establishment and maintenance, in all material respects, of an appropriate and effective system of internal controls and risk management processes with respect to financial reporting throughout the reporting period.



**Natalie Hartill, CPA  
Business Manager**

**19th August 2019**



**Scott McDougall  
Human Rights Commissioner**

**19th August 2019**

## INDEPENDENT AUDITOR'S REPORT

To the Commissioner of the Queensland Human Rights Commission (formerly Anti-Discrimination Commission Queensland)

### Report on the audit of the financial report

#### Opinion

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

In my opinion, the financial report:

- a) gives a true and fair view of the entity's financial position as at 30 June 2019, 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 2019, 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 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 2019:

- 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.



22 August 2019

Melissa Fletcher  
as delegate of the Auditor-General

Queensland Audit Office  
Brisbane