



# Annual Report 2020-21



Queensland  
**Human Rights**  
Commission

# Annual report 2020-21

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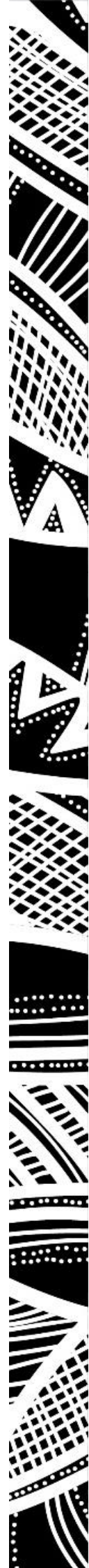
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# Letter of compliance

30 August 2021

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

Dear Attorney-General,

I am pleased to present the Annual Report 2020-2021 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](http://www.qhrc.qld.gov.au).

Yours sincerely



**Scott McDougall**  
**Commissioner**  
**Queensland Human Rights Commission**

# Commissioner's foreword

2020-21 has been a year characterised by dramatic increases in complaint and enquiry numbers, surges in enquiries and complaints as a result of lockdowns and other pandemic response measures, increased complexity in complaint handling with matters being assessed under multiple pieces of legislation, and the flexibility required of our teams due to these factors as well as the ongoing pandemic and its disruption to business as usual.

## *Snapshot of achievements*

- Responding to 5849 enquiries (an increase of just under 50% from last year's 3947);
- Handling 1490 received complaints (a 36% increase from last year's 1093);
- Delivering 309 training sessions to over 4600 participants across business, government and the community sector and an additional 15,000 enrolments in our online training modules;
- Making 9 public submissions and 7 appearances before parliamentary committees regarding human rights compatibility and the work of the Commission; and
- Publishing our first report on the operation of Queensland's Human Rights Act as well as our first report on an unresolvable human rights complaint.

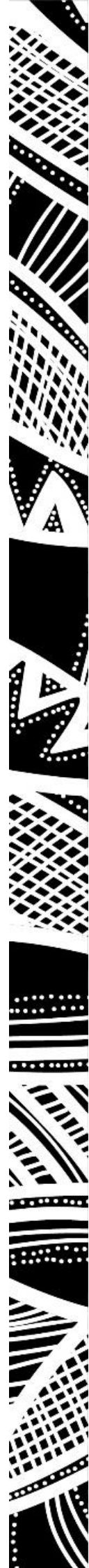
## *Impact of COVID-19*

It is impossible to consider 2020-21 and the work achieved by the Commission team without mentioning the ongoing pandemic and its impact.

Our enquiries team has very competently managed dramatic increases in demand for information and support this year, including surges during lockdowns and other responses. They are the first point of contact for Queenslanders with questions or concerns about discrimination or their rights, and in a year somewhat defined by the pandemic they continued to adapt to constantly shifting information and demands on their services.

Our complaints team has had to adapt to similar challenges. With complaints about quarantine and other matters needing to be addressed with urgency, they adapted processes to allow for improved triage of complaints and the introduction of a Priority Complaints Officer.

The shifting requirements around room capacity and travel has also impacted our training delivery, with trainers having to respond to last-minute changes as a result of evolving restrictions. Trainers have continued to provide education sessions through a combination of remote and face to face delivery, with demand steady despite the pandemic.



Despite these challenges our teams across the Commission have worked hard to continue providing professional and timely services to Queenslanders.

### *Building a human rights culture*

We published *Putting people first: the first annual report on the operation of Queensland's Human Rights Act* in October 2020. It attempts to outline the work done across Queensland's public sector in implementing the Act, and identifies 7 key indicators to measure growth in Queensland's human rights culture. The report shows that Queensland's public sector continues to respond well to the challenge of developing a human rights culture, showing increased flexibility in decision making and a willingness to examine broader policy or practice changes in response to issues raised through the vehicle of human rights complaints, and I am confident this will continue to develop.

### *Continued focus on sexual harassment*

The increasing public attention on the problem of workplace sexual harassment has been reflected by growing demand for speaking engagements and training on this important topic. A new standalone training module was developed to help workplaces recognise and respond to sexual harassment and is already in demand.

### *Influencing legislation and policy*

An important component of Queensland's Human Rights Act is the requirement for legislation to be analysed for compatibility as part of the parliamentary process. New bills must be accompanied by a statement of compatibility, and the human rights impacts of proposed legislation must be examined by the parliamentary committee to which it is referred. This year, the Commission has been invited to appear regularly before these committees to offer expert guidance on the potential human rights impacts of legislation across multiple portfolios. While this is welcome, I remain concerned about the lack of in depth human rights scrutiny of some bills, particularly those relating to emergency powers in the ongoing pandemic, and youth justice. There is a real risk that if this is allowed to continue, a culture of complacency may develop, whereby human rights are afforded lip service in parliamentary processes but do not have any discernible effect on the outcome.

### *Reviews of vilification and discrimination laws underway*

Two important reviews of Queensland's vilification and discrimination laws commenced this year.

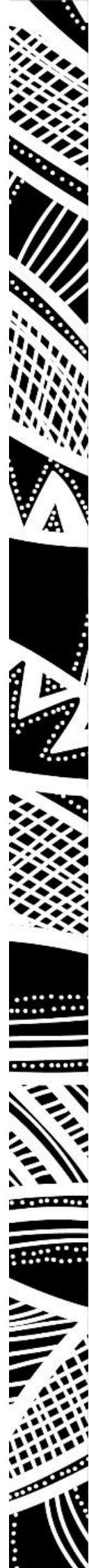
The first is an inquiry into serious vilification and hate crime, being conducted by Queensland Parliament. This inquiry came about as a result of a considered and coordinated campaign by the Cohesive Communities Coalition. The Coalition represents more than 20 of Queensland's diverse ethnic and religious communities, and the Commission is proud to have worked with them to present this compelling case for reform to our vilification laws. The parliament's Legal Affairs and Safety Committee is due to table their report in January 2022.



The second is a review into Queensland's Anti-Discrimination Act which the Commission has been requested to undertake by the Attorney-General. It will examine whether the current Act promotes equality and non-discrimination to the greatest extent possible, and is guided by some far-reaching terms of reference. The review was announced in May, and the internal review team at the Commission and an external Reference Group were established by the end of June. The team has now commenced its initial consultation phase, with submissions, a discussion paper, and public consultations to follow before the final report is handed to the Attorney-General by 30 June 2022. I look forward to hearing from Queenslanders on not only their experiences of discrimination and harassment, but their ideas for change to ensure that the Act reflects the aspirations and needs of contemporary society.



**Scott McDougall**  
**Commissioner**  
**Queensland Human Rights Commission**





# About the Commission

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

## 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.

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

# Our vision

A Queensland where human rights are real for everyone.

# Our purpose

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

# 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 we deliver services, develop and support staff, and engage 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 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 outlines the strategic direction for the Queensland Human Rights Commission over the four year period. It provides the framework for operational planning and actions to ensure the Commission delivers services in an efficient, effective and accountable manner, prioritising 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 coming 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 our services;
- Use reporting, review and communication functions to encourage transparency and promote best practice.

# 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 our 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.

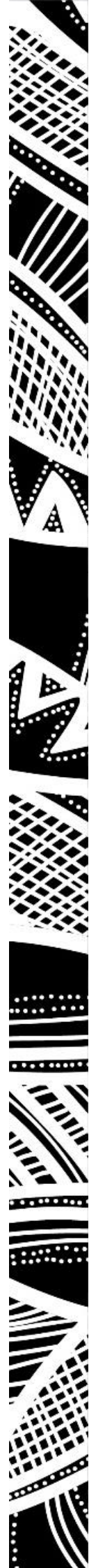
An organisational restructure was implemented in March 2019 and recruitment activities relating to this restructure continued into 2019-20. The current organisational structure is available in Appendix C.

We have four offices, located in Brisbane, Rockhampton, Townsville and Cairns, which deliver services to the Queensland community. Each regional office performs a variety of functions including 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 of 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.

# Issues impacting on service delivery

Our robust business continuity plan has enabled us to continue delivering our frontline services and legislated functions throughout 2020-21. Our mobile technology has supported staff to easily transition between office-based and remote working as dictated by COVID-19 health directions.

Service delivery impacts have been identified in the area of complaint management due to the following factors:

- a general increase in enquiries and complaints since the commencement of the *Human Rights Act 2019*;
- the impact on people's lives of COVID-19 related restrictions contributed to an ongoing increase in enquiries and complaints. 204 complaints were identified as relating to COVID-19;
- the introduction of a dedicated enquiry line for people in prison in 2019-20.

Although the Commission finalised a higher number of complaints than previous years, the significant increase in complaints lead to a backlog of 389 complaints at the end of the financial year.

In response to the increase in complaints and due to the backlog, the Commission has continued its triage process. The triage process provides early identification and notification of more easily identifiable complaints that are not within jurisdiction, and complaints that require priority attention.

The triage process was further developed this year to introduce a Priority Complaints Officer role. The Priority Complaints Officer is responsible for managing complaints that are identified as requiring early attention due to extenuating circumstances such as:

- where the complainant's or their family's life, liberty, health and/or safety are at imminent and significant risk;
- where the delay would cause significant harm to the complainant in some other way; or
- where the delay would deprive the complainant of an effective potential remedy.

In addition to improved triage processes, the increase in enquiries has been managed by an increase in output by the existing enquiry team, support from all complaint handlers across the state, and recent recruitment of an additional staff member in the enquiry team.

# Performance statement 2020-21

## Human Rights

### Service area objective

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

Service standards	2020-21 Target/Est.	2020-21 Actual	2021-22 Target/Est.
<b>Effectiveness measures</b>			
Percentage of accepted Anti-Discrimination Act (ADA) complaints resolved by conciliation <sup>1</sup>	55%	46%	55%
Percentage of clients satisfied with complaint handling service measured via client survey	85%	83%	85%
Percentage of clients satisfied with training sessions measured via client survey <sup>2</sup>	95%	98%	95%
Percentage of accepted ADA complaints finalised within the Commission	70%	69%	70%
<b>Efficiency measure</b>			
Clearance rate for accepted complaints dealt with under the ADA <sup>2</sup>	100%	72%	100%

#### Notes:

1. The variance between the 2020-21 Target/Estimate and 2020-21 Estimated Actual results from the increased complexity caused by the decision in *Toodayan v Anti-Discrimination Commission Queensland* [2010] QCA 249, the introduction of the Human Rights Act considerations into all complaints against public entities, and a change from face-to-face conciliation conferences to telephone conferences due to COVID-19.
2. The variance between the 2020-21 Target/Estimate and 2020-21 Estimated Actual is the significant increase in complaints caused by the combination of the commencement of the *Human Rights Act 2019* and the COVID-19 pandemic when many rules and directions were imposed on the public and persons in detention, impacting on their human rights. Although the Commission increased the number of complaints finalised, it was not able to keep up with the significant increase in complaints, leading to a backlog.

