



Annual Report 2019-20



Queensland
Human Rights
Commission

Annual report 2019-20

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www.qhrc.qld.gov.au.

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Letter of compliance

31 August 2020

The Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice
Leader of the House
1 William Street
Brisbane Qld 4000

Dear Attorney-General,

I am pleased to present the Annual Report 2019-2020 and financial statements for the Queensland Human Rights Commission.

I certify that this Annual Report complies with:

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

Yours sincerely



Scott McDougall
Commissioner
Queensland Human Rights Commission

Commissioner's foreword

On 1 July 2019 the Commission commenced its new role as the Queensland Human Rights Commission.

The shift from a body focussed on the prevention and elimination of unfair discrimination to one concerned with the broader objectives of respecting, protecting and promoting human rights in Queensland, is of profound significance. Twelve months on from our transition from the Anti-Discrimination Commission Queensland, I am pleased to report that the shift has been a successful one.

Our new strategic direction

In October the Commission staff from across all four of our offices came together for strategic planning and to identify the core values that would underpin the Commission's performance of its new functions. We established a new vision - of a Queensland where human rights are real for everyone.

As the year progressed we made steady progress toward our four key strategic objectives to guide the Commission's work over a four year period:

Supporting justice and self-determination for Aboriginal peoples and Torres Strait Islander peoples

We established an Aboriginal peoples and Torres Strait Islander peoples' Advisory Group comprised of highly respected leaders throughout Queensland. Chaired by Uncle Mick Gooda and made up of members from the Torres Strait to southwest Queensland, the group is able to share with us the experiences of a wide range of First Nations communities, to support our Aboriginal and Torres Strait Islander Unit within the Commission, and to help guide our work to make it as real and relevant to First Nations Queenslanders as possible. We also started work on a project to ensure a culturally safe commission experience for all First Nations people connecting with the Commission.

Working toward safer communities

Following the tragedy of the 2019 Christchurch massacre and the increasing reports of racist abuse and harassment of Chinese and Asian communities during the coronavirus pandemic in the first half of this year – as well as the experiences of many of Queensland's diverse ethnic and religious communities over many years – a community leaders' Advisory Group was formed to collaborate with the Commission to consider ways for strengthening protections against hate crimes.

Promoting access and inclusion

We launched the Trans@School resources, developed in partnership with the LGBTI Legal Service and Legal Aid Queensland, in consultation with schools, students, and parents of trans and gender diverse young people. The resources are aimed at helping schools, students, and families understand the obligations of schools under the Anti-Discrimination Act and the legal aspects of the issues impacting on trans and gender diverse students. Feedback on the resources has been overwhelmingly positive and it is our hope that they lead to better

outcomes for students and a safe and supportive learning environment for the whole school body.

Increasing institutional transparency

Youth Justice and the issue of children being detained in Queensland watch houses remains an issue of ongoing concern for the Commission. This year we continued our work in this space through submissions to policy and legislative reviews at state and federal levels, advocating for raising the age of criminal responsibility and securing a statutory review of the use of body-worn cameras in youth detention centres.

We also began work on resources for young people in detention, in collaboration with a range of community stakeholders, to explain their rights while they are detained.

Snapshot of achievements

The Commission is very proud of our achievements in this year of transition, including:

- Responding to 3947 enquiries (an increase of just under 50% from last year's 2637);
- Handling 1093 received complaints (a 13% increase from last year's 961, and a 52% increase from 2016-17's 716 complaints);
- Delivering 376 training sessions to almost 7000 participants across business, government and the community sector (a 35% increase in sessions and 55% increase in participants from last year), and an additional 36,000 enrolments in our online training modules;
- Making 21 public submissions to influence government policy and legislation; and
- Conducting our first intervention involving the interpretation of the *Human Rights Act 2019* in Supreme Court.

Building a human rights culture

Queensland's public sector has responded well to the challenge of developing a human rights culture, reflected through improved decision making that is compatible with human rights. Over 18,000 participants have completed our online training for public entities about their obligations under the Human Rights Act, and the greatest increase in demand for our training during 2019-20 came from the public sector. We are also aware of a number of entities who have developed their own staff training about the Act or ensured their teams have access to our resources.

Influencing legislation and policy

An important component of last year's restructure of the Commission was the establishment of a Legal Research and Policy Team. With additional funding received from the 2019 Budget, the Commission was able to bolster our capacity by the addition of two Principal Lawyers and a Senior Policy Officer. This has resulted in a significant increased output of high quality submissions to parliamentary committees and other reform processes.

Human rights complaints

A unique feature of Queensland's human rights framework is the availability of an alternative dispute resolution via the Commission's complaint and conciliation services. A person who is aggrieved by an alleged unlawful limitation of a human right by a public entity may make a complaint to the Commission. This avenue of redress has already delivered several successful outcomes to complainants and shows promising signs of positively incentivising public entities to act compatibly with human rights.

Impact of COVID-19

The implementation of a human rights protection regime in Queensland might be considered an arduous task at the best of times. The advent of the COVID-19 pandemic certainly added to both the complexity and importance of upholding human rights.

Indeed, there is never a more important time to remain resolute in upholding fundamental democratic principles, human rights and the rule of law, than amidst a global health and economic crisis. To this end, the *Human Rights Act 2019* has played a key role in ensuring that personal freedoms and liberties have not been arbitrarily or disproportionately restricted as a result of the necessary and decisive action of Queensland's public health officials.

Creating a human rights culture can be challenging for all concerned. The Commission is fortunate to have dedicated, professional staff, who through their words and deeds, demonstrate their commitment to freedom, respect, equality and dignity.



Scott McDougall
Commissioner
Queensland Human Rights Commission

About the Queensland Human Rights Commission

The Queensland Human Rights Commission (QHRC) is an independent statutory body established under the *Anti-Discrimination Act 1991*. We are accountable to Parliament through the Attorney-General and Minister for Justice. Our operational objectives are directly aligned to the objectives of our governing legislation. Through our work we contribute to the whole-of government objectives of 'be a responsive government' and 'keep communities safe', while also delivering on our independent objectives.

Our functions

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

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

Our vision

A Queensland where human rights are real for everyone.

Our purpose

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

Our Strategic Plan 2020-2024

In March 2020 the Commission published a revised four-year strategic plan which will guide our work from 2020-2024 to achieve our vision for a Queensland where human rights are real for everyone. The plan was developed through a two-day planning workshop in October 2019 involving all staff of the Commission.

The plan outlines the strategic direction for the Queensland Human Rights Commission over the coming four years. It provides the framework for operational planning and actions to ensure the Commission delivers services in an efficient, effective and accountable manner, prioritizing those whose human rights are most at risk. The implementation of this strategic plan will be reported publicly through our Annual Report.

Our objectives

Over the next four years our work will focus on the four key objectives identified in our strategic plan. With the scope of our functions and the breadth of existing and emerging human rights issues in Queensland, it is imperative for us to establish clear priorities where we can best contribute our expertise and achieve quality outcomes for the people of Queensland. Based on these considerations we have established the following key objectives for 2020-24:

Support justice and self-determination for Aboriginal peoples and Torres Strait Islander peoples

- Provide a culturally appropriate Commission experience;
- Work with Aboriginal and Torres Strait Islander communities to strengthen understanding of rights and remedies;
- Support the establishment of formal dialogue arrangements to advance human rights for Aboriginal peoples and Torres Strait Islander peoples;
- Work collaboratively to identify and dismantle structural barriers to equality for Aboriginal peoples and Torres Strait Islander peoples.

Working towards safer communities

- Develop effective responses to hate speech and vilification;
- Work with agencies to support an appropriate balancing of rights when ensuring safety in public spaces;
- Make human rights protections more accessible to children in care and detention;
- Promote public discussion about how climate change impacts human rights.

Promoting access and inclusion

- Maintain a lead agency role in eliminating all forms of discrimination and promoting inclusion for diverse populations;
- Promote the principles of human rights in addressing access to health and education for all people in Queensland;
- Promote the advancement of equal access to services for people in regional and remote Queensland.

Increasing institutional transparency

- Support pathways for people in closed facilities to understand their rights and access QHRC services;
- Use reporting, review and communication functions to encourage transparency and promote best practice.

Our values

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

- **Independence:** we value our independence and the rule of law.
- **Respect:** we treat everyone with respect and dignity and acknowledge fundamental human rights.
- **Inclusion:** we foster collaboration among diverse staff and stakeholders, learn from each other and share what we know, and prioritise accessibility of our services and communications.
- **Diversity:** we support a workplace culture that encourages diversity and we are responsive to the diverse needs of our clients.
- **Integrity:** we are ethical and honest in our work; we make decisions that can withstand scrutiny and we are accountable for our actions and decisions.

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 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 discrimination and human rights complaints;
- delivering training to business, government, and the community on discrimination and human rights;
- providing information products and services, and responding to enquiries about the Commission's services and guiding legislation;
- influencing government policy and legislation through legal submissions; 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

We are led by the Human Rights 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 our services rests with the Commissioner, direct management responsibility of the various teams within the Commission is shared between the Commissioner and the Deputy Commissioner.

An organisational restructure was implemented in March 2019 and recruitment activities relating to this restructure continued into 2019-20. The current organisational structure is available in Appendix C.

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, legal 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 and provides information services to clients.

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

The 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.



Impact of COVID-19 pandemic

On 11 March 2020, the World Health Organisation (WHO) declared that COVID-19 was a global pandemic. Following this declaration, the Australian Government started placing restrictions on people's freedom of movement and actions to help protect the most vulnerable and most at risk.

To protect the health and wellbeing of our staff and stakeholders, a decision was made to transition to remote working arrangements from 16 March 2020 and all our face-to-face training, conciliation and engagement activities were suspended until 30 June 2020.

During the COVID-19 pandemic, we continued to deliver frontline services and legislated functions by optimising flexible and remote working arrangements. The IT equipment and systems available within the Commission enabled a prompt transition from office-based to remote working for all positions. Our information and complaint management services were maintained with conciliation conferences and enquiry services being conducted by telephone. Our training delivery was impacted to the extent that face-to-face training was not delivered for the final 3.5 months of the financial year. For clients who had paid in advance of training being delivered, funds were either refunded or held as unearned revenue until 2020-21 when sessions would be rescheduled based on a review of the COVID-19 situation. Face-to-face training was replaced by a series of free webinars on the *Anti-Discrimination Act 1991* and *Human Rights Act 2019* which were delivered weekly from April to June. A small number of clients chose to continue with their booked private training sessions and these were delivered using Microsoft Teams or Zoom video conferencing technology.

Due to a high demand for our training in the first three quarters of 2019-20, training revenue targets had been met ahead of schedule and as such the loss of income from suspended training had no material impact.

Performance statement 2019-20

Service area objective

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

Description

This service area manages complaints received under the *Anti-Discrimination Act 1991 (ADA)* and the *Human Rights Act 2019 (HRA)*, delivers training to business, government and the community and promotes public discussion on human rights.

Human Rights	2019-20 Target/Est	2019-20 Est Actual	2020-21 Target/Est
Service standards			
<i>Effectiveness measures</i>			
Percentage of accepted ADA complaints resolved by conciliation ¹	55%	48%	55%
Percentage of clients satisfied with complaint handling service measured via client survey ²	85%	81%	85%
Percentage of clients satisfied with training sessions measured via client survey ²	95%	96%	95%
Percentage of accepted ADA complaints finalised within the Commission ³	70%	68%	70%
<i>Efficiency measure</i>			
Clearance rate for accepted complaints dealt with under the ADA ⁴	100%	94%	100%

Notes:

1. This measure is used to show how many accepted ADA complaints are resolved by the QHRC, rather than being referred to a tribunal hearing. The target/estimate represents historical conciliation success rate.
2. This is a measure of overall satisfaction with the services provided by the QHRC. 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 neutral to very satisfied by total responses and then expressing the result as a percentage.
3. This measure is only relevant to complaints made under the ADA as complaints made under the HRA are unable to be referred to a tribunal hearing.
4. This service standard is a proxy measure of efficiency which compares the number of complaints finalised with the number of complaints accepted in the reporting period. The measure is affected by both the number and timing of new matters and closures. A number below 100 per cent does not necessarily indicate an increasing backlog, but may be the result of increased numbers of new and recent matters. The measure demonstrates QHRC's efficiency by finalising complaints received in a timely manner within existing resource levels.

Engagement and education

We undertake a variety of engagement and education activities to connect with different audiences, and help all people in Queensland understand and exercise their rights. With the introduction of the *Human Rights Act 2019* during this period, a key focus of our engagement activities was acquainting audiences with the Commission's change of name and additional functions, as well as raising awareness of new rights and obligations created by the Act.

Events

Participating in community events is one strategy for increasing our visibility as well as making information and services accessible to a broad range of audiences. Our involvement can range from holding an information stall at a community event to being a host, co-host or organising partner for major initiatives. Events are particularly important in our regional locations to facilitate connection between local communities and our regional offices.

*We were involved in almost **60** events in 2019-20.*

These included:

- 2019 AFL citizenship ceremony;
- Fifth annual International Women's Day event hosted by QHRC Townsville office;
- Townsville racism and employment community forum;
- Changing Lives, Changing Communities – community conversations in Mackay, Brisbane, Caboolture and Gold Coast;
- NAIDOC week events in Rockhampton, Townsville, Cairns and South-East Queensland;
- Pride Fair Day events in Brisbane and Rockhampton;
- University orientation week events in Townsville and Cairns;
- Disability action and inclusion events including contributing to local council access and inclusion advisory committees;
- Multicultural and multi-faith events including Rockhampton multi-faith dinner and Queensland Multicultural Awards.

Human Rights Month

For the fifth consecutive year, we ran our Human Rights Month campaign from 10 November to 10 December 2019. The focus of the 2019 campaign was Queensland's *Human Rights Act 2019*. The campaign utilised a multi-platform approach to provide information and resources about the incoming Act, and included a Speaker Series held in conjunction with Department of Justice and Attorney-General's Human Rights Unit; a video series featuring human rights champions from a variety of sectors and backgrounds; daily social media content on various aspects of the Act; and a supporter kit developed for stakeholders. Additionally, a community conversation was facilitated in partnership with the Sunshine Coast Art of Hosting community of practice to discuss the question, *How can we play our part to protect the human rights of all members in our community?*

*Our 2019 Human Rights Month campaign reached over
92,000 people.*

Speaking engagements

The Commissioner and other QHRC staff members regularly accept invitations to speak to students, community groups, lawyers, employee and employer groups, and at community events. Speaking topics range from specific issues in human rights and anti-discrimination law to broader topics of diversity and inclusion. With the introduction of the *Human Rights Act 2019* this financial year there was a higher than usual demand for speakers from the Commission. A total of 78 formal speaking engagements were conducted, compared to 28 in 2018-19.

Web and social media

Effective use of online platforms supports our engagement with the community, provides digital means of access and service delivery, and connects us with a wide range of clients.

Our website is 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 website is accessible for users with assistive technologies. We are aware of the importance of making information and services accessible to all Queenslanders and are committed to working on continuous improvement in this area.

Our website was relaunched on 1 July 2019 following our name change, and remains a popular means for Queenslanders to access information about human rights and discrimination law and the services of the Commission.

*In 2019-20 there were **170,555** users of our website.*

Compared to 2018-19, users are staying on the site longer and viewing more pages while they are there. Our new site has also seen a 10% decrease in the bounce rate. New visitors made up 86.6% of all website visits this financial year.

Table 1 shows the top twenty most visited pages on our website in 2019-20. 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. Of particular note was the high traffic to our online complaint lodgement form, reflected in the increase in complaints received during 2019-20. The high demand for our information on responsibilities for public entities and employers, along with online training information, may also partly reflect the introduction of the *Human Rights Act 2019* and the reduced face-to-face training options due to pandemic restrictions.

Table 1: Top 20 most visited website pages

1	Case studies - sexual harassment	11	Complaints – making a complaint
2	Your rights – human rights law	12	Training – our training courses
3	Your rights – discrimination law	13	Resources – for employers
4	Complaints – lodge your complaint online	14	Contact us
5	Resources – case studies	15	Complaints – our complaints process
6	Complaints	16	Resources – legal information
7	Legal information – legislation	17	Training
8	Training – online training	18	About us
9	Your responsibilities – for public entities	19	Resources – for employers – employer rights & responsibilities
10	Case studies – sex discrimination	20	Training – webinars

We maintain 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. Our 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.

*Our social media reach grew by over **65%** during 2019-20, and followers have almost doubled since our relaunch as QHRC on 1 July 2019.*

Partnerships and networks

As part of our functions to promote an understanding, acceptance, and public discussion of human rights, we are involved in a range of issue and location based advisory groups and networks across Queensland. These include multicultural and multi-faith networks; disability networks; access and inclusion advisory groups and public sector interagency networks. Additionally, we have initiated and/or contribute to various consultation groups and cross-agency collaboration networks including:

Queensland Human Rights Advocates Group

We facilitate meetings of a group of lawyers and advocates with an interest in promoting the human rights of their clients. The group's purposes include promoting the protection and fulfillment of human rights and supporting the building of a culture that respects and promotes human rights in Queensland. The group also provides critical feedback to the Commission to assist us to perform our functions, including identifying systemic issues and proceedings where the Commission may consider intervening.