# Engagement and education

We discharge our function to promote an understanding and acceptance, and the public discussion, of human rights in Queensland through a range of engagement and education activities.

## 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. Unfortunately during 2020-21, many events were cancelled due to COVID-19. As a result we hosted, partnered or attended only 18 events compared with 60 in the previous year. Most events occurred outside of South East Queensland and included:

- Mabo Day celebrations in Cairns and Townsville
- IDAHOBIT event in Rockhampton
- Harmony Day in Cairns
- Luminous Lantern Parade in Brisbane
- World Elder Abuse Awareness Day in Townsville
- Mosque open day in Rockhampton

In addition to participating in community events, our North Queensland office partnered with key stakeholders to deliver two significant community events this year.

## International Women's Day

Our Townsville office partnered with North Queensland Women's Legal Service to host the 7<sup>th</sup> annual International Women's Day event with the theme, *I am woman, hear me roar*.

The COVIDsafe event held in March 2021 hosted 80 local women for a day of inspiring local speakers, morning tea and activities.

## Townsville Youth Human Rights Forum

The inaugural event held in April 2021 was a partnership between the Commission and Townsville City Council Youth Council. The aims of the event were to:

- Provide a positive platform for Townsville area youth to engage and contribute;
- Build an understanding of human rights and to raise awareness of the Human Rights Act;
- To explore young people's views about human rights issues in the Townsville community and generate ideas to address them;
- Stimulate thinking and identify actions that participants can take to promote an inclusive community where everyone feels welcome and connected.



Interest in the event was strong, with 75 young people registering to attend. Participants heard from three speakers: a local businesswoman with disability, an Aboriginal and Torres Strait Islander man who is a passionate advocate for Indigenous youth and a Somali refugee. The rest of the event then centred around hosted conversations where young people were given a voice on human rights, social justice and their local community.

Due to the success of this event the Commission is considering ways to replicate the event in other locations throughout Queensland.

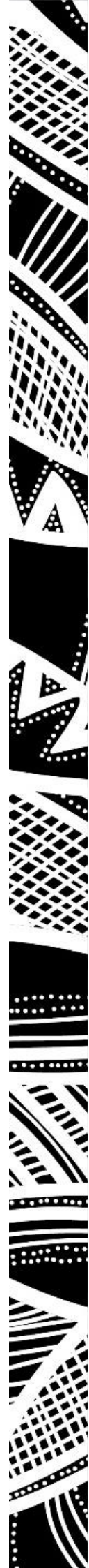
## Human Rights Month

For the sixth consecutive year, we ran our Human Rights Month campaign from 10 November to 10 December 2020. The campaign this year was impacted by the COVID pandemic and lack of capacity for events, and took place mostly online. This year's campaign aimed to increase the community's awareness of Queensland's *Human Rights Act 2019*, and included daily 'right in focus' posts on the Commission's social media platforms to spotlight various aspects of the Act. We also provided training for key audiences across the month, both online and in person, and developed a supporter kit for stakeholders.

## 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. This year there was continued strong demand for Commission speakers, with 57 formal speaking engagements being conducted. Presentations included:

- Reconciliation Week keynote address to Cairns Regional Council;
- Human Rights Act presentation to domestic and family violence project officers;
- Keynote address at Department of Communities, Housing and Digital Economy's *Enhancing disability inclusion and accessibility workshop*;
- Human Rights Act presentation to Bradfield Regional Assessment and Development Panel;
- Indigenous Leaders Forum on the Gold Coast.



# 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.

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*In 2020-21 there were **237,569** users of our website – an increase of almost 40% on the previous year.*

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Table 1 shows the top twenty most visited pages on our website in 2020-21, after the home page. Visitors to the site are continuing to locate our general information products and resources as well as information on the law and making a complaint. This year information about the *Human Rights Act 2019* was again readily accessed by web visitors. Of particular note was the high traffic to our online complaint lodgement form, reflected in the continued increase in complaints received, and the high demand for our information on specific rights protected by the Human Rights Act. This was heightened during periods of lockdown in response to the COVID-19 pandemic, when traffic to our COVID and human rights page resulted in the biggest spikes in website traffic across 2020-21.

**Table 1: 20 most visited website pages**

1	Case studies - sexual harassment	11	Your rights – human rights law – right to liberty and security of person
2	Your rights – human rights law	12	Legal information – legislation
3	Complaints – lodge your complaint online	13	Complaints – making a complaint
4	Your rights – discrimination law	14	Your rights – human rights law – right to life
5	Resources – case studies	15	Contact us
6	Your rights – COVID-19 and human rights	16	Training – online training
7	Case studies – sex discrimination	17	Resources – legal information
8	Your rights – human rights law – recognition and equality before the law	18	Complaints – our complaints process
9	Your rights – for LGBTIQ+ people – LGBTIQ+ terminology	19	Your rights – human rights law – protection of families and children
10	Complaints	20	Resources – case studies – age discrimination

We maintain a social media presence through Facebook, YouTube, and Instagram 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.

## 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

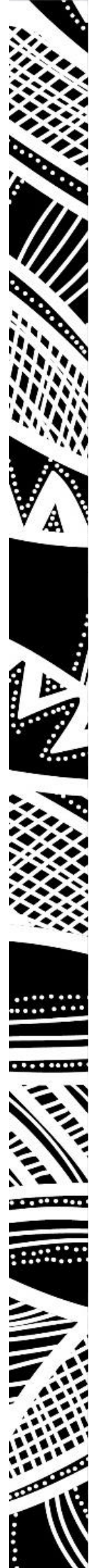
We facilitate meetings of a group of lawyers and advocates with an interest in promoting the human rights of their clients. The group's purposes include promoting the protection and fulfillment of human rights and supporting the building of a culture that respects and promotes human rights in Queensland.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

### 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 early stages of the COVID-19 pandemic, people of Asian background were subjected 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.

This year the group successfully advocated for a Parliamentary Inquiry into serious vilification and hate crimes in Queensland.

## 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. We contribute on matters that fall within our 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 2020-21:

### 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.

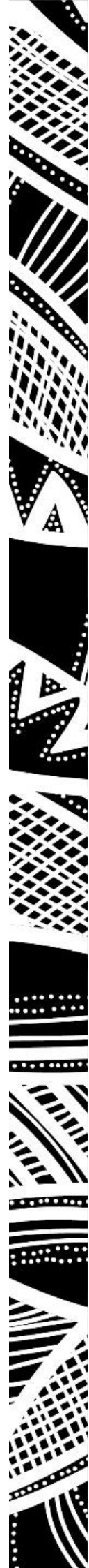
This year we continued to make resources on anti-discrimination law available for students and teachers and used social media to disseminate relevant content about human rights.

This period we published two key resources for young people. The first was a guide to human rights for people in youth detention. The second was a relaunched resource, *Discrimination and sexual harassment: a guide for young people starting work*.

Our North Queensland office also hosted the inaugural Youth Human Rights Forum in Townsville. Refer to page 15 for more details about this event.

### 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 2020-21.

## 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:

- 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;
- Collaboration with Queensland Children's Gender Service to deliver a free education seminar for health and education staff, young people, families and the broader community on discrimination and human rights with a focus on health and education;
- Participation in the Queensland LGBTI Roundtable facilitated by Department of Communities, Disability Services and Seniors;
- Launch of an online training series on diversity, including a module focussing on LGBTIQ+ inclusion; and
- Update of our existing Trans@Work resources.

Additionally, our LGBTIQ+ liaison officer this year responded to 37 enquiries from LGBTIQ+ community members, advocates and stakeholders.

We also made progress in relation to the following whole-of-government action 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.

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

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





# Information products and services

## Products

A range of new information products were published this year including:

### Fact sheets

- Meaning of discrimination under the *Human Rights Act 2019*;
- Limiting human rights: when can laws and policies limit rights?;
- Protecting human rights in locked environments during COVID-19;
- Know your rights: an introduction to human rights and discrimination law in 10 community languages.

### Guides

- Human rights guide for people in youth detention;
- Discrimination and sexual harassment: a guide for young people starting work (relaunch);
- Easy read guide to the *Anti-Discrimination Act 1991*.

We also published a consultation kit to help organisations and community groups make submissions to the Queensland Parliament's inquiry into vilification and hate crimes.

## 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.

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*This year we responded to **5849** enquiries, a significant 48% increase on last year's figure of 3947.*

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# Aboriginal and Torres Strait Islander engagement

Our two person Aboriginal and Torres Strait Islander Unit has continued their engagement with community throughout the COVID lockdowns and restrictions, which limited our ability to visit many of our rural and remote communities. Despite this we have been connecting with our communities virtually.

We have conducted a number of training sessions online as well as face-to-face on the Human Rights and Anti-Discrimination Acts with communities such as Mt Isa, Yarrabah and a number in South-East Queensland.

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

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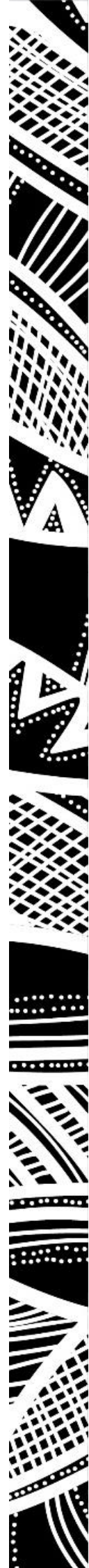
*2021 saw the commencement of our Aboriginal and Torres Strait Islander Graduate program, with 3 graduates employed.*

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We have one graduate placed in our Townsville team, one in Rockhampton, and one in our Brisbane office within our Legal, Research and Policy team.

The unit has received an increased number of direct, indirect and mainstream enquiries over the past 12 months. This is mostly due to the increased communication and awareness activities run by the unit and has resulted in greater awareness within communities of both Acts and the complaint process.

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



# Education

We deliver training courses to increase understanding and promote discussion of human rights, diversity, inclusion and related information.

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. During 2020-21, reduced rates were also extended to individuals attending public training sessions in acknowledgement of the financial impacts of the COVID-19 pandemic. Training services are delivered primarily on client demand, with email bulletins the only kind of marketing undertaken.

## State-wide training performance

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

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*Across the state we delivered **309** training sessions to approximately **4626** people in 2020-21.*

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In 2020-21 we delivered 309 sessions to approximately 4626 participants. These figures show strong ongoing demand for the Commission's education services, despite the challenges of a global pandemic. While the previous year's total delivery was higher (376 sessions to 6945 people), it was a particularly extraordinary year where demand was buoyed by the implementation of the *Human Rights Act 2019*.

Throughout the year our training delivery remained responsive to the ebbs and flows of the COVID-19 pandemic. We continued to meet client demand for training through the use of technology where appropriate, and reduced participant numbers in face-to-face sessions to accommodate physical distancing requirements.

**Table 2: Delivery of training sessions by sector, by region**

	South-East	Central	North	Far North	Total
Private sector	63	8	10	3	<b>84</b>
Public sector	68	5	4	11	<b>88</b>
Community	36	7	7	8	<b>57</b>
In-house*	53	10	11	5	<b>76</b>
<b>Total</b>	<b>220</b>	<b>30</b>	<b>32</b>	<b>27</b>	<b>309</b>

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

In late 2020, we introduced new training products for advocates to support vulnerable Queenslanders to access protections available to them under the *Human Rights Act 2019*. The range includes separate products for community advocates, legal advocates and self-advocates.

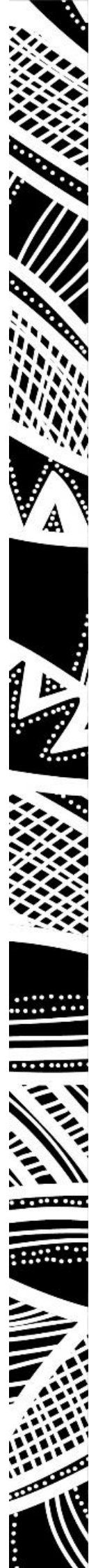
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*In June 2021 we also launched a new training product, 'Sexual harassment: recognising and responding to sexual harassment in the workplace'.*

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While sexual harassment is covered in existing training products on the Anti-Discrimination Act, a stand-alone product was developed in response to increasing requests for training focussed on this topic. It is designed to promote best practice in recognising and responding to sexual harassment in line with a growing body of evidence including the Australian Human Rights Commission's Respect@Work report.

Our standard training courses and webinars on the Human Rights and Anti-Discrimination Acts have remained popular, as well as Contact Officer and Unconscious Bias training. This year saw an increase in the amount of tailored training provided to clients who have obligations under both Acts and are seeking to understand how the law applies specifically to their context.



**Table 3: Types of training sessions**

Course	South-East	Central	North	Far North	Total
Introduction to the Anti-Discrimination Act	10	4	2	2	18
Introduction to the Anti-Discrimination Act - webinar	7	2	2	-	11
Introduction to the Anti-Discrimination Act for Managers	15	3	1	1	20
Introduction to the Human Rights Act	28	2	6	12	48
Introduction to the Human Rights Act – webinar	12	6	2	-	20
Introduction to the Human Rights Act – train-the-trainer	9	1	-	1	11
Human Rights Act for community advocates	27	-	2	-	29
Human Rights Act for legal advocates	7	-	-	-	7
Human Rights Act for self-advocates	2	-	-	-	2
Human rights in mental health - webinar	15	-	-	-	15
Contact Officer (standard & refresher course)	7	10	11	7	35
Unconscious bias	25	2	2	4	33
Business benefits of diverse & inclusive workplaces	3	-	-	-	3
Gender identity and discrimination	15	-	2	-	17
Sexual harassment – recognising and responding	3	-	-	-	3
Tailored training	35	-	2	-	37
<b>Total</b>	<b>220</b>	<b>30</b>	<b>32</b>	<b>27</b>	<b>309</b>

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*Our face-to-face training was delivered in a broad range of locations this year including: Ballina, Gold Coast, Bundaberg, Cairns, Dalby, Gladstone, Ipswich, Logan, Mackay, Sunshine Coast, Rockhampton, Toowoomba, Tweed Heads, Townsville, Charters Towers, Moranbah, Hail Creek, Hughenden, Mount Isa and Atherton.*

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To supplement our face-to-face training we continue to offer a range of online training products. 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 for the entirety of 2020-21, with three being available to the general public and one being a tailored module for the Department of Transport and Main Roads. In January 2021 we launched an additional online training package called Diversity Awareness. The package consists of 6 individual modules designed to support organisations to value and promote diversity in the workplace through greater understanding and practical strategies for inclusion. Each module focusses on a different diversity and inclusion topic:

- Introduction to diversity
- Aboriginal peoples and Torres Strait Islander peoples
- LGBTIQ+ communities
- Culturally and linguistically diverse communities
- Disability
- Ideas into action

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*As at 30 June 2021 there were approximately **40,000** active users of our online training products, with approximately 15,000 new users subscribing during 2020-21.*

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**Table 3a: Types of online training**

Course	New enrolments 2020-21	Number completing enrolled course
Discrimination awareness in Queensland	501	361
Introduction to the Queensland <i>Human Rights Act 2019</i>	3888	3049
Public entities and the Queensland <i>Human Rights Act 2019</i>	7139	5686
Diversity awareness package	618	2305
Access and inclusion*	2498	2305
TOTAL	14644	11513

\*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	3237	447	391	310	4385
Hours of delivery	581	109	110	96	896
Actual revenue (\$)	183,793.01	22,029.26	27,823.54	14,342.15	248,029.26

As a result of continued strong demand for training despite the challenges of COVID-19, our 2020-21 training revenue reached \$248,029.26, exceeding the annual target by approximately \$60,000.

The Commission continues to generate training demand through website and social media information, electronic newsletter distribution, reputation and word-of-mouth. We do not invest in paid marketing or advertising of our training products.

## 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.

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*Overall participant ratings have remained very high with an average **98%** satisfaction rating.*

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The following is a sample of participant responses from the 2020-21 training evaluations, when asked what they liked most about the training:

- Engaging and well delivered with relevant examples.
- Really well constructed, thoughtful training, expertly presented.
- The trainer was obviously well-read and had a lot of knowledge in areas outside of just what she covered.
- It challenged my way of thinking and exposed me to new ideas.
- Practical examples and great structure that allowed for significant engagement.
- Layout of the training, trainer's knowledge and explaining the contents. Kept the class engaged.
- Extremely useful training book and scenarios.



- Relevance to workplace and role and how to structure policies and procedures to support employees and organisation.
- Succinct, well-structured and cognisant of real world applications.
- The trainer was really engaging and knowledgeable. I spent 7+ hours fascinated.
- Able to answer questions relevant to my workplace.
- Great materials, good presentation, easy to understand, excellent presenter.
- Relevant, dynamic trainer.
- Content was very easy to digest.



# Complaint management

Complaint numbers have continued to increase this financial year.

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*This year **1490** complaints were received across the state, representing a 36% increase from the 1093 complaints received last year. The number of complaints received has more than doubled in the last four years.*

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2020-21 was the first full year all provisions in Queensland's *Human Rights Act 2019* were fully operational. We received 340 complaints containing human rights allegations, more than two and half times the number of human rights complaints we received the previous year.

The ongoing COVID pandemic also impacted our complaint numbers, with 204 complaints received about COVID-related matters, including hotel quarantine and other response measures, as well as workplace discrimination as a result of the pandemic. COVID-related complaints almost quadrupled this year, from the 52 we received in 2019-20.

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

As a response to the ongoing increase in complaint numbers, we have further developed our triage process. This has involved early identification and notification of complaints that did not meet the requirements of a complaint under either the *Anti-Discrimination Act 1991* or the *Human Rights Act 2019*, and identification of complaints requiring urgent action as well as more complex complaints for allocation to senior officers. A new Priority Complaints Officer role was introduced to manage the complaints identified as requiring urgent action.

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

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

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*Despite the challenges of 2020-21, we have achieved a satisfaction rate of **83%** of all parties evaluating the service.*

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This is a good outcome and reflects a focus on respectful, honest and timely communication with parties and providing a professional and fair service that meets the needs of our clients despite the delay.

# Complaints we deal with

Under the *Anti-Discrimination Act 1991* we deal with complaints about discrimination, sexual harassment, victimisation, vilification and requests for unnecessary information.

We can also deal with complaints of reprisal against whistle-blowers who elect to resolve their complaints through the Commission's process, rather than pursue court proceedings, and discrimination against residents of regional communities.

We attempt to resolve complaints accepted under the Anti-Discrimination Act through conciliation conferences. For those complaints unable to reach resolution, the complainant can choose to proceed to tribunal – the Queensland Industrial Relations Commission for work-related matters, and the Queensland Civil and Administrative Tribunal for all other matters.

Under the *Human Rights Act 2019* we deal with complaints about breaches of human rights by public entities. The Act empowers us to do this by taking appropriate reasonable action, which can include conducting preliminary investigations, requesting submissions from public entities, and conducting early negotiations and conciliation conferences.

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

It is possible for complaints to be accepted under both Acts. In these cases, the complainant is able to choose which Act's processes their complaint is dealt with under.

## Our complaints process

The majority of complaints are now lodged electronically, with only small numbers lodged over the counter or by post in any of our Brisbane or regional offices.

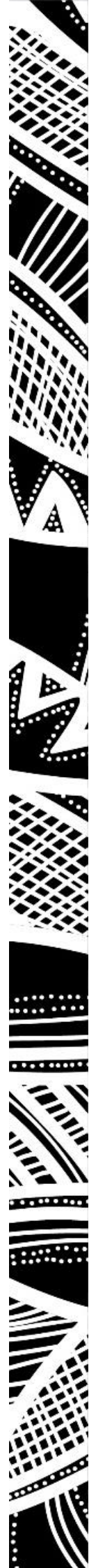
After lodgement, complaints are triaged. This allows us to notify complainants early where the complaint is not something we can deal with. Those complaints which are accepted are then allocated to conciliators.

Complaints continue to be managed in all offices across Queensland. Priority is given to regional offices to manage files where parties reside in their respective regional areas, as clients often have a preference for their local regional office to deal with their complaint if possible.

This means that efficient local service delivery can be provided to all parties irrespective of their location, resources and vulnerabilities. It also means that complaints across Queensland are managed from the various offices depending on available resources.

Conciliation conferences are managed by a conciliator from the Commission. Our conciliators are impartial third parties in this process

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and do not take sides or advocate for either party, but ensure the process is fair, safe and consistent with the relevant Act and assist the parties to come to resolution. Telephone conferences have continued this year as an effective means of resolving complaints due to the ongoing pandemic. For those clients that have a special requirement for a face to face conference, video-conferencing has been offered.

## Complaints received and accepted

This year 1490 complaints were received across the state, representing a 36% increase from the 1093 complaints received last year.

The ongoing increase in complaint numbers has had a significant impact on our service delivery, with more staff focussing on complaint management activities. We recruited and trained new complaint handling staff, but also had various staff movements and absences.

Of the total complaints received this year, 1098 were assessed, and the remaining 390 were awaiting assessment as of 30 June 2021. Of those assessed, 457 (42%) were accepted as coming within the Commission's jurisdiction.