Human Rights Complaints Working Group

We facilitate meetings of Queensland Government departmental representatives responsible for managing human rights complaints lodged with their department. The purposes of the group include to share successes and challenges in the implementation of the Human Rights Act, to collaborate to build capacity, to make good decisions and to act compatibly with human rights and to support the building of a culture in Queensland that respects and promotes human rights.

Queensland Academics Human Rights Group

We facilitate the meeting of a group of academics with an interest in human rights. The group's purpose is to promote the protection and fulfilment of human rights by sharing information, collaborating, and undertaking research and activities to support the building of a culture of human rights in Queensland.

Human Rights Inter-jurisdiction Legal Officers

Legal officers from the Commissions in the three Australian jurisdictions with human rights legislation (the ACT, Victoria, and Queensland) meet to discuss significant developments in human rights law and policy, as well as significant anti-discrimination matters relevant to the work of the Commissions.

Queensland Law Society Committees

Each of our three Principal Lawyers are members of a policy committee of the Queensland Law Society, where they contribute their expert knowledge to assist the Society in delivering its vision for good law, good lawyers, and public good. A Commission lawyer is a member of the Human Rights and Public Law Committee, the Health and Disability Committee, and the Equity and Diversity Committee.

Racial and Religious Vilification Reform Community Leaders Advisory Group

To better safeguard Queensland as a safe and inclusive society, this group was established to provide advice to the Commission on how meaningful and practical improvements can be made to Queensland's vilification laws, so that all people in Queensland can live free of racial and religious abuse. During the COVID-19 pandemic, people of Asian background have been subject to higher levels of physical, verbal and online abuse. This group aims to build support networks between various groups in the Queensland community who experience more frequent racial and religious hatred, abuse, and vilification, and to enhance the ability of the community to remain cohesive during and after critical events that can give rise to racial and religious vilification.

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 QHRC contributes on matters that fall within its jurisdiction under the *Anti-Discrimination Act 1991* and *Human Rights Act 2019*.

Strategic Cross-Agency Oversight Group

This group was established by the Queensland Family and Child Commission to discuss sector wide trends and issues with a focus on external, systemic and cross-agency oversight. The group aims to increase public confidence in the agencies that have a role to protect, advocate and champion the rights of vulnerable children and families in Queensland by:

- identifying and addressing cross-agency issues;
- identifying areas where oversight agencies can work in partnership;
- reducing duplication; and
- enabling information sharing.

We were invited to become a member of this expanded group following the introduction of the *Human Rights Act 2019*.

We also contribute to the Children in Complaints working group, which is a sub-committee of the Strategic Cross-Agency Oversight Group. Members of this group work collaboratively and share systemic information in relation to children's access and voice within the complaint's management processes.

Whole-of-government plans

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

Queensland Youth Strategy

This strategy sets the vision for young people to actively contribute to Queensland's economic, civic and cultural life. We have three actions contained in the strategy:

- Disseminate resources to students and teachers to provide an understanding of rights and responsibilities under Queensland discrimination law.
- Promote resources and opportunities to support young people to contribute to fair and inclusive communities, schools and workplaces through a range of programs.
- Deliver free information sessions to young people providing advice and options on their rights in relation to discrimination, sexual harassment and bullying.

This year we continued to make resources on anti-discrimination law available for students and teachers and used social media to disseminate relevant content about human rights. Social media analytics indicate that approximately 7% of people reached through our Facebook content were aged under 25. We delivered five presentations to groups of young people and/or youth services during the year, primarily in relation to human rights.

This period we finalised development of the Trans@School resources – guides for schools and students on supporting gender identity in the school environment. More information on these resources is available on page 23 of this report.

We also commenced consultation on the development of a human rights resource for young people in detention. This resource is still under development and is expected to be published in 2020-21.

Queensland Multicultural Action Plan

The Queensland Multicultural Action Plan 2019-20 to 2021-22 is the second plan released under *Multicultural Recognition Act 2016*. It builds on outcomes achieved under the first Multicultural Action Plan, and will continue to drive Queensland Government action to support an environment of opportunity and achieve improved social and economic outcomes for people from culturally diverse backgrounds.

We have multiple discrete and whole-of-government actions under the Queensland Multicultural Action Plan. In line with the requirements of the *Multicultural Recognition Act 2016*, our report on progress against each action will be published on our website to coincide with the tabling of this Annual Report 2019-20.

Every Life: The Queensland Suicide Prevention Plan 2019-2029

Every Life: The Queensland Suicide Prevention Plan 2019-2029 is a whole-of-government plan that provides a renewed approach for suicide prevention in Queensland, as well as renewed drive and urgency to reduce suicide. Connection to community and social inclusion are strong protective factors against suicide. Creating communities that are informed about suicide prevention, are respectful, inclusive and celebrate diversity can help prevent suicide. As such, our primary action under this plan resides in the 'building resilience' action area as follows:

- Work with Queensland's LGBTIQ+ communities and the Queensland LGBTI Roundtable to co-design and implement initiatives aimed at creating positive community attitudes and a more inclusive Queensland, with a special focus on transgender communities.

This period we have undertaken the following activities to progress this action:

- Published the Trans@School resources – guides for schools and students on supporting gender identity in the school environment;
- Continued delivery of *Gender identity and the law* training modules to workplaces where employees are gender transitioning. These modules are co-delivered by a Commission trainer and a person with lived experience;
- Participation in the LGBTIQ+ roundtable facilitated by Department of Communities, Disability Services and Seniors;
- Participation in "A Great Start" working group with LGBTI advocacy organisations on issues for LGBTIQ+ people in schools, influencing Queensland education policy reforms;
- Liaison with Queensland Police Service regarding changes to the Operational Procedures Manual to be more inclusive and safe for trans and gender diverse people;
- Raised concerns with Chief Magistrate regarding misgendering and deadnaming in courts;
- Met with advocates from the intersex community to discuss issues for the community including law reform;
- Updated conciliated outcomes on gender identity for our website; and
- Commenced development of an online training series on diversity, including a module focussing on LGBTIQ+ inclusion.

We also subscribe to the following whole-of-government actions contained in the strategy:

- Develop and implement a comprehensive and tailored approach to employee mental health and wellbeing in all agencies, promoting consistency through the inclusion of elements of promotion, prevention, early intervention, recovery and return to work.
- Establish policies, training and pathways to enable key public sector employees to recognise, respond to and appropriately refer members of the public who are in distress or potentially suicidal.

Early progress was made against these actions during 2019-20 with the development of a health and wellbeing resource hub on our intranet. Further work on these actions will be undertaken in 2020-21.

Information products and services

Products

In addition to rebranding and updating all existing information products, we released a range of new information products this year to support the introduction of the *Human Rights Act 2019*. They included:

Fact sheets

- Individual fact sheet on each of the rights in the *Human Rights Act 2019*;
- About the *Human Rights Act 2019*;
- Easy read guide to the *Human Rights Act 2019*;
- What is a public entity?;
- Role of Parliament under the *Human Rights Act 2019*;
- Role of court and tribunals under the *Human Rights Act 2019*;
- Meaning of discrimination under the *Human Rights Act 2019*;
- Limiting human rights: when can laws and policies limit rights?;
- Making a discrimination or human rights complaint;
- Responding to a discrimination or human rights complaint;
- COVID-19 and bail;
- Protecting human rights in locked environments during COVID-19.

Guides

- Public entity toolkit;
- Human rights and discrimination: a guide for our mob – for Aboriginal peoples, Torres Strait Islander peoples and their advocates;
- Human rights guide for people in prison;
- Acting compatibly with human rights: a guide for public entities;
- Know your rights: pocket guide to Queensland's anti-discrimination and human rights laws.

Posters

- Queensland Human Rights Act summary;
- Acting compatibly with human rights;
- Report racism poster series;
- Mabo Oration 2019 poster series.

Trans@School resources

In February 2020 we launched the Trans@Schools resources. They were developed in response to growing numbers of enquiries from schools and teachers who wanted to know how to better support trans and gender diverse students, and from students and parents who wanted to know their rights at school.

We created the resources in partnership with the LGBTI Legal Service and Legal Aid Queensland, in consultation with schools, students, and parents of trans and gender diverse young people. They explain the obligations of schools under the *Anti-Discrimination Act 1991* and include information on names and pronouns, school uniforms, medical information and privacy, toilets, and school sports.

These resources are aimed at helping everybody - schools, students, and families – understand the legal aspects of the issues impacting on trans and gender diverse students, and hopefully lead to better outcomes for those students and a safe and supportive learning environment for the whole school body.

Services

We provide a free, accessible and personal information service for people in Queensland to help them understand their rights and responsibilities under the relevant legislation. Enquiries about anti-discrimination and human rights law, as well as our functions and services, are taken via telephone, email, post and in person. All four Commission offices provide information services, but the bulk of telephone and email enquiries are managed through the Brisbane office.

*In 2019-20 we responded to **3947** enquiries
– a significant increase from 2637 in 2018-19.*

Aboriginal and Torres Strait Islander engagement

With the introduction of the *Human Rights Act 2019*, Queensland became the third jurisdiction in Australia to provide specific protection for the cultural rights of Aboriginal peoples and Torres Strait Islander peoples. Understandably, there has been great interest in this protection from Aboriginal and Torres Strait Islander communities and advocates.

Our two person Aboriginal and Torres Strait Islander Unit within the Commission has been active in engaging with communities to ensure First Nations people in Queensland are aware of their rights. At the height of the COVID-19 pandemic in Queensland, many enquiries were received from Aboriginal communities in relation to restrictions on freedom of movement and other limitations on human rights. We were invited to Mount Isa, Torres Strait, Townsville and Cairns to yarn with Aboriginal and Torres Strait Islander communities about the new Act. We have also delivered training to government and non-government organisations in relation to the Anti-Discrimination Act, unconscious bias and the Human Rights Act, with a particular focus on cultural rights.

This year the Unit published *Human rights and discrimination: a guide for our mob* – an information booklet to help Aboriginal and Torres Strait Islander peoples and their advocates understand both the Human Rights Act and Anti-Discrimination Act.

We also established the Aboriginal and Torres Strait Islander Advisory Group which comprises six respected subject matter experts with knowledge and experience in the human rights arena. The group will provide assistance and advice to the Commission in relation to the performance of our functions with particular reference to Aboriginal peoples and Torres Strait Islander peoples in Queensland. Members are:

- Mick Gooda (chairperson);
- Sandra Creamer;
- Vonda Malone;
- Lane Brookes;
- Henrietta Marrie;
- Candice Hughes.

Education

We deliver training courses to increase understanding and promote discussion of human rights, diversity, inclusion and related information. In 2019-20 new education products were launched to support the introduction of the Queensland *Human Rights Act 2019*.

Our 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

Training is provided by staff of all four Commission offices in Brisbane, Rockhampton, Townsville and Cairns with each office servicing demand within their geographical region.

*Across the state in 2019-20 we delivered **376** training sessions to approximately **6945** people.*

This was a significant increase on the previous year's total of 277 sessions to 4480 participants. The increase can be primarily attributed to the delivery of education about the new *Human Rights Act 2019*. The greatest increase in demand came from the public sector with almost double the amount of sessions being delivered compared to last year. Private and community sector training remained stable.

Our overall training results are particularly notable as all face-to-face training was suspended from mid-March as a result of the COVID-19 pandemic. A weekly schedule of free webinars on the Anti-Discrimination Act and Human Rights Act replaced face-to-face training from April 2020 to ensure that all people in Queensland would continue to have access to information about their human rights and responsibilities during the pandemic. A total of 32 webinars were delivered up to 30 June 2020.

Table 2: Delivery of training by sector, by region

	South-East	Central	North	Far North	Total
Private sector	27	32	33	1	93
Public sector	120	16	12	15	163
Community	37	3	2	9	51
In-house	19	8	6	4	37
Webinar	26	5	1	—	32
Total	229	64	54	29	376

*The new Introduction to the Human Rights Act training module was our most popular offering in 2019-20 with **128** face-to-face sessions being delivered.*

A shorter version of this product was made available via webinar between April and June with 13 sessions being delivered. Strong demand continued for training on the Anti-Discrimination Act, with 91 face-to-face sessions of the introductory module, 13 webinars and 28 managers' sessions being delivered. Unconscious bias training was also favoured, with 53 sessions being delivered, consistent with the previous year's total of 52 sessions.

Table 3: Types of training sessions

Course	South-East	Central	North	Far North	Total
Introduction to the Anti-Discrimination Act	21	34	32	4	91
Introduction to the Anti-Discrimination Act - webinar	9	3	1	—	13
Introduction to the Human Rights Act	89	15	9	15	128
Introduction to the Human Rights Act – webinar	11	2	—	—	13
Human rights in mental health - webinar	6	—	—	—	6
Introduction to the Human Rights Act – train-the-trainer	2	—	—	—	2
The Contact Officer (standard and refresher course)	10	1	6	2	19
Managing complaints	2	—	—	—	2
Recruitment and Selection	1	1	—	—	2
Introduction to the Anti-Discrimination Act for Managers	19	3	3	3	28
Unconscious bias	42	5	2	4	53
Business benefits of diverse & inclusive workplaces	2	—	—	—	2
Gender identity and discrimination	4	—	—	—	4
Advocates training	1	—	1	1	3
Tailored training	10	—	—	—	10
Total	229	64	54	29	376

Our face-to-face training was delivered in a broad range of locations this year including: Thursday Island, Mt Isa, Gympie, Hervey Bay, Toowoomba, Sunshine Coast, Gold Coast, Glenden, Mackay, Townsville, Ipswich, Cairns, Rockhampton, Longreach, Charters Towers, Mareeba and Rolleston.

Our online training portal was relaunched on 8 July 2019 following the transition to a new platform, rebranding from ADCQ to QHRC, and the development of two new modules to coincide with the introduction of the *Human Rights Act 2019*. Our online training modules are designed to provide accessible, alternative learning options for people who may be unable to access face-to-face education. Individuals can subscribe to online training directly through our website, and bulk subscriptions or SCORM files provide a cost-effective training solution for larger groups or organisations.

We offered four online training modules throughout 2019-20, with three being available to the general public and one being a tailored module for the Department of Transport and Main Roads.

Our *Discrimination awareness in Queensland* module was an existing product that was transitioned to the new online portal in July 2020. With only aesthetic and functional improvements to the module, demand still exceeded the previous year with 795 enrolments this year compared to 184 in 2018-19.

*Enrolments in our online 'Discrimination awareness in Queensland' training module grew by **332%** in 2019-20 compared to last year.*

Two additional products were launched this year to provide information about the new Queensland human rights legislation. The *Introduction to the Queensland Human Rights Act 2019* module is offered free of charge and provides a very basic overview of the key elements of the Act. The module is designed to raise general awareness of human rights in the community. The second module, *Public entities and the Queensland Human Rights Act 2019* is, as the name suggests, designed to acquaint public entities with the Act and their obligations contained within.

The fourth module, *Access and inclusion*, is a bespoke offering designed for the Department of Transport and Main Roads in response to the New Generation Rollingstock Train Commission of Inquiry – recommendation 15. The module is only accessible to staff of the department. It is designed to educate them on their obligations, especially as a provider of goods and services, under the relevant disability legislation including *Disability Discrimination Act 1992*.

*The response to our online training offerings this year was unprecedented with almost **36,000** people subscribing to the four available modules.*

Additionally, completion rates once subscribed are strong, ranging between 79% and 94% across all four modules.

Table 3a: Types of online training

Course	Enrolled	Completed
Discrimination awareness in Queensland	795	630
Introduction to the Queensland <i>Human Rights Act 2019</i>	7901	6312
Public entities and the Queensland <i>Human Rights Act 2019</i>	20,611	18,141
Access and inclusion*	6645	6294

*Tailored product developed for Department of Transport and Main Roads

Table 4: Details of training sessions

	South-East	Central	North	Far North	Total
No. of people	4463	1330	809	343	6945
Hours of delivery	624	149	144	79	996
Actual revenue (\$)	193,989.91	41,829.44	42,852.84	11,320.94	289,993.13

As a result of increased demand across all education offerings, our 2019-20 training revenue reached \$289,993.13, exceeding the annual target by approximately \$100,000.

We expect the impact of COVID-19 and the overall economic outlook will continue to limit the amount of training that is delivered in the coming financial year. Restrictions on government spending are anticipated to reduce training demand from the public sector, which yielded the greatest training revenue per sector this financial year.

“The trainer was enthusiastic, knowledgeable and provided real life scenarios.”
 - Feedback from training participant

Evaluation

As part of our commitment to continuous improvement of services, face-to-face training participants are asked to complete an evaluation form at the end of each training session 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 the 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 **96%** satisfaction rating.*

The following is a sample of participant responses from the 2019-20 training evaluations, when asked what they liked most about the training:

The content was informative and got you thinking about how you will change your thinking in the future.

Reflection on what's already happening, discussion with others.

The trainer got us all involved using scenario situations.

Interactive, examples that made sense in the context of my current employment.