An accepted complaint is one that we have assessed and decided it should proceed to a dispute resolution process (conciliation or early intervention) to try to resolve the issues. Accepting a complaint does not mean we have decided that there has been a breach of human rights and/or anti-discrimination law, but that the matters contained in the allegations may be covered by the law.

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.

The number of complaints finalised this year was 1142. This is an increase from the 1025 finalised last year, and 849 in 2018-2019.

A complaint may have been finalised for a number of reasons. It may have not been accepted as a matter we can deal with, rejected or lapsed for a variety of reasons such as the complaint was misconceived or lacking in substance, accepted and resolved, accepted and not resolved, or withdrawn. Table 10 on page 44 shows the outcomes for complaints which were accepted and finalised.

Although the Commission finalised a large number of complaints in 2020-21, we received more complaints than we finalised, and the backlog that had commenced last year increased. We have continued to employ temporary complaint management staff to reduce the backlog, and further recruitment is currently under way for additional temporary appointments. The complaint management team across Queensland continues to work together to meet the increased and different client demands under the *Human Rights Act 2019*, whilst continuing to provide high quality service. The Townsville (North Queensland) team were responsible for triage and Table 5

demonstrates they finalised a high volume of files through the triage process.

**Table 5: Complaints received, accepted and finalised, by regional office**

Complaints	South-East	Central	North	Far North	State-wide
Complaints received	1473	3	2	122	<b>1490</b>
Complaints accepted	272	70	51	64	<b>457</b>
Finalised complaints – accepted	283	64	57	60	<b>464</b>
Finalised complaints – not accepted	216	81	316	65	<b>678</b>
Total complaints finalised	<b>499</b>	<b>145</b>	<b>373</b>	<b>125</b>	<b>1142</b>

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

This year is the first time the number of accepted complaints was lower than the number of complaints not accepted.

## Accepted complaints

Table 6 shows the number of complaints we accepted in 2020-21 about specific breaches. Complaints about specific breaches were accepted when the complaint contained reasonably sufficient details to indicate the alleged breach of the Act.

One complaint may contain multiple breaches. Complaints can also be accepted under both the Anti-Discrimination Act and the Human Rights Act. These complaints are referred to as 'piggy-back' complaints.

Each allegation is assessed as part of the complaint assessment process. The increasing numbers demonstrate the rising complexity of complaints, as well as the significant amount of work done by complaint handlers to assess complaints we receive.

**Table 6: All accepted complaints, by breach**

BREACH	Number of accepted complaints	%
Discrimination	343	49.1
Human rights	178	25.5
Sexual harassment	52	7.4
Vilification	11	1.6
Victimisation	59	8.5
Unnecessary questions	43	6.2
Discriminatory advertising	1	0.1
Request/encourage a breach of the ADA	2	0.3
Whistle-blower reprisal	9	1.3
<b>Total</b>	<b>698</b>	<b>100.0</b>

Note: Complaints may be accepted on the basis of multiple breaches.

## Discrimination

As shown in Table 6, in 2020-21 almost half of all accepted complaints were about discrimination. Discrimination complaints under the *Anti-Discrimination Act 1991* involve allegations of less favourable treatment based on a protected attribute occurring in an area of public life covered by the Act, such as at work, in accommodation, in education and in obtaining goods and services, including government services.

Further breakdown of discrimination allegations in accepted complaints is available in tables 7 and 8 (on pages 38 and 40 of this report).

## Human rights

Just over a quarter of accepted complaints this year were about human rights.

Human rights complaints can be made by complainants who believe their rights protected under the Act have been unreasonably limited by a Queensland public sector entity. Public entities under the Act include state and local government agencies and departments, and entities providing services on behalf of the state. In order for a complaint to be accepted by the Commission, the complainant must have first complained to the entity.

Further breakdown of human rights complaints is available in table 9, on page 42 of this report.

## Sexual harassment

As shown in Table 6, we accepted 52 complaints about sexual harassment this year, a decrease from last year's 91 complaints.

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

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*In 2020-21, **88.5%** of the **sexual harassment complaints** we accepted involved workplace harassment.*

---

## Vilification

There were 11 accepted complaints of vilification in 2020-21, a decrease from 34 last year.

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

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*Of the **11 vilification complaints** we accepted, 5 were about racial vilification, 5 were about sexuality vilification, and 1 was about vilification on the basis of gender identity. No complaints about religious vilification were accepted.*

---

## Victimisation

Victimisation complaints arise where a complainant or witness feels they have been poorly treated for being involved in a complaint. Victimisation complaints have decreased from 84 accepted complaints last year to 59 this year.

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

There were also five accepted complaints of victimisation made by prisoners.



## Reprisal for Public Interest Disclosure

Complainants alleging they have been caused a detriment because of making a public interest disclosure under the *Public Interest Disclosure Act 2010* are able to make a complaint to the Commission to be dealt with under the *Anti-Discrimination Act 1991*.

The 9 accepted complaints of whistle-blower reprisal this year are an increase from last year's 6.

## Discrimination in large resource projects

A new type of discrimination was added to the Act in 2017-18, designed to protect residents of regional towns near large resource projects from being excluded from working on the projects.

We received no complaints about this type of discrimination this year.

## Accepted complaints: discrimination

### Attributes

Complaints about discrimination can only be made if the discrimination is on the basis of one of 16 attributes protected under the Act.

The breakdown of accepted complaints by attribute is shown in Table 7. Complaints about specific attributes were accepted when the complaint contained reasonably sufficient details to indicate an alleged breach of the Act on the basis of that attribute.

Impairment discrimination was the most common accepted complaint this year. While the 206 complaints we accepted this year about this attribute was slightly down on 2019-20's 242, impairment still remains the most commonly accepted complaint.

---

*In 2020-21, **46.2%** of discrimination complaints were about impairment discrimination.*

---

We accepted 67 complaints of race discrimination this year, consistent with last year's 68 complaints made on this ground. Fifty-two complaints about sex discrimination were accepted this year, a decrease from last year's 86.

We accepted 26 family responsibilities complaints, a decrease from 29 last year. Age discrimination complaints decreased slightly from 31 to 26. There were 7 religious discrimination complaints compared to 10 last year. Gender identity complaints increased slightly from 8 complaints last year to 9 complaints this year.

**Table 7: Number of accepted discrimination complaints, by attribute**

Attribute	Number of accepted complaints	%
Impairment	206	46.2
Race	67	15.0
Sex	52	11.7
Age	26	5.8
Family responsibility	26	5.8
Sexuality	14	3.1
Pregnancy	11	2.5
Gender identity	9	2.0
Religion	7	1.6
Parental status	6	1.3
Relationship status	6	1.3
Association with or relationship to someone with a protected attribute	6	1.3
Trade union activity	5	1.1
Political belief/activity	3	0.7
Lawful sexual activity	1	0.2
Breastfeeding	1	0.2
<b>Total</b>	<b>446</b>	<b>100.0</b>

Note: Complaints may be accepted under more than one ground

Note: All percentages have been rounded to nearest decimal point

## Areas

Under the Act, for discrimination to be unlawful it must take place in one of 8 prescribed areas of public life. The number of complaints we received about discrimination are broken down by attribute and area in Table 8.

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

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*This year **48.8%** of accepted discrimination complaints arose in the workplace or when seeking work.*

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Eighteen percent of discrimination 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 decreased from 48 last year to 33 this year. These complaints generally represent concerns about the fairness of accommodation arrangements such as rental properties, and can also include claims by resident-owners of units that body corporates have discriminated against them in their decision making.

The most significant change in the area of life that people complained about was an increase in complaints in the area of state laws and programs. Table 8 shows this year we accepted 81 complaints in this area, equating to 17.8% of discrimination complaints, compared to 56 complaints (9%) last year. This reflects an overall increase in complaints against public entities, including about discrimination, since the introduction of the *Human Rights Act 2019*.

**Table 8: Accepted discrimination complaints, by attribute and area**

Attribute	Accom	Club m'ship & affairs	Disposal of land	Education	Goods & services	State laws & programs	Super & insurance	Work	Total	%
Age	5	-	-	1	5	4	1	12	28	6.2
Breastfeeding	-	-	-	-	-	1	-	-	1	0.2
Family responsibility	2	-	-	-	2	3	-	21	28	6.2
Gender identity	-	-	-	3	3	3	-	1	10	2.2
Impairment	20	1	-	19	50	46	-	80	216	47.4
Lawful sexual activity	-	-	-	-	-	1	-	-	1	0.2
Parental status	-	-	-	-	1	-	-	5	6	1.3
Political belief/activity	-	-	-	1	-	1	-	1	3	0.7
Pregnancy	-	-	-	-	-	-	-	11	11	2.4
Race	5	-	-	8	12	15	-	32	72	15.8
Relationship status	-	-	-	-	2	3	1	-	6	1.3
Religion	-	-	-	1	2	1	-	3	7	1.5
Sex	1	-	-	1	4	1	-	45	52	11.4
Sexuality	-	-	-	-	1	2	-	6	9	2.0
Trade union activity	-	-	-	-	-	-	-	5	5	1.1
<b>Total</b>	<b>33</b>	<b>1</b>		<b>34</b>	<b>82</b>	<b>81</b>	<b>2</b>	<b>222</b>	<b>455</b>	
<b>%</b>	<b>7.3</b>	<b>0.2</b>	<b>-</b>	<b>7.5</b>	<b>18.0</b>	<b>17.8</b>	<b>0.4</b>	<b>48.8</b>		<b>100.0</b>

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

Note: Each complaint can identify more than one breach

# Accepted complaints: human rights

Complaints about human rights can be made about unreasonable limitations on the rights protected under the Human Rights Act by public entities.

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

Table 9 shows the number of human rights complaints that were received and accepted, by right.

The high number of complaints received compared to those accepted may be partially explained by the fact the Act is new and complainants may still be familiarising themselves with what each right covers, as well as some of the rights being either much broader or narrower than their name might suggest. It is also explained by the Commission's approach of considering whether there has been an unreasonable limitation when deciding whether to accept human rights complaints, and only accepting complaints when the complainant has first made an internal complaint to the public entity.

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*The highest number of human rights complaints accepted were about the right to recognition and equality before the law.*

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

High numbers of complaints regarding freedom of movement are perhaps unsurprising given the limitations on movement imposed during periods of pandemic restrictions, and more than half the complaints made on this ground were accepted.