Application of human rights in Queensland, compatibility vs incompatible rights.

Plain language discussion and break down to real life scenarios.

Good mix of manual resources, information, role plays and the facilitator was informative, great energy and facilitator skills.

Comprehensive application of legislative materials for anti-discrimination, complaints.

Trainer made a dull topic as interesting as possible.

Being able to ask questions in an informal way.

Engaging and "hands on" not just talking.

Learned a lot by listening to other people's views and the explanation provided by our trainer.

Trainer adjusted based on knowledge level of group. Agile which is great.

Case studies were very authentic because they were real.

Very interactive, lots of real world, every day examples from the presenter.

Complaint management

Complaint management summary

Complaint numbers have increased again this financial year, and with the introduction of the new complaint process under the *Human Rights Act 2019*, our complaints team has been very busy managing complaints and learning the new processes.

To manage the increasing complaint numbers and complexity of complaints, we have developed, trialled and refined a new triage process. This has involved early identification and notification of complaints that do not meet the requirements of a complaint under either the *Anti-Discrimination Act 1991* or the *Human Rights Act 2019*. The process also includes identification of more complex complaints and human rights complaints for allocation to senior officers, as well as complaints requiring urgent action. This became particularly important when the COVID-19 pandemic commenced in March and human rights complaints began to arise more prominently and urgently.

We have continued to focus on resolving complaints through conciliation under the *Anti-Discrimination Act 1991*, as well as through the new and more flexible range of processes under the *Human Rights Act 2019*.

Under the *Anti-Discrimination Act 1991* we deal with complaints about discrimination, sexual harassment, victimisation, vilification and requests for unnecessary information. We also have power to deal with complaints of reprisal against whistle-blowers who elect to resolve their complaints through our process, rather than pursue court proceedings, and discrimination against residents of regional communities in relation to large resource projects.

Under the *Human Rights Act 2019* we deal with complaints about breaches of human rights by public entities. We can conduct preliminary investigations, request submissions from public entities, conduct early negotiations and conciliation conferences. If the complaint is covered by both Acts, the complainant is requested to elect which Act they wish to proceed under.

Due to the COVID-19 pandemic, the increase in complaints, increased complexity with the *Human Rights Act 2019*, and a range of staff absences, we have not met all of our complaint management targets this year. Despite this, the Commission has achieved a satisfaction rate of 81% from all parties evaluating the service. This is a good outcome and reflects a focus on respectful, honest and timely communication with all parties and providing a professional and fair service that meets the needs of our clients despite the delays.

Complaints continue to be managed in all four Commission 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 different offices depending on available resources. Telephone conferences have continued to be an effective means of resolving complaints and we have moved to delivering all conferences via phone due to the COVID-19 pandemic. For those clients who have a special requirement for a face-to-face conference, video-conferencing has been offered.

State-wide complaint trends

The majority of complaints are now lodged electronically and could originate from any region. Only small numbers are lodged over the counter or by post in any of our four office locations. After lodgement, complaints are triaged, notified early if the complaint is not covered by the Acts where appropriate, and then allocated throughout the complaint handlers in the Brisbane and regional offices. Priority is given to regional offices to manage files where parties reside in their respective regional areas. Although conferences are held over the phone, clients often have a preference for their local regional office to deal with their complaint if possible.

This year 1093 complaints were received across the state, representing a 13% increase from the 961 complaints received last year. This further increase means there has been a 52% increase in complaints in the last three years (716 complaints were received in 2016-2017).

*The number of complaints received by the Commission has grown by over **50%** in the past three years.*

Again, this has had a significant impact on our complaint handling resources with more staff focussing on complaint management activities. We were able to recruit and train new complaint handling staff, but this was counterbalanced with various staff absences.

Of the total complaints received this year, 521 were accepted as coming within the Commission's jurisdiction, representing about 47% of complaints received. We continue to undertake a thorough assessment process at the initial lodgement stage.

Many early complaints under the *Human Rights Act 2019* could not be accepted as they related to allegations that pre-dated the commencement of the Act, or an internal complaint had not been made, which is a requirement of complaints under the *Human Rights Act 2019* but not the *Anti-Discrimination Act 2019*.

Where a complaint does not come within our jurisdiction, the complainant is provided with written reasons and is referred to another agency that can assist them, if there is one.

*We finalised **1025** complaints in 2019-20, an increase of over 20% from last year.*

The number of complaints finalised this year was 1025. This, again, is an increase from the 849 finalised last year, and 818 in 2017-18.

Although we finalised a large number of complaints, we received more complaints than we finalised, resulting in a backlog. Temporary complaint management staff have been recruited to reduce the backlog. Our complaint management team across Queensland continue to work together to meet increased and different client demands under the *Human Rights Act 2019*, whilst continuing to provide high quality service.

The greatest impact on staff workloads has been the introduction of urgency into human rights complaints. This urgency previously did not exist under the *Anti-Discrimination Act 1991* due to the strict time frames embedded in that Act for providing respondents with four to six weeks' notice of a conciliation conference.

Table 5: Complaints received, accepted and finalised

Complaints	South-East	Central	North	Far North	State-wide
Complaints received	1051	18	9	15	1093
Complaints accepted	246	99	104	72	521
Complaints finalised — accepted	262	98	99	94	553
Complaints finalised — not accepted or rejected	263	63	71	75	472
Total complaints finalised	525	161	170	169	1025

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

As shown in Table 6, allegations of discrimination are included in 64.5% of accepted complaints which is a decrease from last year (69.4%). Discrimination complaints under the *Anti-Discrimination Act 1991* 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.

Discrimination can also occur under the *Human Rights Act 2019* and is referred to as the right to recognition and equality before the law. Table 8b shows 28.4% of accepted human rights allegations related to this right.

The breakdown of the attributes on which allegations of discrimination are made in Table 6 clearly shows that discrimination on the basis of impairment, comprising 28.6% of all complaints (30.3% last year), remains the dominant ground for complaints despite a slight decrease in numbers (242 complaints this year compared to last year's 268).

We received 68 race discrimination complaints this year, comprising 8% of discrimination complaints, fairly consistent with last year's 7.9%. The proportion of sex discrimination allegations has slightly increased to 10.1% (9.3% last year). This represents 86 complaints compared to 82 last year.

Family responsibilities complaints decreased to 3.4% (6.3% last year). Age discrimination complaints decreased slightly from 5.3% to 3.7%.

Religious discrimination complaints comprised only 1.2% of complaints, consistent with low numbers in previous years.

Gender identity complaints decreased from 1.7% (10 complaints) last year to 1.0% (8 complaints) this year.

83% of sexual harassment complaints arise in the workplace.

Table 6 shows that sexual harassment allegations of unwelcome sexual behaviour to, or about, a complainant are included in 10.8% of accepted complaints, which is similar to last year (10.4%).

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, despite increasing community awareness.

Victimisation complaints arise where a complainant or witness feels they have been poorly treated for being involved in a complaint. Victimisation complaints made up 9.9% of accepted complaints, similar to 9.2% of accepted complaints last year. As shown in Table 7, 77% of victimisation complaints arose in the workplace. Because of the continuing relationship between employers 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, if 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 have increased, with 4% of accepted complaints (34 complaints) accepted on the basis of allegations of race, religious, sexuality or gender identity vilification compared to 1.8% (16) last year.

*The number of vilification complaints were received in 2019-20 was **more than double** the previous year.*

Complainants alleging they have been caused a detriment because of making a public interest disclosure under the *Public Interest Disclosure Act 2010* may make a complaint to the Commission to be dealt with under the *Anti-Discrimination Act 1991*. This year we accepted six complaints of whistle-blower reprisal, representing 0.7% 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, we did not accept any complaints on this ground again this year.

Table 6 also shows the number of complaints where human rights allegations were accepted. More details are provided in tables 8a and 8b.

Table 6: State-wide accepted Anti-Discrimination Act 1991 complaints by ground – including combined complaints

Ground	Number	%
DISCRIMINATION		
Age	31	3.7
Breastfeeding	—	—
Family Responsibility	29	3.4
Gender Identity	8	1.0
Impairment	242	28.6
Lawful Sexual Activity	2	0.2
Parental Status	8	0.9
Political Belief/Activity	4	0.5
Pregnancy	26	3.1
Race	68	8.0
Relationship Status	7	0.8
Religion	10	1.2
Sex	86	10.1
Sexuality	19	2.3
Trade Union Activity	5	0.6
Sub-total Discrimination	545	64.5
VILIFICATION		
Gender identity	7	0.8
Race	13	1.5
Religion	2	0.2
Sexuality	12	1.4
Sub-total Vilification	34	4.0
Discriminatory Advertising	2	0.2
Request/Encourage a Breach	9	1.2
Sexual Harassment	91	10.8
Unnecessary Questions	38	4.5
Victimisation	84	9.9
Whistle-blower reprisal	6	0.7
Resident of regional community	—	—
Sub-total other ADA	230	27.2
Civil and political rights	29	3.4
Economic, social and cultural	8	0.9
Sub-total Human Rights	37	4.3
Total	846	100%

Note: Complaints may be accepted under more than one ground.

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

The number and proportion of work-related complaints shows workplace fairness continues to have a significant impact on people's lives. This is consistent with previous years.

*In 2019-20, **64%** of complaints arose in the workplace or when seeking work.*

This year 13.6% of complaints arose in the area of the provision of goods and services, which includes access to public places and buildings.

The number of complaints in the area of accommodation was similar to last year with 48 complaints accepted representing 6.5% of complaints. These complaints generally represent concerns about the fairness of accommodation arrangements such as rental properties. It can also include claims by resident-owners of units that body corporates have discriminated against them in their decision making.



Table 7: State-wide accepted Anti-Discrimination Act complaints by area

	Discrimination	Discriminatory advertising	Request or encourage a breach	Sexual harassment	Unnecessary questions	Victimisation	Vilification	Whistle-blower reprisal	Total	
									#	%
Accommodation	36	—	—	2	3	4	3	—	48	6.5
State laws and programs	31	—	—	1	—	2	2	—	36	4.9
Goods and services	85	—	—	3	5	6	1	—	100	13.6
Club membership and affairs	3	—	—	—	—	2	—	—	5	0.7
Superannuation and insurance	1	—	—	—	—	—	—	—	1	0.1
Disposition of land	—	—	—	—	—	—	—	—	—	—
Work	289	2	—	79	29	67	5	—	471	64.0
Education	27	—	—	1	—	—	—	—	28	3.8
Not recorded*	—	—	9	9	3	6	15	6	48	6.4
Total	472	2	9	95	40	87	26	6	737	100%

Note: Only discrimination breaches require an area.

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

Table 8: State-wide accepted discrimination complaints by ground, by area

	Accommodation	State laws & programs	Goods & services	Club m'ship	Super & insurance	Disposal of land	Work	Education	Total	
									#	%
Age	3	—	3	—	1	—	27	—	34	5.5
Breastfeeding	—	—	—	—	—	—	—	—	0	—
Family responsibility	3	—	—	—	—	—	27	—	30	4.9
Gender identity	—	3	2	1	—	—	2	1	9	1.5
Impairment	23	14	55	1	—	—	142	19	254	41.1
Lawful sexual activity	—	1	2	—	—	—	—	—	3	0.5
Parental status	1	1	—	—	—	—	7	—	9	1.5
Political belief/activity	—	2	1	—	—	—	2	—	5	0.8
Pregnancy	5	—	1	—	—	—	20	—	26	4.2
Race	11	5	16	—	—	—	38	6	76	12.3
Relationship status	1	—	1	—	—	—	9	—	11	1.8
Religion	1	2	1	—	—	—	7	—	11	1.8
Sex	3	4	9	3	—	—	70	2	91	14.7
Sexuality	—	5	3	—	—	—	13	—	21	3.3
Trade union activity	—	—	—	—	—	—	5	—	5	0.8
Human rights	2	19	2	—	—	—	4	6	33	5.3
Total	53	56	96	5	1	0	373	34	618	100
Percentages	8.6	9.0	15.5	0.8	0.2	—	60.4	5.5	—	100

Note: There are no areas required under the *Human Rights Act 2019* however areas have been recorded for reporting purposes. State laws and programs in human rights includes other government services.

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

Impairment discrimination continues to dominate complaints in the workplace. Table 8 shows that 55% of impairment discrimination complaints arise at work. These 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 8 clearly shows the prevalence of discrimination complaints across most grounds in the workplace, a significant number of complaints of discrimination and human rights complaints arose in connection with the provision of goods and services (15.5%) which includes access to public places and buildings. Work remains the most predominant area of complaints with 60.4% of discrimination and human rights complaints being made in the work area. A further 79 complaints of sexual harassment were made in relation to work as shown in Table 7, demonstrating that work remains the most significant area of public life about which people feeling aggrieved and are willing to make a complaint.

Impairment (41.1%), sex (14.7%) and race (12.3%) are the most common bases for discrimination complaints across the total of all areas of complaint, consistent with last year.

This year 26 pregnancy discrimination complaints were accepted, the same number as last year. There was a decrease in the number of accepted complaints in the area of superannuation and insurance from six last year to only one this year.

Our complaint form was amended from 1 January 2020 to cover both complaints under the *Anti-Discrimination Act 1991* and the *Human Rights Act 2019*. Upon receipt at the Commission, all complaints were assessed to identify whether human rights breaches had been alleged. Table 8a shows all allegations of human rights breaches that were identified. This includes allegations that were accepted and those where allegations have been made but have not been accepted for resolution, for reasons such as absence of an internal complaint or that the complaint has been adequately dealt with.

Table 8a shows the most prominent breach of human rights alleged was the right to recognition and equality before the law, representing 25.1% of identified human rights allegations, followed by right to protection of families and children (12.3%). The rights to freedom of movement and to protection from torture and cruel, inhuman and degrading treatment each represented 8.4% of allegations and the right to humane treatment when deprived of liberty accounted for 7.8% of allegations.

Table 8a: State-wide human rights allegations identified

Civil and political rights	Number	Percentage of total human rights allegations identified
Recognition and equality before the law	45	25.1%
Privacy and reputation	13	7.3%
Protection of families and children	22	12.3%
Freedom of movement	15	8.4%
Protection from torture & cruel, inhuman or degrading treatment	15	8.4%
Humane treatment when deprived of liberty	14	7.8%
Freedom of expression	8	4.5%
Right to liberty	7	3.9%
Right to life	6	3.4%
Property rights	6	3.4%
Cultural rights – general	3	1.7%
Cultural rights – Aboriginal peoples & Torres Strait Islander peoples	4	2.2%
Rights in criminal proceedings	4	2.2%
Peaceful assembly	2	1.1%
Sub-total civil and political rights	164	91.6%
Economic, social and cultural rights	Number	Percentage
Right to education	7	3.9%
Right to health services	8	4.5%
Sub-total economic, social and cultural rights	15	8.4%
Total human rights identified	179	100%

Note: complaints can identify more than one right in each complaint.

Note: this table counts each time a human rights allegation has been identified but may not have been accepted.

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

Table 8b shows the human rights allegations that were accepted. The highest proportion of human rights allegations accepted were about the right to recognition and equality before the law. This was followed by the right to privacy and reputation (11.3%). Protection of families and children accounted for 10.2% of accepted human rights allegations, followed by freedom of movement (9.1%) and protection from torture and cruel, inhuman or degrading treatment (8%).

Table 8b: State-wide accepted Human Rights complaints by right

Civil and political rights	Number	Percentage of accepted human rights allegations
Recognition and equality before the law	25	28.4%
Privacy and reputation	10	11.3%
Protection of families and children	9	10.2%
Freedom of movement	8	9.1%
Protection from torture & cruel, inhuman or degrading treatment	7	8.0%
Human treatment when deprived of liberty	5	5.7%
Freedom of expression	4	4.5%
Right to liberty	3	3.4%
Right to life	2	2.2%
Property rights	2	2.2%
Cultural rights – general	1	1.2%
Cultural rights – Aboriginal people & Torres Strait Islander peoples	1	1.2%
Rights in criminal proceedings	1	1.2%
Peaceful assembly	1	1.2%
Sub-total civil and political rights	79	89.8%
Economic, social and cultural rights	Number	Percentage
Right to education	6	6.8%
Right to health services	3	3.4%
Sub-total economic, social and cultural rights	9	10.2%
Total	88	100%

Note: complaints can identify more than one right in each complaint.

Note: accepted human rights complaints includes complaints dealt with under the *Anti-Discrimination Act 1991* where human rights allegations are identified as “piggy-back” allegations under section 59 of the *Human Rights Act 2019*.

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

Settlement of complaints

Our conciliators at the Commission assist parties to resolve complaints under the *Anti-Discrimination Act 1991* and since 1 January 2020, the *Human Rights Act 2019*. 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 our 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 Queensland Industrial Relations Commission (QIRC) continued this year for all work-related matters. A total of 105 complaints were referred to QIRC (an increase from 98 last year). A further 52 non-work related complaints were referred to Queensland Civil and Administrative Tribunal (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%. Twenty five complainants (5.1%) withdrew their complaints and 34 (6.9%) accepted complaints were unconciliated but not referred. This meant that, overall the Commission finalised 68.2% of accepted complaints within the Commission, below the target of 75%. We continue to focus on resolving complaints between parties and to finalise matters within the Commission; however, there has been a continuing tendency for complainants to seek referral of unconciliated complaints, which is largely outside the Commission's control.

Table 9: State-wide outcomes for accepted complaints by region

	South-East	Central	North	Far North	State-wide	% Outcome for accepted complaints state-wide
Conciliated	137	43	37	47	264	48.0%
Unable to locate respondent	-	-	1	1	2	0.4%
Lost contact (ADA s169)	4	4	1	-	9	1.6%
Referred to QCAT	30	9	15	14	68	12.3%
Referred to QIRC	59	29	18	14	120	21.7%
Lapsed (s168)	1	1	-	1	3	0.5%
Unconciliable but not referred (ADA s167)	14	7	11	12	44	8.0%
Withdrawn	17	3	16	5	41	7.5%
Total	262	96	99	94	551	100%

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

Improving complaint processes

A significant increase in the number of complaints made to the Commission over the last few years has resulted in more complaints being accepted into the conciliation process, and an increase in the number of administrative decisions to be made on those complaints.

Complaints are often lodged outside the one year time limit, which means we have to consider whether to exercise a discretion we have to accept those complaints. It is essentially a decision whether to extend the time for accepting the complaint. Natural justice requires that all parties have opportunities to make submissions about the exercise of the discretion, and as an up-front process, this can polarise the parties and make resolution through conciliation more difficult.

In order to improve efficiencies in the complaint process and outcomes for parties, we implemented a process whereby we may defer the decision-making for complaints that include both in-time and out-of-time components, and try to resolve the complaint through conciliation. This has resulted in fewer administrative decisions and a more streamlined process for complaint parties.

We also worked to have this process ratified through amendments to the *Anti-Discrimination Act 1991*, which took effect from 25 May 2020.

The amendments also clarify that certain decisions made by the Commission not to accept a complaint have the same finality as a decision to reject or to lapse a complaint. These are the out-of-time decisions and decisions whether it is fair to accept a complaint despite the existence of a prior agreement not to complain. For these types of decisions the parties have been afforded natural justice and the Commission has given thorough consideration to all relevant matters.

The amendments both improve efficiencies and better ensure that parties to complaints have equal rights of review.

Administrative decisions

Throughout the course of managing complaints, numerous administrative decisions are made. These decisions require that natural justice be provided to both parties and the application of good decision making principles and practices including providing written reasons. Administrative decisions include whether:

- the complainant has shown good cause to accept a complaint made more than one year after the alleged acts of discrimination, pursuant to section 138 of the *Anti-Discrimination Act 1991*;
- to reject or stay a complaint dealt with elsewhere, under section 140;
- to lapse a complaint, under sections 168 or 168A;
- to accept a complaint where a previous agreement has been reached, pursuant to section 137;
- to grant extensions of time to request referral of a complaint, under section 166.

Table 10 shows we have written a significant number of decisions this year and, despite the improvements in processes referred to above, the most common type of decisions are out of time decisions *(s138).

Table 10: Administrative decisions

Anti-Discrimination Act	Type of decision	Number of decisions
Section 137	Prior agreement not to complain	1
Section 138	Good cause for out of time allegations	65
Section 139	Reject	6
Section 140	Reject or stay	12
Section 166	Extension of time for referral	7
Section 168	Lapse (frivolous etc)	14
Section 168A	Lapse (dealt with elsewhere)	4
Other	Jurisdiction	1

*some decisions consider a number of sections

Timeliness

In 2019-20, we continued to deliver an efficient and accessible complaint management service. However, due to the increase in complaints and unplanned staff absences, combined with the introduction of a new complaint system and the COVID-19 pandemic, a backlog in complaints developed. We also did not meet all of our timeliness targets, particularly in relation to the initial notification to the complainant regarding whether their complaint had been accepted.

Despite these challenges, our complaint management team provided respectful and timely communication with complainants about the status of their complaint, including anticipated delays.

Although our complaint management team were under high pressure from increased complaint numbers, they acted expeditiously in relation to urgent human rights complaints, sometimes receiving and resolving them within days of lodgement.

A total of 63% of complaints were finalised within three months from assessment notification, and a further 28% were finalised within six months. This means a total of 91% of complaints were finalised within six months of acceptance.

Thirty-nine per cent* of accepted complaints were assessed and notified within 28 days of lodgement, which was well below our target of 60%. This reflects the complaint backlog that developed this year, as complaints could not be allocated to complaint handlers within the statutory time-frame. As referred to above, strategies have been developed to manage the backlog including temporary recruitment of staff and early identification of complaints that are not covered by the Acts which can be dealt with early where possible.

Despite the delays in notification of complaints, 73% of accepted complaints reached conference within the 42-day statutory timeframe from notification of decision until conciliation conference. This exceeded our target of 70% and demonstrates that once complaints were allocated to complaint handlers, they were managed efficiently and with minimum delay.

We also demonstrated our efficient complaint management work through busy times by achieving a clearance rate of 94% of overall complaints received.**

*39% includes 88 complaints that were treated as enquiries and complainants informed early their complaint could not be dealt with.

**Clearance rate is calculated by the number of complaints received over the number of complaints finalised.

“Our Conciliator and Human Rights Officer was fantastic. She was very informative and easy to communicate with and trustworthy. Regardless of the outcome the process was excellent.”

- Feedback from a respondent received in 2019-20

Conciliated outcomes

The following are examples of complaints made to the Commission in 2019-20 that were successfully resolved through conciliation.

Sexual harassment at work drinks including rape and alleged victimisation

The complainant had been employed as an office administrator with the respondent company for 6 weeks when the allegations in her complaint arose.

The complainant was part of a service delivery team, one of a number of teams under the purview of the individual respondent who held a senior position in the company. The complaint alleged that during one of their monthly after work drinks, the individual respondent subjected her to multiple, escalating unsolicited acts of physical intimacy including rape.

The complainant contacted her fiancée and brother immediately and with their support she contacted the police. The complainant had a rape kit performed and provided an official statement the following day.

The complaint included allegations that she was victimised by her employer including by directing her to attend a hotel room to provide a verbal statement of the allegations, after she had already provided them with her police statement and informed her employer that this would cause further trauma for her.

The complaint alleged the incident had caused an ongoing psychological injury at the time of the conference, and that she had not been able to return to work. The complaint settled for \$135,000 damages.

Unreasonable restrictions in insurance policy

In 2018, the complainant applied for life, total and permanent disability (TPD) and income protection insurance through the trustee for her superannuation fund. She disclosed in her application that she had a history of depression and anxiety, but was not currently on any medication and was self-managing with occasional psychologist visits. She further disclosed an abnormal blood test result as a result of a bleeding episode post-surgery in 2012.

The trustee of the superannuation fund asked the complainant to undergo a blood test and the results were normal. After that, the trustee offered the complainant insurance but with a broad exclusion clause for TPD and income protection, excluding liability to pay any benefit under the policy arising from specific psychological type illnesses, or disorders relating to substance abuse or dependence including alcohol and drugs. The offer also stipulated a 100% loading on the premium payable "due to a history of mild urge incontinence and history of mild bleeding disorder."

The complainant requested a review of the decision and asked the insurer to provide evidence to justify why she was considered to be at higher risk.

The company issued an amended offer which reduced the loading to 50% but retained the mental health exclusion. The complainant argued there was a lack of evidence to justify such a broad exclusion or the loading.

Both the trustee of the superannuation and the insurer were named as respondents.

The respondents argued that the exclusion and loading placed on the offer of insurance were not discriminatory. They provided a significant amount of published information about the psychiatric conditions, and how that applied to make the decision about what terms to place on the offer of insurance to the complainant.

Separate agreements were reached with each of the respondents including mutual non-disparagement and confidentiality with one of the respondents. An agreement was reached with the other respondent to provide insurance at standard rates with a much less restrictive exclusion clause relating to anxiety, depression and stress, and subject to completion and assessment of a current underwriting health declaration. The respondent also reserved the right to obtain further supporting medical verification and information on any future increases or alteration in cover in the event of an increase in risk.

Unnecessary questions in online job application

The complainant wished to apply for a job and noticed that the online application form required applicants to provide details about their sex and age. These were mandatory fields without which the complainant's application could not proceed.

The respondents argued that they did not access the information, that it was requested by a third party, and they did not require it for a discriminatory purpose. They also said there were other ways of applying for the role.

The respondent agreed to make changes to the online material and delete questions about gender, sex or age. They also agreed to provide the complainant with a list of all the available positions and pay the complainant \$4,500 damages.

Entry refused to a customer with assistance dog

The complainant has physical disability, psychiatric disability and has an accredited assistant dog. They went for a tour of a venue that was open to public. On arrival they were told that the assistant dog would not be let in. The complainant was not able to complete the tour and left.

The respondents cited biosecurity risks as the reason for putting restrictions on animals entering the venue.

The parties agreed that the respondents change their policies on dogs and allow assistant dogs to the venue, provided they met a public access test and applicable regulations. The respondent also agreed to review their policy regarding tours by persons with assistance dogs. It was also agreed that the complainant share suggestions for policy review with the respondent.

Oppressive accommodation clauses for tenant with a disability

The complainant suffered from post-traumatic stress disorder (PTSD). She applied for rental accommodation with the respondent at a unit complex. The respondent required clauses in her lease that she must provide all relevant medical information in relation to her current medical condition, that she consent and agree to be examined and assessed by their medical practitioner, that she follow any certificate provided by the practitioner, and that the manager could enter her unit at any time without warning.

The organisational respondent representatives were new to the organisation. They agreed that matters had been handled poorly and there were serious issues in relation to the management of the unit complex. Prior to the conference all tenant leases were remade to omit the additional clauses and the complex manager was disciplined.

The complaint was resolved on the basis of \$4000 general damages and \$4000 economic loss (for a home based business the complainant could not continue due to lack of privacy), an apology, and training in discrimination for the complex manager.

Body Corporate denied disability access

The complainant is in a wheelchair and was unable to trigger the swipe lock for the door into her apartment complex and then manoeuvre her wheelchair to open and close the heavy door. She had asked the Body Corporate to install an automatic door opening mechanism but they did not believe this was an appropriate way to spend their money.

The Body Corporate were compassionate to the complainant's situation but did not believe it was their responsibility to install the automatic mechanism.

Following conciliation the Body Corporate agreed to install the automatic mechanism.

Piercing service refused to HIV positive customer

The complainant was refused service to have his nipple pierced after disclosing that he was HIV positive. The respondent company also asked questions about whether the client was HIV positive on a form the complainant had been asked to complete.

The respondent organisation indicated that they did not believe the question on the form was discriminatory because the question was asked as a precaution if the client suffered adverse symptoms as a result of the piercing. The individual respondent stated that she was following employer policy and would have pierced the complainant if he had provided a doctor's certificate to indicate it was safe to do so.

The complaint was resolved by payment of compensation to the complainant of \$2,000 plus \$25 refund of piercing deposit. Training for all staff in "occupational exposure and discrimination principles relating to HIV" was agreed. The questions regarding HIV were removed from the consent form.

Workplace prank not funny

The complainant was a 15 year old boy working at a retail butchery. As an intended prank, the two supervising butchers took the complainants mobile phone and took a photo of one of the supervisor's genitals and asked the complainant to check their phone.

The respondents admitted to the allegations, stating that it was a joke and that they believed the complainant was not affected because his response was jovial.

The complainant attended the conference represented by an advocate and he explained the significant impact the events had caused. An agreement was reached for written apologies from the two supervisors and \$50,000 as general damages.

Mother's anaphylactic allergy not understood by childcare centre

The complainant has a life threatening allergy to latex that included the transfer of airborne particles. The respondent childcare centre where the complainant's children were enrolled had been informed of the complainant's condition and had agreed to an allergy management plan that included not using latex balloons.

The respondent arranged a Christmas party at the centre including the use of latex balloons. The complainant reminded the centre of the allergy management plan and supplied latex free alternatives at her own cost. Despite this the latex balloons were used as were the alternatives.

After the party airborne particles transferred onto the children's clothing and the complainant suffered a reaction, developed complications and was off work and unable to socialise for five weeks. The complainant moved her children to another centre.

At conference the respondent explained they did not understand the complexity of the situation. They thought they had minimised the risk as the balloons were blown up after the children had left, they were stored in another room overnight, they were hung high before the children arrived, they were removed when the children were not in the room and the children did not touch the balloons. They just wanted to make all the kids and parents happy. They apologised for the stress and advised there was no deliberate intention to harm the complainant.

The complaint was resolved with the establishment of an Allergy Management Policy in line with the national laws and regulations, a financial donation to a specific allergy organisation, and the individual respondent agreeing to attend discrimination and anaphylaxis training.

"I would like to thank you for your kind support, compassion and understanding through this difficult time for me, (Conciliator) from the HRC and (advocate) thank you both."
- Feedback from a complainant received in 2019-20

Evaluation

Following each conciliation conference, complaint parties are asked to evaluate our 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 2019-20 conciliation parties follows:

(The conciliator) managed our otherwise extremely difficult conciliation matter with the greatest professionalism. I was quite at ease talking with (conciliator). She did not attempt to interrupt either one of us at any stage. Her calming influence helped to steer the discussion in a civil manner. (Respondent)

I wish to thank (conciliator) for her understanding and making me feel comfortable throughout the process, it was a very stressful time. (Conciliator) was a great listener and explained things very clearly so that I understood every process and procedure. I wish to thank her from the bottom of my heart. THANKYOU (Complainant)

I would like to Personally thank (conciliator) , And to ALL the staff , And the People , who were involved , With My Complaint, Thank You All , Much Appreciated .(Complainant).

(Conciliator) is very friendly and supportive. (Respondent)

Accommodated a ridiculous claim (Respondent)

Very appreciative of the support and guidance provided for me during this process. (Respondent)

The Conciliator was very professional, helpful, and made engagement with the process a positive experience for myself as an Employee Relations officer. (Respondent's advocate)

Conciliator excellent in explaining process to complainant and in assisting parties in reaching a settlement in an impartial manner. (Complainant's advocate)

The process was made a lot easier with the way (Conciliator) handled both sides. He was fair to both sides in listening to each of us and I appreciate that and everything that was done on the day (Complainant).

Dear QHRC, Thank you very kindly for assisting me in my matter. I have resolved the matter with the respondents to my complaint and I thank your commission for their assistance. I truly feel vindicated. (Conciliators) were both great, knowledgeable, professional. (Complainant)

Influencing government policy and legislation

In 2019-20 we provided more than 20 submissions to various bodies on the development of government policies and legislation, including:

Youth Justice and Other Legislation Amendment Bill 2019 to the Legal Affairs and Community Safety Committee

The objectives of the Bill were to improve efficiencies in finalising proceedings for young people in order to reduce demand pressures on youth detention centres and watch houses, and to enable more young people to be granted bail.

The number of young people detained in watch houses for lengthy periods of time is of great concern to the Commission. We supported the Bill, and recommended the additional measures of increasing the age of criminal responsibility to 12 years, introducing a minimum age for detention of 14 years, and introducing a statutory prohibition on prolonged detention in watch houses.

We also suggested that there should be a statutory review of the use of body-worn cameras in youth detention centres, and an amendment to this effect was made during debate of the Bill.

Agriculture and Other Legislation Amendment Bill 2019 to the State Development, Natural Resources and Agricultural Industry Development Committee

The Bill amended various legislation to address concerns about animal activists entering places where animals are kept, and included broadening the offence of unlawful assembly and authorising the use of body-worn cameras for various officials.

We considered there was insufficient evidence to justify broadening the offence, and urged the Committee to consider both matters in terms of compatibility with human rights.

The Bill was passed with amendments made during debate.

Religious Discrimination Bill – Exposure Drafts to the Australian Government, Department of Attorney-General

We made submissions on the initial draft Bill as well as a second draft Bill. The purpose of the draft Bill is to implement three of the recommendations of the Religious Freedom Review, primarily to make it unlawful to discriminate on the basis of religious belief or activity.

We support the provisions that would make it unlawful to discriminate on the ground of religious belief or activity, including not holding a religious belief, and prohibiting both direct and indirect discrimination. This is consistent with the framework of existing anti-discrimination legislation.

However, we have concerns about the provisions that allow the making statements of belief and that deem codes of conduct relating to statements of belief are unreasonable, and the overriding of State anti-discrimination legislation. Aspects of the Bill would be inconsistent with *Queensland Anti-Discrimination Act 1991* and the *Human Rights Act 2019*.

Potential adverse impacts of the Bill include: diminishing the ability of health service providers to ensure their services are accessible to all and increasing gaps in access to health services; limiting the ability of employers to regulate the conduct of employees; increasing the complexity of workplace laws; affecting the morale, health, and productivity of workplaces; and increasing division in communities rather than respecting diversity and inclusion.

We also questioned the constitutionality of aspects of the Bill that are inconsistent with the international human rights agreements that it purports to implement.

Summary Offences and Other Legislation Amendment Bill 2019 to the Legal Affairs and Community Safety Committee

The Bill created new offences in response to the use of attachment devices at protests, and gave police additional powers of search, seizure, and disposal, as well as the option to issue penalty infringement notices for the new offences.