**Table 9: Number of complaints which included human rights allegations, by right**

Right	Number of received complaints	Number of accepted complaints	% of accepted human rights complaints
Recognition and equality before the law	164	123	31.5
Freedom of movement	96	56	14.6
Humane treatment when deprived of liberty	111	50	12.8
Privacy and reputation	77	41	10.5
Protection of families and children	58	27	6.9
Right to education	22	16	4.1
Right to health services	31	15	3.8
Protection from torture & cruel, inhuman or degrading treatment	43	12	3.1
Right to liberty and security of person	34	11	2.8
Freedom of expression	31	9	2.3
Right to life	23	7	1.8
Property rights	25	5	1.3
Taking part in public life	20	5	1.3
Cultural rights – Aboriginal people & Torres Strait Islander peoples	12	5	1.3
Cultural rights – general	9	3	0.8
Fair hearing	37	3	0.8
Protection of children in the criminal process	11	1	0.3
Peaceful assembly and freedom of association	7	1	0.3
Freedom of thought, conscience, religion and belief	15	-	-
Rights in criminal proceedings	10	-	-
Right not to be tried or punished more than once	5	-	-
Protection from retrospective criminal laws	5	-	-
Freedom from forced work	5	-	-
<b>Total</b>	<b>851</b>	<b>390</b>	<b>100.0</b>

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

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

# Settlement of complaints

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.

## Anti-Discrimination Act complaints

This year, we finalised 284 (or 69.4%) of the Anti-Discrimination Act complaints we accepted within the Commission, consistent with our 70% target. Of those, 186 (or 45.5% of accepted ADA complaints) were resolved through conciliation, which was below our target of 55%.

Referrals to Queensland Industrial Relations Commission (QIRC) continued this year for all work-related matters. Seventy-two complaints were referred to QIRC (a decrease from 105 last year). Fifty-three non-work related complaints were referred to Queensland Civil and Administrative Tribunal (QCAT), similar to last year's 52.

Overall, there were 125 complaints referred to QIRC or QCAT, a decrease from 157 the previous year. Forty-two complaints were withdrawn and 42 accepted complaints were unconciliated but not referred.

## Human Rights Act complaints

This year, 29.1% of the human rights complaints we accepted were resolved through conciliation or other processes including early intervention. Unlike Anti-Discrimination Act complaints, human rights complaints cannot be referred to a Tribunal, so they are predominantly finalised or resolved within the Commission unless they are referred by consent to another agency. This year 2 human rights complaints were referred to the Office of the Health Ombudsman and all other complaints dealt with under the Human Rights Act were finalised within the Commission.



## Outcomes for accepted complaints

Table 10 shows the outcomes for all accepted complaints, including complaints dealt with under the *Human Rights Act 2019*.

**Table 10: State-wide outcomes for accepted complaints**

Outcome	Number of complaints
Conciliated*	201
Lapsed (s168)	1
Dismissal (s160)	1
Lost contact (ADA s169)	22
Not recorded	1
Rejected - Dealt with elsewhere	4
Referred to QCAT	53
Referred to QIRC	72
Referred to the Office of the Health Ombudsman	2
Unconciliable but not referred (ADA s167)	42
Withdrawn	42
Unresolved under HRA (with recommendations)	2
Unresolved under HRA (no recommendations)	21
<b>Total</b>	<b>464</b>

\*Conciliated complaints include human rights complaints resolved through early intervention

Note: Includes some complaints accepted in 2019-20 but finalised in 2020-21

# Administrative decisions

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

Complex administrative decisions 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*, whether to reject or stay a complaint dealt with elsewhere under section 140, whether to lapse a complaint under sections 168 or 168A, whether to accept a complaint where a previous agreement has been reached pursuant to section 137, and whether to grant extensions of time to request referral of a complaint under section 166.

The number of administrative decisions increases with the increasing numbers of complaints, and involve significant resources from the complaint management and the legal research and policy teams. Table 11 shows the Commission has written a significant number of decisions this year and the most common type of decisions are out of time decisions \*(s138).

**Table 11: Complex administrative decisions**

Anti-Discrimination Act	Type of decision	Number of decisions
s138	Good cause to accept complaint lodged out of time	43
s139	Reject complaint	11
s140	Reject or stay complaint dealt with elsewhere	5
s 166	Extend time limit to refer complaint	1
s 168	Frivolous etc. complaint lapses	13
s 168A	Complaint may lapse if dealt with elsewhere	1

\*some decisions consider a number of sections

# Timeliness

In 2020-21, we continued to deliver an efficient and accessible complaint management service; however, due to the increase in complaints, continued learning and development of the new complaint management system under the *Human Rights Act 2019*, and the COVID-19 pandemic, the backlog in complaints increased and the Commission did not meet all of our timeliness targets, particularly the initial notification to the complainant whether their complaint had been accepted.

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

Although the complaint management team were under high pressure from complaint numbers, they acted expeditiously in relation to urgent complaints, due to the triage process for new complaints and the introduction of the Senior Priority Complaints Officer role.

Seventy-three percent of complaints were finalised within three months from assessment notification, and a further 16% were finalised within six months. This means a total of 89% of complaints were finalised within six months of acceptance.

Thirty-one percent 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 increased this year, as complaints could not be allocated to complaint handlers within the statutory timeframe. As referred to above, strategies have been developed to manage the backlog including current recruitment of temporary staff and early identification and finalisation of complaints that are not covered by either Act.

Despite the delays in notification of complaints, 70% of accepted complaints reached conference within the 42-day statutory timeframe from notification of decision until conciliation conference. This met the Commission's target 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 77% of overall complaints received. Clearance rate is calculated by the number of complaints received divided by the number of complaints finalised for the year.



# Conciliated outcomes

The following are examples of complaints that were successfully resolved through conciliation in 2020-21.

## Discrimination against a family seeking rental accommodation leads to new policy

The complainant alleged that he phoned a real estate agent to enquire about a four bedroom property that was advertised online. The complainant informed the agent he was enquiring for himself, his wife and 2 children. The agent asked the ages of his children, to which he replied, one and three. The agent made comments including "Oh, there are a number of rentals on this property and there are no kids here." And "No, see this is a quiet area. We are looking for a single person or couple without children."

During the conciliation process the agent said other families had inspected the property and found it unsuitable and they didn't want to waste anyone's time showing the property.

The matter resolved by the agent agreeing to establish and provide to all employees a one page policy covering the process for handling enquiries to ensure compliance with obligations under the Anti-Discrimination Act.

## Man sexually harassed in administrative role

The complainant began employment in an administrative role. He alleged that in the interview comments were made including "we've never had a male receptionist before" and that it would be "very unusual". After commencing work, inappropriate comments were made including "My husband is jealous you are working here because you're male" and "I'm too old for you." He alleges that on the second day of work the individual respondent showed him a sexually explicit video on her mobile phone and when he tried to turn away from it she moved the phone in front of his face. Later that day and over the following weeks of his employment he received numerous sexualised images on his phone from the individual respondent, was subjected to comments about his body, and asked to choose a stripper for the individual respondent's husband's birthday party. He was also asked to attend a work function where the individual respondent hugged him and wrapped her leg around his leg. He was invited to numerous other functions outside work hours which he declined. After he complained of sexual harassment to his employer and then took sick leave for stress and anxiety, his employment was terminated.

The respondents denied sexual harassment had occurred and alleged the complainant was involved in the ongoing jokes and banter.

The complaint resolved by payment of \$70,000 compensation and a confidentiality clause.

## Alternative to mask-wearing provided for pregnant woman

A hospital required patients to use face masks to prevent the spread of COVID-19, in accordance with official health directions at the time. A pregnant woman asked for an exemption for wearing a mask as due to a trauma background, the experience of having her mouth covered caused claustrophobia and panic attacks.

When the woman enquired with the hospital about an upcoming appointment she was told she would not be allowed in without a mask. She was concerned about missing her in-person appointment, particularly because it was a high-risk pregnancy due to her having a number of medical conditions.

The complaint was dealt with under the Human Rights Act. The conciliator from the Commission assisted a resolution with the hospital through early intervention. The conciliator checked with the woman whether the use of a PPE face screen might work as an alternative to the mask. The woman advised that this kind of face covering would not affect her mental health in the way a mask does. The hospital then followed up directly with the woman, advising her that her system would now include a note that she is exempt from wearing a mask and that they would provide her with a face shield instead. The woman expressed her gratitude for the matter being resolved swiftly and to her satisfaction and she was able to attend her medical appointment as planned.

## Child-care worker dismissed due to long term injury

The complainant, who was in her 60s, made a complaint against her employer, a childcare service provider, and the new director, for impairment and race discrimination. She had been employed by the childcare centre for 12 years. She had been initially employed as a childcare educator caring for children. After an injury approximately 5 years previously, her duties had been adjusted to partly administrative work and partly caring duties to accommodate her injury.

When the new director commenced, she directed the complainant to work in the babies' room and refused to allow her to continue in her adjusted duties. The complainant could not work in the babies' room as it exacerbated her injuries.

The complainant was sent for an independent medical assessment which confirmed she was not able to perform the requirements of her role as a childcare educator. The complainant was directed not to attend work and to use her sick leave.

The respondents denied that the complainant's age was a relevant factor in their decisions. They admitted their intention to terminate the complainant's employment was due to the complainant's inability to fulfil the requirement of her substantive role as a carer for the children



at the centre. The respondents advised the administrative positions were already filled by people who had been there for many years so there was no opportunity for the complainant to transfer to an administrative role.

The complaint resolved by payment of \$15,000 compensation to the complainant, a statement of service, and both the director and the corporate respondent provided the complainant with a written apology.

## Quarantine exemption for woman picking up assistance dog

A woman planned to visit Queensland from interstate to pick up her assistance dog, with her mother and her carer, during a period of COVID-19 border restrictions. She was granted an exemption to come into Queensland where she agreed to isolate for 14 days and then spend a week receiving placement of the dog. However, when they tried to arrange for accessible quarantine accommodation, they were told the woman's needs could not be met and her exemption approval was withdrawn. The assistance dog had been trained specifically for the daughter's needs at substantial cost and they were concerned that she would lose the dog allocated to her if she was unable to visit Queensland.

The complainant chose to have this matter dealt with under the Human Rights Act.

Through early intervention the parties negotiated for the exemption to enter Queensland to be re-approved, with Queensland Health organising suitable accommodation for the complainant, her mother and her carer to complete 14-day hotel quarantine.

## Police express regret about asking traditional custodians to move on while exercising their cultural rights

A leader in the Aboriginal community and his family were camping, practicing their culture and performing traditional ceremonies on a pastoral lease area. Police officers approached the group and asked them to leave, stating that an international mining company occupying the land had claimed they were 'trespassing'. The site was the subject of an Indigenous Land Use Agreement but the family opposed the agreement and the mine, saying that Aboriginal people had been exercising their culture by fishing and hunting and performing ceremonies for 40,000 years.

Cultural rights of Aboriginal peoples and Torres Strait Islander peoples are specifically protected by the *Human Rights Act*, including the right to maintain their distinctive spiritual, material and economic relationship with the land and waters with which they hold a connection.

The family told the police that they had received expert advice that they could lawfully exercise their cultural rights and responsibilities. However, the police required the group to pack up their equipment and leave within an hour. The family says that this caused grief and trauma.