We provided information about international law on the right to peaceful assembly, and the need to consider necessity and proportionality of the proposed measures. We recommended that further information was required in relation to necessity and proportionality for devices that do not contain dangerous substances or things.

The Bill was passed with an amendment relating to reporting, and the new provisions took effect from 30 October 2019.

Path to Treaty to the Department of Aboriginal and Torres Strait Islander Partnerships

The Path to Treaty is part of a package of staged reforms aimed at reframing the relationship between the Queensland government and Aboriginal and Torres Strait Islander peoples in Queensland, and is intended to start negotiations towards treaties.

We referred to the special importance of human rights for Aboriginal peoples and Torres Strait Islander peoples, and cultural rights, both of which are recognised in the *Human Rights Act 2019*. We submitted that cultural rights should be used to guide the identification of issues to be considered in developing treaties, and that the right to self-determination must be forefront in developing a pathway that is accessible to everyone in the State.

Operation Impala: An examination of the improper access and dissemination of confidential information by public sector agencies to the Crime and Corruption Commission

The Crime and Corruption Commission conducted an examination of the improper access and dissemination of confidential information by public sector entities. The Queensland Human Rights Commissioner was asked to give evidence at the public hearing in relation to *Human Rights Act 2019* implications.

We provided a supplementary written submission giving an overview of international case law on the right to privacy, as well as making recommendations to strengthen existing protections under the *Information Privacy Act 2009*.

The report was released in February 2020 and discussed the human rights framework in detail.

Health Legislation Amendment Bill 2019 to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee

The Bill amends various legislation in the health portfolio, including the *Public Health Act 2005* and to *Health and Hospital Boards Act 2011*.

Amendments to the *Public Health Act 2005* prohibit the practice of conversion therapy by health service providers in Queensland. The objective is to protect the lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ+) community from harm caused by conversion therapy and to send the strong message that being an LGBTIQ+ person is not a disorder that requires treatment or correction.

The Commissioner strongly supported the amendments and commended the Queensland government for its continued efforts to promote the human rights of LGBTIQ+ people and in leading the way on this issue.

We also supported amendments to the *Health and Hospital Boards Act 2011* that strengthen health equity for Aboriginal people and Torres Strait Island people.

Justice and Other Legislation Amendment Bill 2019 to the Legal Affairs and Community Safety Committee

The Bill amended various legislation in the justice portfolio, including the *Anti-Discrimination Act 1991*.

The amendments to the *Anti-Discrimination Act 1991* give effect to improved processes for dealing with complaints that include both in-time and out-of-time claims. In these cases, the Commission may require the parties to participate in a conciliation conference before making a decision whether to accept the claims that are outside the time limit for making a complaint.

The amendments also clarify that a decision not to accept a complaint in certain circumstances has the same effect as a decision to reject a complaint. The complaint lapses, and the person cannot make another complaint about the same subject.

Our submission outlined the processes and implications, and supported the amendments to the *Anti-Discrimination Act 1991*.

The Bill was passed on 21 May 2020 and the amendments to the *Anti-Discrimination Act 1991* took effect from 25 May 2020.

A Better Renting Future – Consultation Regulatory Impact Statement to the Department of Housing and Public Works.

We outlined the implications of proposed changes to residential tenancy law, and commented on the need for improvements to address accessibility, climate and energy efficiency. We recommended that provisions regulating ending tenancies on grounds of illegal activity and disrupting the quiet enjoyment of other tenants be amended or repealed.

Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Bill 2019 to the Legal Affairs and Community Safety Committee

The Bill would amend the *Criminal Code* and other legislation to implement recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse, and recommendations of the Queensland Sentencing Advisory Council. This included creating new offences in relation to failing to report and protect children from sexual offences, and the application of contemporary sentencing standards to historical offences.

The Commission's submission was generally supportive of the proposed amendments, although suggested that more consideration needed to be given to the human rights impact of retrospective laws, the right to privacy in information sharing and reporting regimes, and the reverse onus of proof imposed on defendants in relation to new child abuse object offences.

Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019 and Inquiry into the feasibility of introducing expenditure caps for Queensland local government elections to the Economics and Governance Committee.

This Bill proposed several changes to Queensland electoral laws, including further limits on political donations and expenditure. The Commission submitted that limitations on the right to take part in public life and the right to freedom of expression need to be proportionate to the objective of enhancing the democratic rights of all Queenslanders. We were of the view that further evidence was needed to justify some of the limitations on rights, particularly the proposed caps on expenditure and gifts to 'third parties', which could disproportionately impact charitable and other small non-government organisations. In its response to the Committee, the government indicated it would give further consideration to this issue.

Penalties for assaults on police and other frontline emergency service workers, corrective services officers and other public officers to the Queensland Sentencing Advisory Council

The Commission observed that when considering increasing penalties for the assault of police and other front line workers, the rights of both the offender and the victims need to be taken into account. We recommended the Council consider research and data relevant to the effectiveness of increased penalties in protecting police and other front line workers from harm. We raised human rights considerations, highlighting the need for proportionality in any proposed changes and alternative measures to address the identified concerns.

Review of consent laws and the excuse of mistake of fact to the Queensland Law Reform Commission (QLRC)

A consultation paper by the QLRC canvassed a broad range of possible reforms on offences of sexual assault and consent, including the defence of mistakenly believing there was consent.

We supported in principle a statutory definition of consent, and raised concerns about the presumption that an 'impaired' person is unable to consent.

Minimum age of criminal responsibility to the Council of Attorneys-General

This inquiry was considering the age at which a young person should be held criminally accountable for their conduct. Currently, a child as young as 10 years of age can be held criminally liable. We recommended this age be incrementally increased to 14 years of age, and that a justice reinvestment approach be taken to address the needs of younger children.

Human rights and addressing violence against people with disability to the Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability (Disability Royal Commission)

Our submission to this inquiry considered how the problem of violence and other ill-harm experienced by people with disability might be addressed using a human rights framework.

Overall, we recommended the implementation of a national human rights instrument that incorporates Australia's international human rights obligations, including those contained in the *Convention on the Rights of Persons with Disabilities*.

We also suggested that the Royal Commission: identify and address contributing social disadvantage that renders people with disability vulnerable to harm; carefully examine systems that perpetuate harm to people with disability; and ensure that any solutions incorporate measures that address the stigma of people with disability, training for people who support people with disability, collection and publication of data to enhance transparency and accountability, and meaningful measures by which people with disability can enforce their rights.

Corrective Services and Other Legislation Amendment Bill 2020 to the Legal Affairs and Community Safety Committee

The Bill is in response to risks identified in the Crime and Corruption Commission's *Taskforce Flaxton: An examination of corruption risks and corruption in Queensland prisons*, and implements recommendations from the Queensland Parole System Review. Amendments include alcohol and drug testing and searching of corrective services staff, prohibiting staff from having an intimate relationship with a prisoner, and prohibiting prisoners convicted of certain offences from being accommodated in low custody facilities.

We recommended that in applying human rights principles, the blanket prohibition relating to low custody for some prisoners was inappropriate, and that the provisions relating to alcohol and drug testing of staff should be amended so that these measures are the least invasive.

Australian Government's response to the COVID-19 pandemic to the Senate Select Committee on COVID-19

We reported the benefits of having human rights legislation to guide government responses to the COVID-19 pandemic, and submitted there was a need for a national campaign to support groups exposed to racial hatred and vilification and to improve community cohesion, as well as a nationally consistent ethical framework for the allocation of emergency care medical resources.

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*.

There was one application for judicial review made about a decision not to accept a complaint that was made outside the statutory time limit of one year. The application has not been heard yet.

Intervention in proceedings

Our functions under the *Anti-Discrimination Act 1991* include intervening in a proceeding that involves human rights issues, with the leave of the court hearing the proceeding, if the Commission considers it appropriate to do so.

Under the *Human Rights Act 2019*, we may also intervene in a proceeding in a court or tribunal where there is a question of law about the application of the *Human Rights Act 2019*, or a question in relation to the interpretation of statutory provision in accordance with the *Human Rights Act 2019*.

We developed a guideline as to when we might exercise the power under the *Human Rights Act 2019* to intervene in proceedings. The guideline is published on our website.

We conducted our first intervention involving the interpretation of the Human Rights Act 2019 in Supreme Court this year.

We intervened in an application by a company described as a political think tank for a declaration relating to the interpretation of certain provisions of the *Electoral Act 1992* that prohibit donations from 'prohibited donors' for electoral expenditure. We made submissions about how the interpretation requirement in section 48 of the *Human Rights Act 2019* should be applied.

The Court considered that the prohibition in *Electoral Act 1992* is capable of limiting the freedom of expression and the right of individuals to take part in public life. The Court considered the factors set out in section 13 of the *Human Rights Act 2019* in determining that the prohibition on certain political donations is compatible with human rights. Balancing the importance of the human rights and the important purpose of reducing corruption and enhancing our democratic society, the Court concluded that the limitation on human rights is reasonable and justified.

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 we made one submission to QCAT and two submissions to QIRC on applications for exemption from the operation of the *Anti-Discrimination Act 1991*.

Tribunal and court decisions

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

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

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.

¹ *Anti-Discrimination Act 1991*, section 175.

² *Anti-Discrimination Act 1991*, section 113.

³ *Anti-Discrimination Act 1991*, section 144.

⁴ *Anti-Discrimination Act 1991*, section 169.

⁵ *Anti-Discrimination Act 1991*, section 228.

There were 26 decisions of the tribunals published for the period, made up as follows:

Table 11: Tribunal decisions

	QIRC	QCAT	Totals
Final hearings	6	3	9
Dismiss/strike out	4	1	5
Out-of-time (s 175)	1	—	1
Produce documents	2	—	2
Costs	—	1	1
Security for costs	1	—	1
Interim orders before referral (s 144)	1	—	1
Miscellaneous process	2	2	4
Exemption applications	2	—	2
	19	7	26

The following is a selection of the published decisions.

Complaints

Dialysis banned at work

A residential care officer developed a chronic kidney disease and had to undertake a type of dialysis twice during a 12 hour shift, and once during an 8 hour shift. At the time, the officer worked three 12 hour day shifts, three 12 hour night shifts, and one 8 hour variable shift each fortnight. He conducted the dialysis during his breaks.

At the time he developed the condition, the officer had worked as a residential care officer for 16 years and had been caring for three intellectually disabled people in a residence. The department determined that the officer could not continue as a residential care officer (RCO) while he needed to undertake the dialysis, and he was redeployed to an administrative position. He returned to working as a residential care officer 11 months later, after having a successful kidney transplant.

The tribunal held that the need to undergo dialysis is a characteristic that a person with chronic kidney disease generally possesses and was, therefore, part of the protected attribute of impairment.

In this case, the tribunal considered that the circumstances for comparison include that the comparator is partially restricted for 20 minutes, and absolutely restricted for 30 seconds, from attending the needs of service users, and that the restriction occurs during a crib break. As the self-administered medical procedure is a characteristic of the impairment, it should not form part of the 'circumstances' for the purpose of assessing direct discrimination.

The tribunal found it was less favourable treatment of the officer to:

- direct him not to perform the dialysis treatment in his crib break, when he was just as responsive as another RCO who was otherwise occupied in their crib break; and
- decide not to continue to backfill in circumstances where it completely eliminated any risks to service users and cost less than employing the officer in a supernumerary administrative role; and
- not pay his projected RCO roster, including shift penalties, when he was transferred to alternative duties.

There was also a greater expectation of the officer (in relation to the performance of his duties as an RCO) than applied to other RCOs, and the respondents applied more onerous requirements than they expected of others. There was no material increase in the risk to service providers in the officer performing the dialysis treatment during his crib breaks. He kept the service users in his line of sight when administering the treatment, whereas other officers using the bathroom, hanging out washing, or smoking outside during their crib breaks, for example, were not more responsive than this officer.

The tribunal found that the officer's position could be fulfilled and performed notwithstanding that over a crib break a person might be occupied in a manner that rendered them unable to respond to a situation for 30 seconds. The less favourable treatment of the officer was because of his impairment and the need to perform the dialysis treatment during his crib breaks. The tribunal also found: that the respondents imposed a term that the officer not perform the dialysis treatment at work; that the officer could not comply with that term whereas officers without his impairment could comply; and that the term was not reasonable. There was therefore both direct and indirect discrimination of the officer on the basis of his impairment.

The tribunal considered the exemptions of: imposing genuine occupational requirements (s 25); special services or facilities required that impose unjustifiable hardship (s 35); circumstances of impairment impose unjustifiable hardship (s 36); and protecting the health and safety of people at a workplace (s 108). It found that there was no requirement to actively and continually support and supervise the service users for the entire duration of a 12-hour shift; that there was no need for special requirements for the officer; there was no unjustifiable hardship on the employer; and removing the officer from the workplace was not reasonably necessary.

The tribunal awarded the officer compensation of \$33,906.16:

- \$10,000.00 (general damages)
- \$11,372.00 (loss of salary)
- \$ 1,043.30 (lost recreational leave)
- \$ 3,546.75 (two weeks leave without pay)
- \$ 7,944.11 (lost penalty payments)

Vale v State of Queensland & Ors [2019] QCAT

Tenant evicted for having an assistance dog

At the suggestion of her doctor, a woman who had been diagnosed with chronic depression, anxiety, and post-traumatic stress disorder obtained an assistance dog to help alleviate her symptoms of depression and anxiety. The dog was a cavoodle named 'Muffin'.

The woman and her husband lived in a unit that they rented. She applied for permission to keep the dog and was told that dogs were not allowed. The woman and her husband were later given a notice to leave the premises on the basis that they were in breach of the lease by having the dog on the premises.

The *Anti-Discrimination Act 1991* prohibits discrimination in refusing to allow a guide, hearing, or assistance dog in accommodation. An assistance dog is a dog that is trained to perform tasks and behaviours to assist a person with a disability to reduce the person's need for support. There is no requirement that the dog be certified. This is different to the position under the *Guide, Hearing and Assistance Dogs Act 2009* where it is an offence (that is, a criminal penalty) to refuse to rent accommodation to a person with a disability because they have a certified assistance dog.

For the purpose of the *Anti-Discrimination Act 1991*, the dog needs to be trained to perform tasks and behaviours to assist the person with disability. The tribunal found that it is not necessary that the dog is trained by an accredited or a recognised dog training body.

In this case Muffin had been to puppy school and was in a psychiatric service dog training program. Muffin was able to sense when the woman was upset or anxious and had been trained to jump up on her chest to distract or comfort her. Muffin could also assist the woman by her steady presence and companionship.

The tribunal was satisfied that Muffin had been trained to perform tasks and behaviours that assisted the woman to reduce her need for support. The tribunal found therefore that at the time the notice to leave was given to the woman and her husband, Muffin was an assistance dog. Although Muffin had not completed the formal training, she had been sufficiently trained to assist the woman.

The tribunal found that evicting the woman from the premises was both direct and indirect discrimination of her.

The woman suffered a significant degree of stress from being evicted, and she and her husband lived in camp sites and caravan parks and lost contact with friends.

The tribunal awarded the woman general damages of \$10,000.00 for stress, humiliation, and loss of dignity, as well as \$3,115 for costs of storing furniture and belongings.

Jackson v Ocean Blue Queensland Pty Ltd & Anor [2020] QCAT 23

Application for an interim order

Employer stopped from dismissing ill worker

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.

A woman lodged a complaint of impairment discrimination with the Queensland Human Rights Commission (QHRC). She had been off work for over a year due to breast cancer, and claimed she had been discriminated against in the workplace.

Two months later, the woman received a 'show cause' letter advising that her employer was considering terminating her employment because of her ongoing inability to perform her job.

The woman then applied to the Queensland Industrial Relations Commission (the tribunal) for an order to stop the employer from terminating her employment, as it would prejudice the conciliation of her complaint, or an order that might be made if the complaint was referred to the tribunal. At the time of the application the complaint had not been accepted by the QHRC, however the QHRC had written to the complainant saying the complaint appeared to be covered by the Act, but the timing of events needed to be clarified.

The tribunal examined whether a complaint must be accepted before it can make an order under section 144, and concluded that although there is a preference that complaints be accepted, the correct interpretation of section 144 is that a complaint has been made in accordance with section 136 of the *Anti-Discrimination Act*. In this case the tribunal was satisfied there was a complaint that complied with section 136.

The tribunal then considered whether there is a serious question to be tried and the balance of convenience. The tribunal needs to be satisfied there is a sufficient likelihood that the complaint will succeed to justify preserving the status quo, and consider any prejudice that the parties might experience.

The tribunal was satisfied that if the allegations made in the complaint are supported by credible evidence at a hearing, the complaint has sound prospects of success.

The tribunal was also satisfied that a potential order for reinstatement may be prejudiced by virtue of the woman's ability to re-engage with the workplace following the psychological impact of being terminated.

The tribunal accepted that the balance of convenience favoured the woman because she was not currently working or being paid, and the financial impact on the employer of continuing her employment would be minimal.