The Queensland Police Service agreed to provide a statement of regret which was able to be shared publicly. The statement acknowledged that the events caused embarrassment, hurt and humiliation for the complainant and his extended family, that there are complex legal issues and cultural sensitivities, and that the QPS will commit to take into account the issues in the complaint in future responses.

## Worker refuses to disclose medical reasons for not wearing a mask

This complaint was made during a mandatory mask wearing period in Queensland. The complainant alleged her employer sent her home from work for refusing to wear a mask for medical reasons. The complainant said she could not comply with the term of wearing a mask for medical reasons but that did not want to disclose her medical condition to protect her privacy.

The respondent said they required her to wear a mask for the health and safety of other workers, due to her proximity to food preparation, and due to the inability for staff to socially distance at work. The respondent said that since the mandatory mask wearing period in Queensland it has introduced alternative working arrangements for workers who could not wear a mask for medical reasons so that they could continue to work but not risk contamination of food.

The complainant initially requested compensation for economic loss and a written apology for what had occurred, but after hearing from the respondent she appreciated the genuine way they engaged in the process and the parties agreed for the complainant to return to her job with alternative work arrangements in the event mandatory masks were reintroduced.

## Transgender scholarship student denied enrolment

The complaint was made by the mother on behalf of her transgender son. A private co-educational school had offered a full scholarship to the complainant and his sister. At a meeting between the complainant's mother and the college for the purpose of finalising enrolment, the mother informed the principal that one of her children is transgender and wanted to enrol as a boy. In response the principal told her that this is something he would have to take to the school's board as the school "may not support this request". In a follow up meeting the principal further informed the complainant that the school's current policies "don't support enrolment of a transgender child".





Consequently, the mother declined the offer of a scholarship for both children.

The respondents disagreed with the facts alleged in the complaint, but acknowledged there was an absence of policy around enrolment of a transgender child and that policy development in this area was needed.

The complaint was resolved by the school providing a statement of regret, and agreeing to develop and implement a policy, including gender identity training for key staff by a qualified external trainer.

## Approved absence from social housing allowed mother to pursue training opportunity

A social housing provider had a general rule that absences from the home of more than 5 months were not permitted. A mother of four children needed to leave her home for several months at a time to commence defence force training. She sought to better her employment opportunities, with her husband being the primary carer of the children. One of her four children had an intellectual disability and a hearing impairment. She was told by the housing provider that if she commenced the training as planned, she would be in breach of the 5 month rule and the family would need to leave their home. As well as discriminatory on the grounds of family responsibilities, this decision engaged several human rights including protection of families and children, property rights, and freedom of movement.

Through conciliation it was agreed that the woman would be permitted to be absent from the property to complete the training, on the condition that she provide evidence of the requirement to attend, return to the property shortly after each absence, notify the housing provider once the training was completed, and continue to pay rent and maintain responsibility for the property during her absence.

## Woman excluded from sporting club

The managing director of a sports club informed the complainant that her application for membership had been denied but refused to provide a reason. The complainant alleged her membership had been denied because she is female, and this was inferred because there were no women in the club. The complainant also alleged her membership was denied because she was in a relationship with someone who had been expelled from the same club. The complainant alleged there could be no other reason for the denial of her membership application as she was proficient in the sport.

The respondent argued that the company's "rule book" gave them authority to make decisions about membership and they were not obliged to provide an explanation for their decisions.

The complaint was resolved on terms including that the complainant's application for membership would be accepted. The complainant could

choose her support team, including her partner, and other specific terms were negotiated to allow the complainant to enjoy the full benefits of club membership.

## Child with type one diabetes refused enrolment in childcare centre

The complainant's three year old son had type one diabetes. She was told that he could not attend childcare as they did not have staff appropriately trained to manage his condition. Approximately 6 months later, the childcare director was trained in managing type one diabetes and the complainant was then permitted to enrol her son at the centre. The complainant complained about her son's 6 month exclusion from childcare during which she had not been able to seek employment.

The respondents said that they had not wanted to discriminate against the complainant or her son, but that it was difficult to arrange the necessary staff training due to the remote location of the childcare centre.

The complaint was resolved by early intervention. The respondents agreed that a minimum of two staff members would be trained in type one diabetes management at all times, including annual refresher training, and that the executive management team, nominated management staff and all new staff would attend training on their rights and obligations under the Anti-Discrimination Act. The respondents also gave the complainant and her son a statement of regret for the period she could not enrol her son in childcare.



# 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 2020-21 conciliation parties follows:

- "(Conciliator) did a wonderful job facilitating a conciliation in difficult circumstances -shuttle conciliation. (Conciliator) was very understanding, professional, informative and supportive through the process. Quick and acceptable resolution was reached between the parties - which was a welcome outcome!" - respondent's lawyer
- "I would like to say how much gratitude I have for everyone at the commission office. The first day I walked into the office, was timid and intimidated by facing the situation. I was made to feel comfortable and calm. The information that was spoken and given to me, gave me a sense of calmness." - complainant
- "(Conciliator) was a great facilitator who took care and time with me to understand the process." - respondent
- "I would like to add that the Conciliator I dealt with, was an absolute professional, kind and understanding. (Conciliator) definitely made the whole process bearable and made sure I understood all that was happening at each step. (Conciliator) is to be commended and I cannot praise highly enough." - complainant
- "Our conciliator did an excellent job in explaining the process to myself and my son." - complainant's support person
- "Cannot fault my conciliator, very helpful and knowledgeable." - complainant
- "We were brought into the process later as a third party it did complicate the matter. However the conciliator made the process work." - respondent
- "(Conciliator) was exceptionally understanding and compassionate toward my impairments. (Conciliator) was very thorough and professional and made this process exceptionally easy. Thank you for being so amazing." - complainant
- "The conciliator was fantastic. (Conciliator) really helped parties move to a resolution of this complaint - and bang on time too - was due to end at 1pm and was completed about a couple of minutes before this. My only issue is amount of time it is taking for complaints to be heard - very long." - complainant's advocate

- “This was a first time process for us and we were all quite nervous but the Conciliator helped us navigate the process so well. We certainly don’t want another HR complaint but we all feel more confident now in how the process works.” - respondent’s support person
- “Pleased that you exist. You have silent power.” - complainant
- “Unfairness based on lawyers being allowed to participate at conciliation stage. Their aim was to intimidate, lie, get it thrown out despite no evidence, and intentionally prolong process. It’s unfair because as an unemployed (person) consequent to discrimination cannot afford legal defence.” - complainant
- “Have had (Conciliator) as a conciliator in previous matters, and have always found her to be respectful, professional and very informative and very gentle and understanding with the complainant. 5 stars” - complainant’s advocate
- “(Conciliator) was very helpful in resolving the complaint and very courteous and helpful in all his communications. I appreciated the feedback also.” - respondent
- “(Conciliator) was absolutely fantastic. (Conciliator) was approachable and supportive yet maintained independence throughout. (Conciliator’s) involvement made my process an easier experience to go through. Thankyou!” - complainant
- “(Conciliator) was absolutely amazing. (Conciliator) explained every step of the process. (Conciliator) was considerate of my concerns and extremely professional throughout. Myself and my family are grateful for everything QHRC was able to achieve for us and our 16 year old son. Thank you again for your kindness and support.” - complainant
- “The conciliator did a good job, however the claim was hopeless from the start (the respondent had a recording of the precise incident of alleged racial vilification - which established it simply didn’t occur). The QHRC should tell people straight off if they don’t have a sustainable claim.” - respondent’s lawyer
- “I have no concerns, though perhaps it may have been useful for the QHRC to have had a conversation with the respondent for additional context prior to deciding whether the complaint should be accepted.” - respondent
- “Conciliator was excellent - this case was never going to settle due to the unreasonable and unrealistic position of the complainant and her lawyer.” - respondent



# Influencing government policy and legislation

In 2020-21, the Commission provided submissions to parliamentary committees and other bodies on the development of government policies and legislation. These included:

## **Inquiry into the Queensland Government's health response to COVID-19** to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee

Our submission remarked that statements and certificates of compatibility for legislation and regulations made in response to the pandemic, are important to provide transparency about the impact of the measures on the human rights of people in Queensland. They provide an opportunity for the Government to demonstrate that it has given consideration of the least restrictive way of protecting lives.

We made recommendations for the protection of people in closed environments and at-risk communities, and that parliamentary scrutiny processes be maintained for all legislative measures.

## **Disability Services and Other Legislation (Worker Screening) Amendment Bill 2020** to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee

The Bill implements a nationally consistent framework to screen disability service providers, with the aim of protecting people with disability from violence, abuse, neglect, and exploitation.

We recommended further consideration to: barriers experienced by Aboriginal and Torres Strait Islander applicants and the impact on Aboriginal and Torres Strait Islander people with disability; making blue card (working with children) screening test consistent with disability worker screening; and whether there are sufficient privacy protections for the collection, use, and sharing of information obtained for worker screening.

The Bill was passed in December 2020.

## **Meriba Omasker Kaziw Kazipa (Torres Strait Islander Tradition Child Rearing Practice) Bill 2010** to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee

The Bill provides a new system to legally recognise cultural adoption practices of Torres Strait Islander peoples. Although the Bill restricts the rights of children and families, it is consistent with the cultural rights of Torres Strait Islander peoples, and was supported by our submission.

The Bill was passed, and commenced on 1 July 2021.

## **Child Protection and Other Legislation Amendment Bill 2020** to the Legal Affairs and Community Safety Committee

A purpose of the Bill was to enhance the approach to permanency under the *Child Protection Act 1999*, and to clarify that adoption is an option for achieving permanency for children living in care.

It provides that adoption is the third preference (after being cared for by family, and being cared for by another family member) – except for Aboriginal or Torres Strait Islander children, where the third preference is foster care, and the fourth preference is adoption.

Our submission considered the changes do not sufficiently safeguard the rights of the child and their birth family, and were premature in light of the review of the *Adoption Act 2009* in 2021.

When the Bill was reintroduced after the new parliament was formed, we joined with other bodies, including the Queensland Family and Child Commission, in a joint submission that recommended that the changes be accompanied by active efforts to implement the Aboriginal and Torres Strait Islander Child Placement Principle and that there is independent oversight of permanency decisions.

The Bill was passed, however the changes will commence at a later date.

## **Response to the Consultation Regulatory Impact Statement: Proposal to include minimum accessibility standards for housing in the National Construction Code** to the Australian Building Codes Board

We recommended that including minimum standards of accessibility in the National Construction Code would help accommodate the needs of people with disabilities and older people for accessible housing, and remove many of the barriers that now exist. We provided case study examples of difficulties experienced by people with disabilities and older people, to demonstrate the lack of accessible housing.