Bond v Multicap Limited [2020] QIRC 51

Complaint made more than one year after event

A complaint of sexual harassment and sex discrimination was not resolved at the Commission and referred to the Queensland Industrial Relations Commission (the tribunal). Some of the incidents in the complaint occurred within one year of the complaint being lodged with the Commission, and some occurred earlier (out-of-time). The Commission was satisfied the complainant had shown good cause, and exercised the discretion in section 138 of the *Anti-Discrimination Act 1991* to accept the complaint.

The tribunal has a discretion to deal with a complaint made more than one year after the alleged contravention, if the tribunal considers that, on the balance of fairness, it would be reasonable to do so. The respondents to the complaint opposed the exercise of the discretion for the out-of-time part of the complaint.

The tribunal noted that the discretion for the Commissioner to accept a complaint under section 138 of the Act is different to the discretion under section 175 for the tribunal to deal with a complaint, and that the tribunal is not bound by the decision made by the Commissioner.

The tribunal considered the length of the delay, the explanation for the delay, and any prejudice to the respondents. As to the merits of the complaint, the tribunal said it was difficult, if not impossible to determine the relative merits or otherwise of the complainant's case, particularly in the absence of the statement of facts and contentions.

In this case there was an alleged pattern of behavior that was continuing in nature. The tribunal considered the correct approach is not to examine each alleged incident or episode in isolation, but rather to view it in the context in which the behavior is said to have occurred.

The tribunal concluded that on the balance of fairness between the parties, it was reasonable to permit the out-of-time matters to be included with the claim.

Noble v Whitelock & Ors [2020] QIRC 69

Exemption applications

During the period there were two decisions of the QIRC on applications for exemption from the operation of the *Anti-Discrimination Act 1991*. The QCAT dismissed an application where the applicant failed to comply with its directions. In some cases, applications are not pursued after the Commission makes submissions about the application.

An exemption for five years was granted to Kalwun Development Corporation Limited to allow it to advertise for and recruit specifically either female or male Young Wellbeing Workers for its Child and Family Support Services division as the need determined. The primary focus of the position is to provide support for Aboriginal and Torres Strait Islander children living within at-risk families. It is culturally more

appropriate for male workers to work with male children and for female workers to work with female children.⁶

A labour hire company was granted an exemption for two years to allow it to undertake targeted recruitment of women to complete a Certificate II in Resources and Work Infrastructure, with a view to working in the construction industry. The program was developed to increase the participation of women in the construction industry.⁷

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 two decisions of the QCAT Appeal Tribunal published in the period.

Misgendering a transgender prisoner

A transgender woman was incarcerated in a male high security prison. Prison officers referred to her as a man, and used male pronouns (misgendering). She was put on Intensive Management Plans to mitigate her 'sexually-laden behaviour'. The woman complained that the conduct was discrimination of her on the basis of her gender identity, and that the prison required her to 'be a man'. She appealed the decision of the tribunal that found she was not treated less favourably and the conduct was not otherwise discrimination of her.

The *Anti-Discrimination Act 1991* has a modified application in the prison setting. Discrimination will not be unlawful if the conduct is 'reasonable' within the correctional environment, and the payment of compensation is limited.

The Appeal Tribunal found there was an error in the tribunal's decision in considering whether there had been indirect discrimination of the woman by using male pronouns (for example, 'he', rather than 'she'). It considered that the use of male pronouns in addressing and referring to the woman amounted to a term being imposed that she 'identify as a man'. She could not comply with this term because it required her to compromise her gender identity, and a higher proportion of prisoners without the attribute could comply with it.

There was also error in not considering submissions about the factors set out in the *Corrective Services Act 2006* for considering whether conduct was reasonable. The Appeal Tribunal noted that the good order and security of the prison is not the sole or paramount consideration that is relevant, and the cost and resource implications of requiring prison staff to address transgender prisoners by their 'acquired gender' were not of sufficient weight to justify the discriminatory practice of using male pronouns to address the woman.

⁶ Re: *Kalwun Development Corporation Limited* [2019] QIRC 141.

⁷ Re: *Protech Personnel Pty Ltd* [2019] QIRC 175.

Relevant to considering reasonableness was that the Custodial Operations Practice Directive (which is an operational guide) has been changed to require transgender prisoners to be referred to in a manner consistent with their gender identity. It was also relevant that the woman's suggestion that she be called by her name was an option available under the Custodial Operations Practice Directive at the time.

The Appeal Tribunal concluded that the treatment of the woman in referring to her by male pronouns was indirect discrimination, and was not reasonable within the meaning of the *Anti-Discrimination Act 1991* and the *Corrective Services Act 2006*.

However, there was no error in the tribunal finding that the Intensive Management Plans focused on addressing overt sexual behaviour that is not a characteristic of the attribute of gender identity, and was not less favourable treatment on the basis of gender identity. Even if the plans had been discriminatory, the Appeal Tribunal considered it would find they were reasonable in the circumstances.

The Appeal Tribunal agreed that there was no bad faith on the part of the respondents, which meant that a remedy of compensation was not available. The tribunal ordered the respondents to make a private apology to the woman. It was not necessary to make orders for the implementation of policies, because it is now a requirement that transgender prisoners are addressed consistently with their gender identity.

Tafao v State of Queensland [2020] QCATA 76

Corporate governance

Governance framework

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

Executive management

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

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

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

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

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

The members of the ELT are:

- Scott McDougall, Human Rights Commissioner (Chair);
- Neroli Holmes, Deputy Commissioner (Deputy Chair);
- Deborah Keenan, Director, Complaint Services;
- Mackayla Jeffries, Director, Engagement & Corporate Services.

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

The Leadership Group is a sub-committee of the Executive Leadership Team (ELT). It supports the Commissioner by ensuring that operational activity aligns with the strategic direction of the

Commission as set by the ELT. The group is responsible for providing advice to the Commissioner, and contributing to operational decision making where delegated.

Responsibilities of the Leadership Group include:

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

The members of the Leadership Group are:

- Human Rights Commissioner;
- Deputy Commissioner;
- Director, Complaint Services;
- Director, Engagement & Corporate Services;
- Business Manager;
- Principal Lawyers;
- Manager, Cairns Region;
- Manager, Townsville Region;
- Manager, Rockhampton Region;
- Managers, Brisbane Complaint Team;
- Aboriginal & Torres Strait Islander Community Engagement Coordinator;
- Senior Communications Officer;
- Senior Policy Officer.

Our staff

The Commission maintains offices in Brisbane, Cairns, Townsville and Rockhampton. At 30 June 2020, we employed 40.22 full-time equivalent permanent and temporary staff. The permanent staff separation rate in 2019-20 was 10.3 per cent, higher than the previous year's rate of 3%. This increase can be attributed primarily to an organisational restructure that resulted in two positions being identified as surplus to requirements. One affected staff member secured employment outside the Commission and the second was offered a redundancy.

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

- active promotion of flexible work including compressed hours, part-time and working from home arrangements;
- the provision of a parenting/prayer room;
- provision of highly accessible office spaces where possible;
- appointment of four Equity Contact Officers;
- LGBTIQ+ and Aboriginal and Torres Strait Islander liaison officers;
- Clear induction and performance management policies;
- Professional development of all staff on a continuing basis; and
- Transition to electronic timesheet management for improved monitoring of leave.

Corporate services

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

Information and communications technology (ICT)

Our standard operating environment is Windows 10 and Office 2016 and all core software is supported by appropriate support agreements and software assurance. We have migrated from laptops to Surface Pro tablet devices and operate cloud based provision of computing and telecommunications services. These operating systems and equipment have reduced costs, increased mobility and business continuity, and reduced risks associated with in-house management of computing services.

They also allowed all staff to work remotely during the COVID-19 pandemic and maintain almost uninterrupted service delivery.

In addition to the successful and sustained transition remote working, key achievements in ICT this period include:

- Increased wide area network (WAN) links to all four QHRC office locations to improve system performance;
- Commenced process of wireless installation in regional offices;
- Commenced transition to Office 365;
- Partial completion of a data management and business intelligence project to enhance performance reporting capabilities through Power BI.

Statutory obligations

Ethical behaviour

The Code of Conduct for the Queensland Public Service applies to our staff as we are prescribed as a public service agency under the *Public Sector Ethics Regulation 2010*. In accordance with section 23 of the *Public Sector Ethics Act 1994*, all new starters are provided with information about the Code of Conduct as part of their induction program and are asked to confirm their understanding and ability to apply the code.

Staff can readily access the code through our intranet and it is referenced in a variety of Commission policies and staff documents including the Workplace Behaviour policy and the staff induction manual. All staff are required to complete annual refresher training on the Code of Conduct which is monitored through the performance and development management process and an annual internal audit of staff mandatory training records.

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

Human rights

As Queensland's leading human rights agency, our core business is to further the objects of the *Human Rights Act 2019*. Central to the delivery of all frontline services is the objective of promoting understanding, acceptance and public discussion of human rights. In 2019-20 we were focussed more than ever on this objective as our organisational name and functions changed to incorporate the new legislation.

In relation to obligations of public entities under the Act, we undertook the following activities during 2019-20:

- Revised our complaint management process to include robust front-end assessment of complaints to identify potential Human Rights Act breaches;
- Conducted a series of staff training sessions on key elements of the *Human Rights Act 2019* including an examination of the scope of each human right;
- Ran a social media campaign introducing the Human Rights Act and each human right individually to raise community awareness;
- Reviewed and updated organisational policies to ensure compatibility with human rights, including the client complaint policy and procedures and the social media policy;
- Commenced investigating options for audio recording of complaints to make our complaint process more accessible;
- Ran the Human Rights Month campaign in November-December 2019 to raise awareness of the Act, including a speaker series focussing on particular human rights;
- Delivered 149 face-to-face training sessions and webinars on the *Human Rights Act 2019*; and
- Developed a pilot process for review of a public entity's policies, programs, procedures and practices in relation to their compatibility with human rights in collaboration with Bric Housing, a social housing company. We ran a series of workshops reviewing the tenant experience from application to the end of the tenancy, with a view to undertaking policy and service improvements to be implemented in the next financial year.

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

Between January and June 2020, four client complaints regarding our service delivery were received by the Commission which were assessed as being human rights complaints. None of the complainants identified human rights in their complaints. During the process of assessing and investigating the complaints our staff identified human rights that were engaged by the actions and decisions of the Commission which formed the basis of the complaints about service delivery. In all instances it was determined through investigation that human rights were not unjustifiably limited. All complaints were resolved through an explanation of legislative requirements and procedures relating to the conciliation process.

Human rights identified in client complaints included:

- Right to recognition and equality before the law;
- Right to privacy and reputation; and
- Right to a fair hearing.

Client complaints

Six complaints about our service delivery were received during 2019-20, compared to seven in 2018-19. All complaints were resolved with an explanation being provided to the complainants. All complaints were investigated and managed in accordance with our client complaint management policy. As a result of one complaint, a review of our arrangements for interpreters was undertaken with a view to improving the availability of interpreters and technology used. Beyond this, no client complaint investigations indicated the existence of any systemic problems.

Information systems and recordkeeping

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

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

The Commission uses RecFind as its electronic documents and records management system (EDRMS). We have been transitioning to digital records since 2014 but continue to use some paper files depending on the source of the documents. A General Records Authority is currently under development to enable the destruction of physical source records in compliance with the General Records and Disposal Schedule (GRDS) reference 2074. Our core Retention and Disposal Schedule is QDAN568 v2; last reviewed 14 January 2015.

Until the disposal freeze for children's files in 2018, all Commission destructions were up to date in accordance with general and core retention and disposal schedules and relevant legislation. Destructions have not resumed since the lifting of the disposal freeze earlier this year but will resume post COVID-19 when staff return to working from the office.

As a result of the updated general retention and disposal schedule that now includes sentencing of complaints involving vulnerable people, the Commission has made the decision to retain all complaint files for 100 years.

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

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

Internal and external audit

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

Risk management

Our governance and assurance strategies for risk management reflect the functions and size of our agency. The Executive Leadership Team provides oversight of our risk management framework and operational management of risks. In response to Queensland Audit Office feedback, the Commission's risk register was reviewed and updated this period to increase recognition and mitigation of financial risks.

Early retirement, redundancy and retrenchment

During the period, one employee received a redundancy package at a cost of \$81,641 plus \$44,331.92 in leave entitlements.

Open data

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

Summary of financial performance

Financial governance

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

Financial summary 2019-20

This summary provides an overview of our financial performance for 2019-20 and a comparison with 2018-19. A detailed view of the financial performance for 2019-20 is provided in the financial statements included in Appendix D of this annual report and can be viewed at www.qhrc.qld.gov.au.

The operating result for the Commission for 2019-20 was a deficit of approximately \$61,000.

The deficit was primarily caused by funding two displaced staff members for part of the 2019-20 financial year following the 2018-19 organisational restructure. The displaced staff have since left the organisation. The deficit, while one-off in nature, will have a cash flow impact on the 2020-21 budget.

Performance in the remaining budget areas was sound.

The Commission had to return approximately \$436,000 of unspent grant funds in relation to recruitment of 10 newly funded positions which weren't on-board by the 1 July 2019 milestone as per funding requirements. This has been reflected in the financial statements as an expense and current liability.

As a result of COVID-19, the main financial impact to our operations was suspending face-to-face training sessions from 18 March to 30 June. While suspending face-to-face training dropped the projected revenue outcome, we had already exceeded training targets when face-to-face training stopped and as such, it had no material impact on overall finances.

While the Commission still has the ability to continue paying liabilities, with the uncertainty we are facing in regards to future training demand as a fallout from COVID-19, and no cash reserves after the 2019-20 deficit, management is focussing on reducing 2020-21 discretionary expenditure to ensure availability of funds for future activities.

Income

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

In 2019-20, we received an additional ongoing grant of \$1.300 million (23% increase from 2018-19), to deliver the new functions required of the Commission under the *Human Rights Act 2019*.

Training revenue also rose by \$0.208 million (110% increase from 2018-19) due to an increased demand for training driven by the introduction of the *Human Rights Act 2019*.

Table 12: Statement of comprehensive income

	2019-20 (\$'000)	2018-19 (\$'000)
User charges and fees	399	190
Grants and other contributions	7,394	5,872
Interest and other revenue	18	20
Total income from continuing operations	7,811	6,082
Employee expenditure	5,238	4,082
Supplies and services	1,982	1,746
Grants and subsidies	6	3
Depreciation and amortisation	182	161
Other expenses	464	30
Total expenditure from continuing operations	7,872	6,022
Operating result for the year	(61)	60

Expenditure

Employee expenditure is our largest expenditure (on average, 70% of total expenditure) and has increased by \$1.156 million (29%) from 2018-19. This was due to increased positions allowed for as part of additional ongoing grant funding to deliver the new functions required of the Commission under the *Human Rights Act 2019*.

The second largest expense category is supplies and services (on average, 28% of total expenditure). Supplies and services increased by \$0.237 million (up 14% from 2018-19). This is made up of increased expenses associated with delivering a higher number of training sessions (offset by revenue), and increased expenses for management of the Commission's computer network.

We also incurred \$0.436 million of grant refund expenditure. This relates to the return of the Commission's unspent grant revenue, as a result of delayed recruitment of new positions which didn't meet their milestones as required. This unspent grant revenue is to be returned to the Department of Justice and Attorney-General.

Table 13: Statement of Financial Position

	2019-20 (\$'000)	2018-19 (\$'000)
Current Assets	1,197	518
Non-Current Assets	1,018	1,093
Total Assets	2,215	1,611
Current Liabilities	1,164	499
Total Liabilities	1,164	499
Net Assets	1,051	1,112
Total Equity	1,051	1,112

Table 13 sets out the Commission's net assets (that is, assets less liabilities) and equity. As at 30 June 2020, the Commission's net assets were \$1.051 million.

Total assets increased to \$2.215 million (\$0.604 million or 38% increase from 2018-19) which is a result of increased cash on hand primarily from in-year labour savings from vacant positions.

The majority of current liabilities relate to employee entitlements (\$0.593 million or 51% of current liabilities) which is made up of salaries and recreation leave entitlements as at 30 June 2020. The other main component of current liabilities is \$0.436 million (38%) relating to the unspent grant funds to be returned.

Comparison to the 2019-20 Budget⁸

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

Certification of financial statements

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

Independent auditor's report

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

⁸ 2019-20 Queensland State Budget – Service Delivery Statements –
Queensland Human Rights Commission
Annual Report 2019-20

Appendix A: Compliance checklist

Summary of requirement		Basis for requirement	Annual report reference
Letter of compliance	A letter of compliance from the accountable officer or statutory body to the relevant Minister/s	ARRs – section 7	Page 4
Accessibility	Table of contents	ARRs – section 9.1	Page 2
	Glossary		Page 78
	Public availability	ARRs – section 9.2	Page 1
	Interpreter service statement	<i>Queensland Government Language Services Policy</i> ARRs – section 9.3	Page 1
	Copyright notice	<i>Copyright Act 1968</i> ARRs – section 9.4	Page 1
	Information Licensing	<i>QGEA – Information Licensing</i> ARRs – section 9.5	Page 1
General information	Introductory Information	ARRs – section 10.1	Page 5
	Machinery of Government changes	ARRs – section 10.2, 31 and 32	N/A
	Agency role and main functions	ARRs – section 10.2	Page 8
	Operating environment	ARRs – section 10.3	Page 9
Non-financial performance	Government's objectives for the community	ARRs – section 11.1	Page 8
	Other whole-of-government plans / specific initiatives	ARRs – section 11.2	Page 20
	Agency objectives and performance indicators	ARRs – section 11.3	Page 14
	Agency service areas and service standards	ARRs – section 11.4	Page 14
Financial performance	Summary of financial performance	ARRs – section 12.1	Page 72
Governance – management and structure	Organisational structure	ARRs – section 13.1	Appendix C
	Executive management	ARRs – section 13.2	Page 65
	Government bodies (statutory bodies and other entities)	ARRs – section 13.3	N/A
	Public Sector Ethics	<i>Public Sector Ethics Act 1994</i> ARRs – section 13.4	Page 68
	Human Rights	<i>Human Rights Act 2019</i> ARRs – section 13.5	Page 69
	Queensland public service values	ARRs – section 13.6	Page 10
Governance – risk	Risk management	ARRs – section 14.1	Page 71
	Audit committee	ARRs – section 14.2	Page 71

Summary of requirement		Basis for requirement	Annual report reference
management and accountability	Internal audit	ARRs – section 14.3	Page 71
	External scrutiny	ARRs – section 14.4	Page 71
	Information systems and recordkeeping	ARRs – section 14.5	Page 70
Governance – human resources	Strategic workforce planning and performance	ARRs – section 15.1	Page 67
	Early retirement, redundancy and retrenchment	Directive No.04/18 <i>Early Retirement, Redundancy and Retrenchment</i> ARRs – section 15.2	Page 71
Open Data	Statement advising publication of information	ARRs – section 16	Page 71
	Consultancies	ARRs – section 33.1	https://data.qld.gov.au
	Overseas travel	ARRs – section 33.2	https://data.qld.gov.au
	Queensland Language Services Policy	ARRs – section 33.3	https://data.qld.gov.au
Financial statements	Certification of financial statements	FAA – section 62 FPMS – sections 38, 39 and 46 ARRs – section 17.1	Page 75 Appendix D
	Independent Auditor's Report	FAA – section 62 FPMS – section 46 ARRs – section 17.2	Page 75 Appendix D

FAA *Financial Accountability Act 2009*

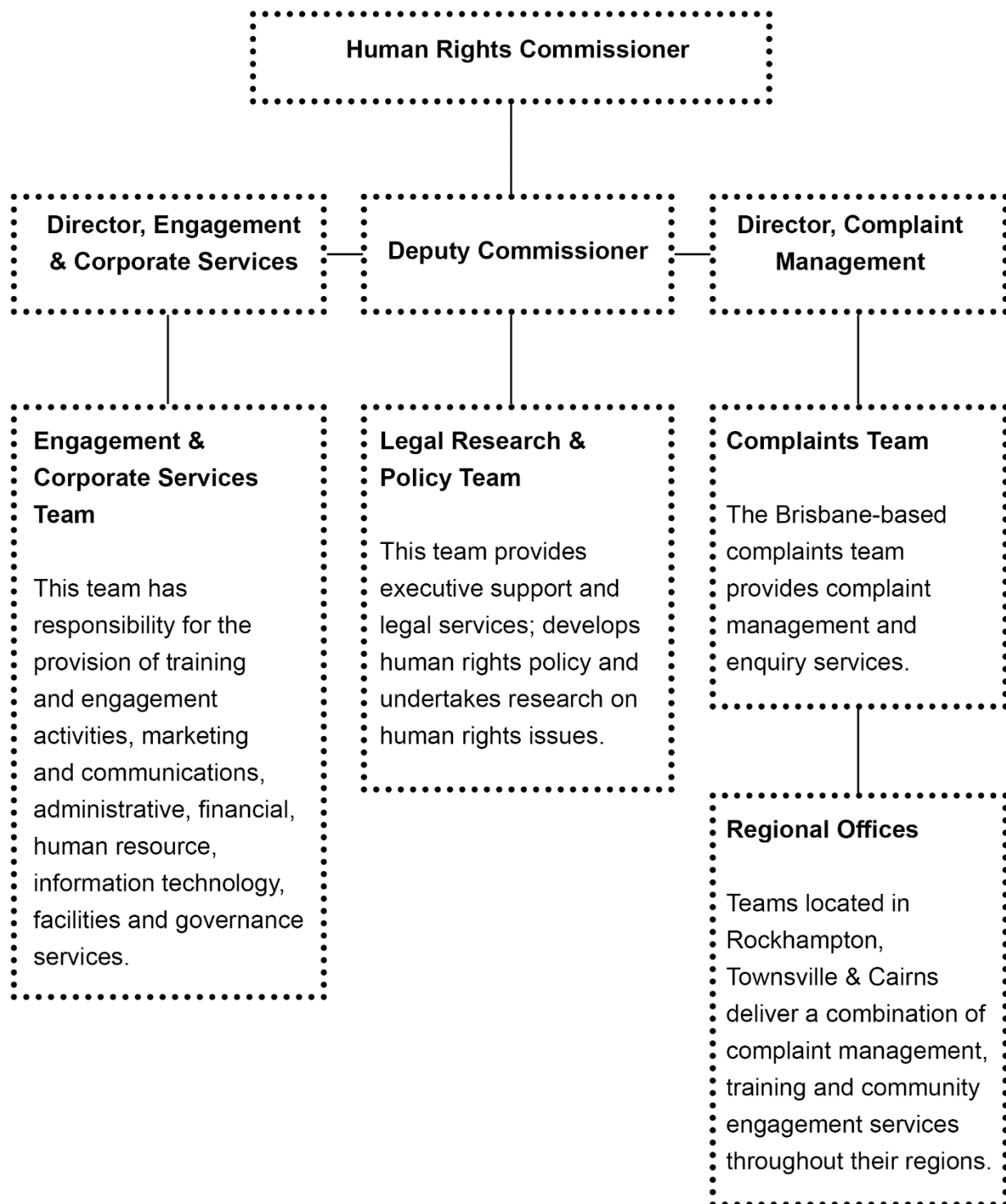
FPMS *Financial and Performance Management Standard 2019*

ARRs *Annual report requirements for Queensland Government*
agencies

Appendix B: Glossary of terms

Term	Description
complaint	Means a complaint made under the <i>Anti-Discrimination Act 1991</i> or <i>Human Rights Act 2019</i> .
combined complaint	A complaint assessed by the Commission as having allegations under both the <i>Anti-Discrimination Act 1991</i> and <i>Human Rights Act 2019</i> .
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 QHRC contacts the parties and manages the conciliation conference. Complaints made under the <i>Anti-Discrimination Act 1991</i> that cannot be resolved through the conciliation process may be referred to the Queensland Civil and Administrative Tribunal or Queensland Industrial Relations Commission for a public hearing to decide whether there has been a breach of the Act, and decide any compensation. There is no referral option for Human Rights Act complaints that are not conciliated.
Commission	Queensland Human Rights Commission
direct discrimination	Under the <i>Anti-Discrimination Act 1991</i> , 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 QHRC. It supports the Commissioner in providing the strategic direction as part of the overall corporate governance framework and oversees the Commission's strategic performance.
indirect discrimination	Under the <i>Anti-Discrimination Act 1991</i> , 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 QHRC as set by the ELT.
QCAT	Queensland Civil and Administrative Tribunal
QHRC	Queensland Human Rights Commissioner (formerly Anti-Discrimination Commission Queensland)
QIRC	Queensland Industrial Relations Commission
vicarious liability	If a person's workers or agents contravene the <i>Anti-Discrimination Act 1991</i> 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: Organisational structure



Appendix D: Certified financial statements





Queensland
**Human Rights
Commission**

Financial Statements

for the financial year ended

30 June 2020

Queensland Human Rights Commission Financial Statements
For the Year Ended 30 June 2020

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Queensland Human Rights Commission
Statement of Comprehensive Income
Year ended 30 June 2020

	Notes	2020 \$'000	2019 \$'000
Income from Continuing Operations			
User charges and fees		399	190
Grants and contributions	B1-1	7,394	5,872
Other revenues		18	20
Total Revenue		7,811	6,082
Total Income from Continuing Operations		7,811	6,082
Expenses from Continuing Operations			
Employee expenses	B2-1	5,238	4,082
Supplies and services	B2-2	1,982	1,746
Depreciation and amortisation		182	161
Other expenses	B2-3	470	33
Total Expenses from Continuing Operations		7,872	6,022
Operating Result for the Year		(61)	60
TOTAL COMPREHENSIVE INCOME		(61)	60

The accompanying notes form part of these statements.

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

as at 30 June 2020

	Notes	2020 \$'000	2019 \$'000
Current Assets			
Cash and cash equivalents	C1	1,100	400
Receivables	C2	32	21
Prepayments		65	97
Total Current Assets		1,197	518
Non-Current Assets			
Plant and equipment	C3	513	591
Intangible assets	C4	505	502
Total Non-Current Assets		1,018	1,093
Total Assets		2,215	1,611
Current Liabilities			
Payables	C5	561	67
Accrued employee benefits	C6	593	423
Other liabilities		10	9
Total Current Liabilities		1,164	499
Total Liabilities		1,164	499
Net Assets		1,051	1,112
Equity			
Contributed equity		537	537
Accumulated surplus		514	575
Total Equity		1,051	1,112

The accompanying notes form part of these statements.

**Queensland Human Rights Commission
Statement of Changes in Equity**

Year ended 30 June 2020

	Contributed Equity	Accumulated Surplus	TOTAL
	\$'000	\$'000	\$'000
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
Balance as at 1 July 2019	537	575	1,112
Operating result for the Year	-	(61)	(61)
Balance as at 30 June 2020	537	514	1,051

The accompanying notes form part of these statements.

**Queensland Human Rights Commission
Statement of Cash Flows**

Year ended 30 June 2020

	Notes	2020 \$'000	2019 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES			
<i>Inflows:</i>			
User charges and fees		384	262
Grants and contributions		7,394	5,872
GST input tax credits from ATO		210	199
GST collected from customers		40	19
Other		18	20
<i>Outflows:</i>			
Employee expenses		(5,069)	(4,058)
Supplies and services		(1,458)	(1,719)
GST paid to suppliers		(203)	(210)
GST remitted to ATO		(39)	(21)
Other		(470)	(32)
Net cash provided by operating activities	CF-1	<u>807</u>	<u>332</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
<i>Outflows:</i>			
Payments for plant and equipment		(27)	(226)
Payments for intangibles		(80)	(129)
Net cash provided by (used in) investing activities		<u>(107)</u>	<u>(355)</u>
CASH FLOWS FROM FINANCING ACTIVITIES			
<i>Inflows:</i>			
Equity injections		-	200
Net cash provided by financing activities		<u>-</u>	<u>200</u>
Net increase (decrease) in cash and cash equivalents		700	177
Cash and cash equivalents - opening balance		400	223
Cash and cash equivalents - closing balance	C1	<u>1,100</u>	<u>400</u>

The accompanying notes form part of these statements.

**Queensland Human Rights Commission
Statement of Cash Flows**

Year ended 30 June 2020

NOTES TO THE STATEMENT OF CASH FLOWS

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

	2020	2019
	\$'000	\$'000
Operating Surplus/(deficit)	(61)	60
<i>Non-Cash items included in operating result:</i>		
Depreciation and amortisation expense	182	161
<i>Change in assets and liabilities:</i>		
(Increase)/decrease in trade receivables	3	52
(Increase)/decrease in GST input tax credits receivable	7	(12)
(Increase)/decrease in LSL reimbursement receivables	(4)	7
(Increase)/decrease in other receivables	(18)	20
(Increase)/decrease in inventories	-	14
(Increase)/decrease in prepayments	32	10
Increase/(decrease) in accounts payable and other liabilities	496	4
Increase/(decrease) in accrued employee benefits	170	16
Net cash provided by operating activities	807	332

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

Year ended 30 June 2020

**SECTION 1
ABOUT THE COMMISSION AND THIS FINANCIAL REPORT**

A1 BASIS OF FINANCIAL STATEMENT PREPARATION

A1-1 GENERAL INFORMATION

On 1 July 2019, the Anti-Discrimination Commission Queensland became the Queensland Human Rights Commission ("the Commission"). The Commission is a Queensland Government statutory body established under the *Anti-Discrimination Act 1991* and the *Human Rights Act 2019* and is controlled by the State of Queensland, which is the ultimate parent.

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

A1-2 COMPLIANCE WITH PRESCRIBED REQUIREMENTS

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

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

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

A1-3 PRESENTATION

Currency and Rounding

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

Comparatives

Comparative information reflects the audited 2018-19 financial statements.

Current/Non-Current Classification

Assets and liabilities are classified as either 'current' or 'non-current' in the Statement of Financial Position and associated notes.

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

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

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

Year ended 30 June 2020

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.

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

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

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

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

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

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

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

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

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

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

Year ended 30 June 2020

**SECTION 2
NOTES ABOUT OUR FINANCIAL PERFORMANCE**

B1 REVENUE

B1-1 GRANTS AND CONTRIBUTIONS

	2020 \$'000	2019 \$'000
Recurrent grant from Department of Justice and Attorney-General	7,394	5,872
Total	7,394	5,872

Accounting Policy - Grants and contributions

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

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

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

Disclosure – Grants and contributions

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

B2 EXPENSES

B2-1 EMPLOYEE EXPENSES

Employee Benefits

Wages and salaries *	3,881	3,046
Annual leave expense	493	344
Employer superannuation contributions	521	424
Termination benefits	82	-
Long service leave levy	88	61
Other employee benefits	17	6

Employee Related Expenses

Workers' compensation premium	27	18
Payroll tax	111	164
Other employee related expenses	18	19
Total	5,238	4,082

* Wages and salaries includes \$48,434 of \$1,250 one-off, pro-rata payments for 39 full-time equivalent employees (announced in September 2019).

	2020 No.	2019 No.
Full-Time Equivalent Employees:	40	35

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

Year ended 30 June 2020

B2 EXPENSES (continued)

B2-1 EMPLOYEE EXPENSES (continued)

Accounting Policy - Wages, Salaries and Recreation Leave

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

Accounting Policy - Sick Leave

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

Accounting Policy - Long Service Leave

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

Accounting Policy - Superannuation

Post-employment benefits for superannuation are provided through defined contribution (accumulation) plans or the Queensland Government's 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.

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

Year ended 30 June 2020

B2 EXPENSES (continued)

B2-2 SUPPLIES AND SERVICES

	2020 \$'000	2019 \$'000
Office accommodation	695	667
Property outgoing	131	123
Computing and telephone	564	484
Operating level agreement	184	138
Travel and motor vehicle	93	90
Photocopying and printing	90	51
Plant and equipment charges	80	16
Stores and stationery	33	26
Legal fees	25	12
Professional services	22	64
Conference and workshop	9	26
Other	56	49
Total	1,982	1,746

Accounting policy – Distinction between grants and procurement

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

Office accommodation

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

B2-3 OTHER EXPENSES

Grants refundable *	436	-
External audit fees **	23	23
Sponsorships	4	4
Australian Sports Commission	2	3
Insurance premiums - QGIF	4	3
Special payments - Ex-gratia payments ***	1	-
Total	470	33

Grants refundable

* Grant refundable relates to the return of the Commission's unspent grant revenue, as a result of delayed recruitment of new positions which didn't meet their milestones as required. This unspent grant revenue is to be returned to the Department of Justice and Attorney-General.

Audit Fees

** Total audit fees quoted by the Queensland Audit Office relating to the 2019-20 financial statements are \$23,000 (2019: \$22,500). There are no non-audit services included in this amount.

Special payments

*** Special payments represent ex gratia expenditure and other expenditure that the Commission is not contractually or legally obligated to make to other parties. One special payment was made during 2019-20 in the form of ex gratia to a former employee who was not eligible for the \$1,250 one-off payment (Note B2-1) due to the timing of their redundancy.

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

Year ended 30 June 2020

**SECTION 3
NOTES ABOUT OUR FINANCIAL POSITION**

C1 CASH AND CASH EQUIVALENTS

	2020	2019
	\$'000	\$'000
Imprest accounts	1	2
Cash at bank	1,099	398
Total	1,100	400

Accounting Policy - Cash and Cash Equivalents

For the purposes of the Statement of Financial Position and the Statement of Cash Flows, cash assets include all cash and cheques receipted but not banked at 30 June as well as deposits at call with financial institutions.

Term deposits with the Commonwealth Bank earned interest at rates between 0.38% and 1.52% (2019: 1.90% and 2.34%).