## **Criminal Code (Consent and Mistake of Fact) and Other Legislation Amendment Bill 2020** to the Legal Affairs and Community Safety Committee

The Bill implemented recommendations of the Queensland Law Reform Commission to clarify that consent to a sexual act is not given simply because the person doesn't say anything, and that if an act is done or continues after consent is withdrawn, the act is done or continued without consent. For a defendant claiming mistaken belief about consent, regard must be had to what the defendant did to ascertain consent, and regard must not be had to the voluntary intoxication of the defendant.

Our submission supported these amendments to the *Criminal Code*, and recommended that the government monitor this area of the law, particularly the impact on the rights of victims.

The Bill was passed, and the amendments to the *Criminal Code* commenced on 7 April 2021.



**Inquiry into extremist movements and radicalism in Australia** to the Australian Parliamentary Joint Committee on Intelligence and Security

We referred to our consultations with community representatives and stakeholders about the effectiveness of current laws in Queensland, and made submissions on further steps the Commonwealth could take to disrupt and deter hate speech through criminal laws, the use of symbols and insignia, and reinforcing social cohesion.

**The rights of the Indigenous child under the United Nations Declaration on the Rights of Indigenous Peoples** to the United Nations Office of the High Commissioner for Human Rights – Expert Mechanism on the Rights of Indigenous Peoples Study

The Expert Mechanism provides expertise and advice on the rights of Indigenous peoples to the Human Rights Council, and conducts studies to advance the promotion and protection of the rights of Indigenous peoples. This study is about the rights of Indigenous children.

Our submission reported on positive developments in Queensland. These included the protection of cultural and other rights under the *Human Rights Act 2019*, the Queensland Government's Path to Treaty project, the recognition of Torres Strait Islander custom by the introduction of cultural adoption legislation, and the strengthening of health equity for Aboriginal and Torres Strait Islander peoples.

We also reported on negative impacts such as over-representation of Aboriginal and Torres Strait Islander children in the youth justice system, the minimum age of criminal responsibility remaining at age 10, the over-representation of Aboriginal and Torres Strait Islander children in child protection, and low participation rates in education.

**Youth Justice and Other Legislation Amendment Bill 2021** to the Legal Affairs and Community Safety Committee

The Bill introduced changes to bail, including a trial of electronic monitoring of children on bail, and created a presumption against bail for certain offences. It also created a trial of increased police powers to stop a person and scan for knives and enhanced obligations on owners of vehicles in relation to hooning offences.

We are concerned that the measures significantly limit human rights, and may not achieve, or be proportionate to achieving, the stated purposes of enhancing community safety. Our submission noted the lack of evidence to support the effectiveness of the measures, and that they will likely result in an increase to the number of children and young people in detention.

The Bill was passed, and the measures commenced on 4 May 2021.



# 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*.

A decision was handed down on an application for judicial review made in the previous period. The application concerned a decision of the Commissioner's delegate not to accept a complaint that was made outside the statutory time limit of one year. The Court found there was no error in the delegate's decision and the application was dismissed.<sup>1</sup>

There were no applications in the current period.

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

## 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. In the period, the Commission was not requested to, and did not, intervene in any proceedings under this function.

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

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<sup>1</sup> *Ryle v Venables & Ors* [2021] QSC 60.



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

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

In 2020-21, we received 26 notifications or requests to intervene under the *Human Rights Act 2019*. Of those, 15 were notices under section 52 of the *Human Rights Act 2019*. We intervened in two matters before the Mental Health Court, and three matters in the Supreme Court.

Both matters in the Mental Health Court were appeals from decisions of the Mental Review Tribunal, and are not open to the public. In the first matter, due to the issues ultimately relied upon by the parties, we withdrew from the proceedings. In the second matter, we made submissions regarding the role of the *Human Rights Act 2019* in the application of the *Mental Health Act 2016*, and in particular in relation to statutory interpretation and the obligations imposed by section 58 of the *Human Rights Act 2019* to make decisions compatibly with, and give proper consideration to, human rights.

The first of the Supreme Court matters was an application for a declaration relating to a proposed 'sit in' protest on the Story Bridge in Brisbane. The Commission made submissions about the right to peaceful assembly, the relevance of the rights of others and of public health and safety, and the onus of establishing that a limitation of a right is reasonable and proportionate.

We intervened in an application for judicial review of decisions to continue the separation of a prisoner who has been held in solitary confinement for seven years. We made submissions about the obligations on public entities, including to consider the rights of all relevant people, and on the meaning of relevant rights such as the right to humane treatment when deprived of liberty and the right to life.

We also intervened in a Supreme Court proceeding that is subject to reporting and publication restrictions. Our submissions related to statutory interpretation and the obligations imposed on public entities under the *Human Rights Act 2019*.

## 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 seven submissions to the QCAT and two submissions to the QIRC on applications for exemption from the operation of the *Anti-Discrimination Act 1991*.

## Tribunal and court decisions

### Tribunal

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

- (a) hearing and determining complaints referred by the Commissioner;<sup>2</sup>
- (b) hearing and determining applications for exemptions;<sup>3</sup>
- (c) hearing and determining applications for interim orders before referral of a complaint;<sup>4</sup>
- (d) considering applications for review of a decision that a complainant has lost interest;<sup>5</sup> and
- (e) providing opinions about the application of the Act.<sup>6</sup>

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

There were 47 decisions of the tribunals published for the period,<sup>7</sup> made up as follows:

**Table 12: Tribunal decisions**

	QIRC	QCAT	Totals
Final hearings	3	12	15
Dismiss/strike out	7	3	10
Jurisdiction	0	1	1
Produce/disclose documents	2	0	2
Costs	0	3	3
Join party	1	1	2
Interim orders before referral (s 144)	1	0	1
Anonymity	2	0	2
Miscellaneous process	4	3	7
Exemption applications	2	2	4

<sup>2</sup> *Anti-Discrimination Act 1991*, section 175.

<sup>3</sup> *Anti-Discrimination Act 1991*, section 113.

<sup>4</sup> *Anti-Discrimination Act 1991*, section 144.

<sup>5</sup> *Anti-Discrimination Act 1991*, section 169.

<sup>6</sup> *Anti-Discrimination Act 1991*, section 228.

<sup>7</sup> Includes a process decision in an appeal to the QCAT Appeal tribunal, and a decision on the production and disclosure of documents in an appeal to the Industrial Court of Queensland.

<b>Totals</b>	<b>22</b>	<b>25</b>	<b>47</b>
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There appears to be a trend for the QCAT not to provide and publish written reasons following a final hearing of referred complaints. We are concerned that this practice limits the development of jurisprudence, and public awareness and understanding of how discrimination laws operate. It may also be incompatible with section 31(3) of the *Human Rights Act 2019*, which provides that all judgments or decisions made by a court or tribunal in a proceeding must be publicly available.

We are also concerned that there have been errors in some decisions of the QCAT, indicating a misunderstanding of the statutory concepts and a need for further training of members who hear and decide matters under the *Anti-Discrimination Act 1991*.

The following is a selection of the published decisions.

## Complaints

### Respecting cultural practices

A five-year-old boy of Cook Island descent commenced school in 2020 at a Christian private school attended by his older sister. It is a Cook Island custom to not cut the firstborn son's hair until a hair-cutting ceremony is held. The boy's parents planned to hold a ceremony the following year when the boy would be aged seven. In the meantime, for school, the boy wore his hair in a neat bun. The school uniform policy requires boys' hair to be cut above the collar. The boy's parents were given notice that the boy would be unenrolled if his hair was not cut and worn in accordance with the school uniform policy.

The tribunal found that the hair-cutting ceremony for the eldest son is a tradition or cultural practice associated with the Cook Island/Niuean culture, and part of that cultural practice is that the ceremony should take place at a time chosen by the parents. The timing for the ceremony in this case was substantially and genuinely motivated by, and in furtherance of, the culture that the boy's parents seek to practise. The tribunal held that in the circumstances, the cultural practice and its timing is a characteristic of the attribute of race.

The tribunal held that the threat to unenroll the boy amounted to excluding him from the school, as well as unfavourable treatment in connection with his education. It said that excluding a child from school is a serious step to take, and has the potential to cause dislocation, emotional distress and embarrassment, and long-lasting effects on the child's perception of their place in a community. In balancing the impacts of the school uniform policy on the boy with the disciplinary purpose of the policy, the tribunal considered the application of the policy in this case was not a reasonable requirement. It is not reasonable to apply dress standards without exception, where the exception is required for reasons based on race.

Rules regarding appearance, such as the school uniform policy, are not regarded as discriminatory merely because the rules are not identical for males and females, if taken as a whole, one sex is not treated less favourably than the other. In this case, the tribunal



considered the policy as a whole, and concluded that it does not treat boys less favourably than girls.

In conclusion, the tribunal found there had been unlawful discrimination of the boy on the basis of race, but not on the basis of sex.

The tribunal did not award compensation, as the boy had been allowed to attend school without having his hair cut, and there was no suggestion that the boy had suffered any injury or emotional distress. However, the school was ordered to make a private written apology to the boy's mother, and prohibited from unenrolling, or threatening to unenroll, for failure to comply with the uniform policy in relation to the requirement that hair be above the collar and not worn in a bun.

*Taniela v Australian Christian College Moreton Ltd* [2020] QCAT 249  
(Note: There is an appeal against this decision that has not yet been decided.)

## Sexual harassment in the workplace

A woman working in a laundromat was subjected to escalating unwelcome conduct from her boss, and was denied work when she rejected his advances. The woman had a history of experiencing domestic violence and had suffered psychological harm as a result, she had the sole financial responsibility for her children, and subsisted on insecure low paid work. English is her second language and she was significantly younger than her boss. The tribunal said the combination of these factors checked every measure encapsulated under section 120 of the Act (Meaning of relevant circumstances for determine whether a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct).

The sexual harassment included inappropriate touching of the woman's bottom and legs, forcing the woman to touch the man's genitals, asking for massages, repeated requests for sex, and explicit text messages. The tribunal referred to the conduct as 'transactional', as the woman was required to accede or she would not be offered work.

The man claimed that the woman would stick her bottom out when he went past her when she was folding laundry, and was a game between them. He claimed that the text messages and sexual references were just 'banter'. The tribunal preferred the evidence of the woman.

Eventually the woman reported the behaviour to the police and the police advised her not to return to the workplace due to fears for her safety. She lodged a successful claim for workers' compensation. A criminal matter was commenced in the District Court, however part way through the hearing the prosecution elected not to pursue the matter.

The tribunal found that the conduct constituted both sexual harassment and sex discrimination. However, the tribunal considered the withholding of work was not victimisation within the meaning of section 130 of the Act. The tribunal considered that the man withheld paid work because the woman rejected his advances, and not because

he thought she had made, or intended to make, allegations or commence or be involved in proceedings against him.

As to compensation for loss or damage, the tribunal said it involves several considerations:

First – A contravention must have occurred.