C2 RECEIVABLES

Trade debtors	13	16
GST receivable	18	25
GST payable	(3)	(2)
Long service leave reimbursements	6	2
Sundry debtors	(2)	(20)
Total	32	21

Accounting Policy - Receivables

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

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

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

Queensland Human Rights Commission
Notes to the Financial Statements

Year ended 30 June 2020

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	
	2020	2019	2020	2019	2020	2019
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Gross	1,129	1,111	7	9	1,136	1,120
Less: Accumulated depreciation	(623)	(529)	-	-	(623)	(529)
Carrying amount at 30 June	506	582	7	9	513	591
<i>Represented by movements in carrying amount:</i>						
Carrying amount at 1 July	582	468	9	-	591	468
Acquisitions	15	18	92	337	107	355
Transfers between classes	16	199	(16)	(199)	-	-
Transferred to Intangibles	-	-	(78)	(129)	(78)	(129)
Depreciation	(107)	(103)	-	-	(107)	(103)
Carrying amount at 30 June	506	582	7	9	513	591

C3-2 RECOGNITION AND ACQUISITION

Accounting Policy - Recognition

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

Accounting Policy - Cost of Acquisition

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

C3-3 MEASUREMENT USING HISTORICAL COST

Accounting Policy

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

Queensland Human Rights Commission
Notes to the Financial Statements

Year ended 30 June 2020

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	3 - 14 Years
Office equipment	5 Years
Leasehold improvements	9 - 10 Years
Other	4 - 9 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 under AASB 136 *Impairment of Assets*. Any amount by which the asset's carrying amount exceeds the recoverable amount is recorded as an impairment loss.

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

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

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

Queensland Human Rights Commission
Notes to the Financial Statements

Year ended 30 June 2020

C4 INTANGIBLES AND AMORTISATION EXPENSE

C4-1 CLOSING BALANCES AND RECONCILIATION OF CARRYING AMOUNT

	Software Internally Generated		Software: Work in Progress		Total	
	2020	2019	2020	2019	2020	2019
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Gross	979	915	66	52	1,045	967
Less: Accumulated amortisation	(540)	(465)	-	-	(540)	(465)
Carrying amount at 30 June	439	450	66	52	505	502
<i>Represented by movements in carrying amount:</i>						
Carrying amount at 1 July	450	405	52	27	502	432
Transfers between classes	64	104	(64)	(104)	-	-
Transferred from Work in Progress - Refer note C3-1	-	-	78	129	78	129
Amortisation	(75)	(59)	-	-	(75)	(59)
Carrying amount at 30 June	439	450	66	52	505	502

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

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

Year ended 30 June 2020

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 \$305,725 and a remaining amortisation period of 5 years; and the Website that has a carrying value of \$133,165 and a remaining amortisation period of 8 years.

C5 PAYABLES

	2020	2019
	\$'000	\$'000
Current		
Trade creditors	119	63
Grant payable	436	-
Other	6	4
Total	561	67

Accounting Policy - Payables

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

C6 ACCRUED EMPLOYEE BENEFITS

Current		
Wages outstanding	117	69
Recreation leave *	452	336
Long service leave levy payable	24	18
Total	593	423

* 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*.

Queensland Human Rights Commission
Notes to the Financial Statements

Year ended 30 June 2020

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 FUTURE IMPACT OF ACCOUNTING STANDARDS NOT YET EFFECTIVE

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

D3 Commitments

Accommodation

The Commission has a financial commitment to the Department of Housing and Public Works for accommodation rental in respect of the Commission's premises until February 2022. Amounts committed as at the reporting date are as follows:

	2020	2019
	\$'000	\$'000
Not later than 1 year	714	688
Later than 1 year and not later than 5 years *	970	2,930
	<u>1,684</u>	<u>3,618</u>

* A review of accommodation rental agreements occurred during 2019-20 which has resulted in a change of the Commission's future financial commitment to the Department of Housing and Public Works.

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

Year ended 30 June 2020

**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 2019-20 financial results and the original budget presented to Parliament.

E2 BUDGET TO ACTUAL COMPARISON - STATEMENT OF COMPREHENSIVE INCOME

	Variance Notes	Original Budget 2020 \$'000	Actual 2020 \$'000	Variance \$'000
Income from Continuing Operations				
User charges and fees	V1	184	399	215
Grants and contributions		7,313	7,394	81
Other revenues		45	18	(27)
Total Income from Continuing Operations		7,542	7,811	269
Expenses from Continuing Operations				
Employee expenses	V2	5,664	5,238	(426)
Supplies and services	V3	1,669	1,982	313
Depreciation and amortisation		154	182	28
Other expenses	V4	55	470	415
Total Expenses from Continuing Operations		7,542	7,872	330
Operating Result for the year		-	(61)	(61)

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

- V1 The increase is due to higher than anticipated training demand, primarily driven by the introduction of the *Human Rights Act 2019*.
- V2 Employee expenses were lower than the budget due to in-year vacancies (\$0.380million), and relief of payroll tax for 5 months as part of COVID-19 relief measures made available by the State Government (\$0.100million). These savings were offset by a \$1,250 one-off payment to employees on agreement of a new certified agreement (\$0.048million), which was funded by a one-off increase in grant revenue.
- V3 Supplies and services increased due to costs associated with higher than anticipated training sessions conducted (\$0.157million) which is offset by training revenue, increased demand on IT equipment and service costs (\$0.124million) and engagement of expert legal services (\$0.025million) to inform when the Commission should intervene in human rights matters before the courts.
- V4 Other expenses increase is due to grant refund expenditure (\$0.436million) which relates to the return of the Commission's unspent grant revenue, as a result of delayed recruitment of new positions which didn't meet their milestones as required.

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

Year ended 30 June 2020

E3 BUDGET TO ACTUAL COMPARISON - STATEMENT OF FINANCIAL POSITION

	Variance Notes	Original Budget 2020 \$'000	Actual 2020 \$'000	Variance \$'000
Current Assets				
Cash and cash equivalents	V5	461	1,100	639
Receivables		88	32	(56)
Prepayments	V6	120	65	(55)
Total Current Assets		669	1,197	528
Non-Current Assets				
Plant and equipment		553	513	(40)
Intangible assets	V7	310	505	195
Total Non-Current Assets		863	1,018	155
Total Assets		1,532	2,215	683
Current Liabilities				
Payables	V8	62	561	499
Accrued employee benefits	V9	407	593	186
Other liabilities		10	10	-
Total Current Liabilities		479	1,164	685
Total Liabilities		479	1,164	685
Net Assets		1,053	1,051	(2)
Total Equity		1,053	1,051	(2)

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

- V5 Increase of Cash and cash equivalents is due to a higher actual opening balance than budget due to the operating surplus in 2018-19 (\$0.060million) and unspent grant revenue in 2019-20 (\$0.436million) which is to be returned in 2020-21. The remainder of the variance is due to timing off June payroll funds being withdrawn in July 2020 (\$0.173million).
- V6 Decrease is primarily due to lower than anticipated prepayments driven by a change in software licence structure from annual payments to month to month, and no longer holding inventory.
- V7 The increase in Intangible assets (software) is due to higher actual opening balance compared to budget, which related to enhancements to software assets in 2018-19 after the budget was set.
- V8 The increase in Payables is primarily due to unspent grant revenue to be returned in 2020-21 (\$0.436million) and increased IT related invoices needing to be accrued than 2018-19 (\$0.039million).
- V9 Increase in Accrued employee benefits relates to increased FTE staff and entitlements owed in 2019-20 (\$0.122million), and increase days of salaries accrual (\$0.048million).

Queensland Human Rights Commission
Notes to the Financial Statements

Year ended 30 June 2020

E4 BUDGET TO ACTUAL COMPARISON - STATEMENT OF CASH FLOWS

	Variance Notes	Original Budget 2020 \$'000	Actual 2020 \$'000	Variance \$'000
Cash flows from operating activities				
<i>Inflows:</i>				
User charges and fees	V1	184	384	200
Grants and contributions		7,313	7,394	81
GST input tax credits from ATO		-	210	210
GST collected from customers		-	40	40
Other		45	18	(27)
<i>Outflows:</i>				
Employee expenses	V2	(5,664)	(5,069)	595
Supplies and services	V3	(1,669)	(1,458)	211
GST paid to suppliers		-	(203)	(203)
GST remitted to ATO		-	(39)	(39)
Other	V4	(55)	(470)	(415)
Net cash provided by operating activities		154	807	653
Cash flows from investing activities				
<i>Outflows:</i>				
Payments for plant and equipment		(30)	(27)	3
Payments for intangibles		-	(80)	(80)
Net cash provided by (used in) investing activities		(30)	(107)	(77)
Net increase (decrease) in cash and cash equivalents		124	700	576
Cash and cash equivalents - opening balance		337	400	63
Cash and cash equivalents - closing balance		461	1,100	639

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

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

Year ended 30 June 2020

**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 2019-20 and 2018-19. Further information about these positions can be found in the body of the Annual Report under the section relating to Executive Management.

Position	Position Responsibility
Human Rights Commissioner (formerly, Anti-Discrimination Commissioner)	Accountable officer responsible for leading the Commission in performing its functions under the <i>Anti-Discrimination Act 1991</i> and the <i>Human Rights Act 2019</i> .
Deputy Commissioner	Provide high level advice to enhance the delivery of strategic and operational targets within a human rights framework.
Director, Complaint Management	Strategic management of complaints under a statutory complaints framework.
Director, Corporate Services	Provide strategic advice and manage the delivery of corporate services within the Commission. This position ceased to be a non-Ministerial KMP in 2018-19.
Director, Engagement and Corporate Services	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 2019-20 financial year, which are published as part of Queensland Treasury's Report on State Finances.

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

Remuneration expenses for those KMP comprise the following components:

Short-term employee expenses include salaries, allowances and leave entitlements earned and expensed for the entire year, or for that part of the year during which the employee occupied a KMP position. The Commission does not provide any performance payments or non-monetary benefits.

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.

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

Year ended 30 June 2020

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.

2019-20

Position	Short Term Employee Expenses	Long Term Employee Expenses	Post Employment Expenses	Termination Benefits	Total Expenses
	\$'000	\$'000	\$'000	\$'000	\$'000
Human Rights Commissioner	231	5	28	-	264
Deputy Commissioner	143	3	17	-	163
Director, Complaint Management	131	3	17	-	151
Director, Engagement and Corporate Services	135	3	17	-	155

2018-19

Position	Short Term Employee Expenses	Long Term Employee Expenses	Post Employment Expenses	Termination Benefits	Total Expenses
	\$'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	126	3	15	-	144
Director, Corporate Services (to 25/03/2019)	87	2	11	-	100
Director, Engagement and Corporate Services	133	2	16	-	151

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

Year ended 30 June 2020

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

Accounting standards applied for the first time

Three new accounting standards with material impact were applied for the first time in 2019-20:

- AASB 15 *Revenue from Contracts with Customers*
- AASB 1058 *Income of Not-for-Profit Entities*
- AASB 16 *Leases*

The effect of adopting these new standards are detailed in notes F3-1 to F3-2. No other accounting standards or interpretations that apply to the Commission for the first time in 2019-20 have any material impact on the financial statements.

Accounting standards early adopted

No Australian Accounting Standards have been early adopted for 2019-20.

F3-1 IMPACT OF ADOPTION OF AASB 15 AND AASB 1058 IN THE CURRENT PERIOD

The Commission receives revenue for delivering training to business, government and the community. This revenue is recognised upon delivery of the services, and as such, there is no transitional impact arising from AASB 15 or AASB 1058.

Revenue recognition for grant, interest, revenue from businesses, governments, communities and other revenue did not change under AASB 1058. Revenue will continue to be recognised when the Commission gains control of the asset (e.g. cash or receivable).

F3-2 AASB 16 LEASES

The Commission applied AASB 16 *Leases* for the first time in 2019-20. The Commission applied the modified retrospective transition method and has not restated comparative information for 2018-19, which continue to be reported under AASB 117 *Leases* and related interpretations.

The nature and effect of changes resulting from the adoption of AASB 16 are described below.

1. Definition of a lease

AASB 16 introduced new guidance on the definition of a lease.

For leases and lease-like arrangements existing at 30 June 2019, the Commission elected to apply the practical expedient to 'grandfather' the previous assessments made under AASB 117 and Interpretation 4 *Determining whether an Arrangement contains a Lease* about whether those contracts contained leases. However, arrangements were reassessed under AASB 16 where no formal assessment had been done in the past or where lease agreements were modified on 1 July 2019.

Amendments to former operating leases for office accommodation

In 2018-19, the 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).

Effective 1 July 2019, the framework agreements that govern QGAO was amended with the result that these arrangements would not meet the definition of a lease under AASB 16 and therefore are exempt from lease accounting.

From 2019-20 onward, the costs for this service are expensed as supplies and services expenses when incurred. The new accounting treatment is due to a change in the contractual arrangements rather than a change in accounting policy.

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

Year ended 30 June 2020

**F3 FIRST YEAR APPLICATION OF NEW ACCOUNTING STANDARDS OR CHANGE IN ACCOUNTING POLICY
(continued)**

F3-2 AASB 16 LEASES (continued)

2. Changes to lessee accounting

Previously, the Commission classified its leases as operating or finance leases based on whether the lease transferred significantly all of the risks and rewards incidental to ownership of the asset to the lessee.

This distinction between operating and finance leases no longer exist for lessee accounting under AASB 16. From 1 July 2019, all leases are to be recognised on the balance sheet as lease liabilities and right-of-use assets. All Commission non-specialised, commercial office accommodation leases are exempt from lease accounting under AASB 16 as they are held under the DHPW through the QGAO program.

3. Transitional impact

Former operating leases as lessee - No material transitional impact for the Commission as QGAO arrangements are exempt from AASB 16.

F4 TAXATION

The Commission is a State body as defined under the *Income Tax Assessment Act 1936* and is exempt from Commonwealth taxation with the exception of Fringe Benefits Tax (FBT) and Goods and Services Tax (GST). FBT and GST are the only taxes accounted for by the Queensland Human Rights Commission. GST credits receivable from, and GST payable to the Australian Tax Office (ATO), are recognised (refer to Note C2).

F5 CLIMATE RISK DISCLOSURE

Climate Risk Assessment

The Commission addresses the financial impacts of climate related risks by identifying and monitoring the accounting judgements and estimates that will potentially be affected, including asset useful lives, fair value of assets, provisions or contingent liabilities and changes to future expenses and revenue.

The Commission has not identified any material climate related risks relevant to the financial report at the reporting date, however constantly monitors the emergence of such risks under the Queensland Government's Climate Transition Strategy.

F6 COVID 19

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

The main financial impact to the Commission's operations was suspending face-to-face training sessions from 18 March to 30 June in line with Government social distancing restrictions. Clients who had already booked training sessions for this period were able to cancel their session and have funds returned, or have their training session conducted on a virtual platform, or move their session to the 2020-21 financial year. As training revenue is brought to account at the conclusion of the training session, there has been no change in the revenue recognition process.

The Commission did not provide any other COVID-19 relief measures.

The Commission received the State Government's coronavirus payroll tax relief measures which included a refund of two months' worth of payroll tax paid, and a three month payroll tax holiday where no payroll tax was required to be paid, which has been reflected in Employee Expenses in note B2-1. The Commission has not taken up the relief measure of deferring payroll tax payments for the 2020 calendar year.

The Commission was not eligible for any other COVID-19 relief measures.

No assets have been impaired or had changes in their useful life as a result of COVID-19.

Any other operational changes for the Commission did not have an impact on information being reported in the financial statements.

While the Commission still faces uncertainty in regards to training level demand in future financial years due to COVID-19, training revenue accounts for a small portion of overall Commission revenue. The training uncertainty does not currently pose a concern for management in the ability to continue paying liabilities when they are due.

The Commission will continue to follow government direction and monitor operations and cash flow.

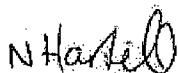
**Queensland Human Rights Commission
Management Certificate**

Year ended 30 June 2020

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

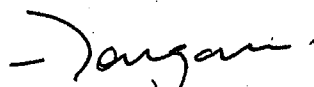
- (a) the prescribed requirements for establishing and keeping the accounts have been complied with in all material respects; and
- (b) the financial statements have been drawn up to present a true and fair view, in accordance with prescribed accounting standards, of the transactions of the Queensland Human Rights Commission for the financial year ended 30 June 2020 and of the financial position of the Commission at the end of that year.

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



**Natalie Hartill, CPA
Business Manager**

28th August 2020



**Scott McDougall
Human Rights Commissioner**

28th August 2020

INDEPENDENT AUDITOR'S REPORT

To the Commissioner of Queensland Human Rights Commission

Report on the audit of the financial report

Opinion

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

In my opinion, the financial report:

- a) gives a true and fair view of the entity's financial position as at 30 June 2020, and its financial performance and cash flows for the year then ended
- b) complies with the *Financial Accountability Act 2009*, the Financial and Performance Management Standard 2019 and Australian Accounting Standards.

The financial report comprises the statement of financial position as at 30 June 2020, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes to the financial statements including summaries of significant accounting policies and other explanatory information, and the management certificate.

Basis for opinion

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

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

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

Responsibilities of the entity for the financial report

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

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

Auditor's responsibilities for the audit of the financial report

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

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

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

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

Statement

In accordance with s.40 of the *Auditor-General Act 2009*, for the year ended 30 June 2020:

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

Prescribed requirements scope

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



31 August 2020

Melissa Fletcher
as delegate of the Auditor-General

Queensland Audit Office
Brisbane