Second – It must be evidenced that the complainant has actually suffered loss or damage.

Third – The loss or damage must have been caused by the contravention. A loss that is not sufficiently evidenced as caused by the contravention is not compensable.

The tribunal said that foundationally, damages are awarded as compensation, rather than to punish, and consideration of community standards is relevant to the monetary value attaching to the intangible losses suffered by a complainant.

The tribunal awarded the woman an amount of \$15,960.75 gross of tax, for loss of income from the time she stopped working until approximately 12 months later when the business was sold. (On appeal, it was held that loss of income should have been calculated to the date of the hearing.)

In assessing general damages, the tribunal considered cases under the *Sex Discrimination Act 1984* (Cth), including the decision of the Full Court of the Federal Court in *Richardson v Oracle* and the decision of the Federal Court in *Hill v Hughes* (upheld on appeal), as well as the Queensland QCAT decisions in *Green v State of Queensland* and *STU v JKL (Qld) Pty Ltd*. The tribunal considered the following steps relevant to assessing an appropriate award of general damages.

- First – Determine the loss suffered by the complainant that was caused by the contravention. This may involve medical evidence, but also requires consideration of other factors such as embarrassment or humiliation, as well as the purposed and objects of the Act.
- Second – It is necessary to bear in mind the prevailing community standards as to the value of intangibles such as enjoyment of life and the right to a safe workplace. This necessarily requires considering decisions that have dealt with comparable circumstances and losses.
- Finally – It is necessary to establish an award that ameliorates the relevant loss identified in the first step. This is a quintessential exercise of discretion.

In this case there was medical evidence that the woman experienced anxiety, and she felt unsettled and easily agitated. She became short-tempered and her sleep became erratic, and she commenced a course of antidepressant medication. The woman was diagnosed with Adjustment Disorder and Mixed Anxiety and Depressed Moods, arising as a consequence of the workplace sexual harassment.





The tribunal awarded general damages at \$30,000. The tribunal also awarded aggravated damages of \$5,000 to reflect the increased loss the woman suffered as a result of 'the callously transactional contravening conduct'.

On appeal, the Court considered the award for general damages was manifestly inadequate. The awards for general and aggravated damages were set aside and substituted with an award of \$130,000. The Court also changed the award for economic loss to \$28,702.60.

This is the first published decision of the QIRC where a complaint has been upheld.

*Golding v Sippel and The Laundry Chute Pty Ltd* [2021] QIRC 074

*Golding v Sippel and The Laundry Chute Pty Ltd* [2021] ICQ 14  
(appeal decision)

## Application for closed court hearing and documents

An application was made to the QCAT for a closed court hearing on the basis that the complainant is a child, and an application for an order requiring the production of staff photographs so as to identify potential witnesses. Both applications were refused.

The QCAT Act provides that a hearing must be held in public (unless an enabling Act provides otherwise), however the tribunal may direct a hearing, or part of a hearing, to be held in private if the tribunal considers it is necessary:

- a) to avoid interfering with the proper administration of justice;
- b) to avoid endangering the physical or mental health or safety of a person;
- c) to avoid offending public decency or morality;
- d) to avoid the publication of confidential information or information whose publication would be contrary to the public interest; or
- e) for any other reason in the interests of justice.

The *Anti-Discrimination Act 1991* is the enabling Act for this matter, and it does not provide for discrimination proceedings to be held in private.

The tribunal considered there are sound reasons why proceedings involving alleged discrimination and human rights should be held in open court, and was not satisfied that it was in the interests of justice that the hearing be closed, given the importance of the principles underpinning an open justice system.

The tribunal will only direct documents to be produced where they are described with particularity and are directly relevant to the issues in dispute. The applicant sought staff photographs to try to identify people she thinks may have witnessed various incidents. The applicant did not identify the incidents or provide details of them, and did not show how they were relevant to the proceedings. Accordingly the tribunal refused to direct the production of the photographs.

## Anonymity of parties

A respondent to a complaint applied to have its identity suppressed, after the QIRC had decided to dismiss the complaint. In response, the complainant also sought to have his name suppressed.

The QIRC has power under section 191 of the *Anti-Discrimination Act 1991* to make an order prohibiting the disclosure of a person's identity if it reasonably considers that the preservation of anonymity of a person who has been involved in a proceeding under the Act, is necessary to protect the work security, privacy, or any human rights of the person.

The tribunal noted that the timing of the application was peculiar, as the decision on the complaint had been released and published. However, because of the subject matter of the complaint, and that the complainant considered some of the evidence to be 'humiliating or degrading', the tribunal considered that anonymising both of the parties in the proceeding would protect the privacy of both of them. Also relevant was that the decision had been appealed to the Industrial Court, and the President had ordered that the names of the parties be anonymised.

*EY v The Store* [2021] QIRC 135

## Exemption applications

During the period there were two decisions of the QIRC and two decisions of the QCAT on applications for exemption from the operation of the Act.

In the first decisions of each tribunal since the commencement of the *Human Rights Act 2019*, both tribunals decided that they act in an administrative capacity when considering an application for an exemption under section 113 of the *Anti-Discrimination Act 1991*. This means that the tribunal must comply with the obligation in section 58 of the *Human Rights Act 2019* to make decisions compatibly with, and give proper consideration to, human rights.

The QIRC granted an exemption to the Ipswich City Council for three years so that the Council can recruit female only waste truck drivers, linked to a training program to support the women to obtain their Heavy Rigid driver licence while employed as trainee drivers. The QIRC considered that although the right to equality and non-discrimination would be affected by the exemption, however the proposal was a measure to assist women in the transport industry who were disadvantaged because of discrimination. This meant that the right to equality and non-discrimination was not limited. In the circumstances the exemption was also appropriate and reasonable.<sup>8</sup>

An exemption was also granted to a company that provides large scale systems, integration, and information technology services for

<sup>8</sup> *Re: Ipswich City Council* [2020] QIRC 194.

government, mostly in the area of Defence. The exemption is necessary as the work requires the company to access controlled information that is regulated under United States laws. Those laws limit access to the controlled information by reference to a person's national background. The QIRC was satisfied that the exemption, which includes reporting and other conditions, is appropriate and reasonable and compatible with human rights.<sup>9</sup>

The QCAT granted an exemption to allow Fernwood health clubs to operate exclusively by and for women. It considered that the purpose of benefitting women who wish to attend a female only fitness centre for medical, religious, or psychological reasons, is compatible with human rights, and that the exemption is appropriate and reasonable.<sup>10</sup>

The QCAT refused to grant an exemption to allow a residential village to be advertised for 'over 50s'. There was no existing exemption for the village to discriminate on the basis of age, and the QCAT would not sanction advertising of unlawful discriminatory conduct.<sup>11</sup>

## Appeals

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

A party to proceedings in the QIRC may appeal a decision to the Industrial Court of Queensland (Industrial Court).

A party to decision of the QCAT Appeal Tribunal or the Industrial Court may appeal the decision to the Court of Appeal (a division of the Supreme Court of Queensland). There was one decision of the Court of Appeal published in the period. It was an appeal of the decision relating to the misgendering of a transgender prisoner that was reported in our annual report for 2019-2020. The Court of Appeal set aside the decision of the QCAT Appeal Tribunal on the basis that it was wrong in finding there was error in the original tribunal decision.<sup>12</sup>

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<sup>9</sup> *Re: Leidos Australia Pty Ltd* [2021] QIRC 229.

<sup>10</sup> *Fernwood Womens Health Clubs (Australia) Pty Ltd* [2021] QCAT 164.

<sup>11</sup> *River Glen Haven Over 50s Village* [2021] QCAT 26.

<sup>12</sup> *State of Queensland v Tafao & Ors; Serco Australia Pty Ltd & Anor v Tafao & Anor* [2021] QCA 56.

# Corporate governance

## Governance framework

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

## Executive management

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

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

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 18 June 2021, we employed 42.76 full-time equivalent permanent and temporary staff. The permanent staff separation rate in 2020-21 was 5%, a reduction from the previous year's rate of 10.3%.

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 five Equity Contact Officers;
- LGBTIQ+ and Aboriginal and Torres Strait Islander liaison officers;
- revision of our induction processes for new employees
- update of performance management policies in line with amendments to the *Public Service Act 2008*, including the introduction of positive performance management principles;
- professional development of all staff on a continuing basis.

## Corporate services

In-house corporate services provided by our staff are supplemented through service level agreements with the Department of Justice and Attorney-General and Queensland Shared Services for the provision of financial, human resource, internal audit and processing services. These arrangements benefit the Commission by providing a cost-effective processing environment and access to a greater range of skills than we can maintain internally given our size, and allows us 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 utilise Surface Pro tablet devices and operate cloud based provision of computing and telecommunications services, and this year we commenced the rollout of Microsoft 365. 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.

This year we also established a formal Information Security Management Committee in response to the findings of the *Auditor-General Report No 3: 2019-20 Managing cyber security risks*.

The committee is accountable to the Executive Leadership Team, for ensuring that QHRC has implemented effective security strategies, programs and measures to protect QHRC's people, information and assets.

As a Queensland independent statutory body, we must have regard to Information security policy (IS18:2018) in the context of internal controls, financial information management systems and risk management. The Information Security Management Committee (ISMC) will be guided by IS18:2018 in applying a consistent, risk-based approach to information security in order to safeguard the confidentiality, integrity, and availability of the data and information maintained by the Commission.

The committee met three times throughout 2020-21 to progress actions stemming from the Auditor-General's report including the introduction of mandatory cyber security training for all staff, the endorsement of a risk appetite statement and the approval of a project to introduce multi-factor authentication.

## Statutory obligations

### Ethical behaviour

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

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

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

## Human rights

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

In relation to the obligations of public entities under the Act, we undertook the following activities during 2020-21:

- Ran the Human Rights Month campaign in November-December 2020 to raise awareness of the Act;
- Delivered face-to-face training sessions and webinars on the *Human Rights Act 2019*;
- Required all staff to complete the online training module, *Public entities and the Queensland Human Rights Act 2019*.

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.

Of the 14 client complaints received by the Commission this year, 7 were assessed as being human rights complaints. During the process of assessing and investigating the complaints our staff identified human rights that were engaged by the actions and decisions of the Commission which formed the basis of the complaints about service delivery. In all instances it was determined through investigation that human rights were not unjustifiably limited. Three of the complaints were resolved through an explanation of legislative requirements and procedures relating to the conciliation process. Investigation of the remaining 4 complaints involved review of a decision. In three cases the decision was upheld. For one complaint the decision to not proceed with a conciliation conference was amended to allow for the conference to be held.

Human rights identified in client complaints included:

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





## Client complaints

Fourteen complaints about our service delivery were received during 2020-21, compared to six in 2019-20. All complaints were investigated and managed in accordance with our client complaint management policy. The complaints were resolved in the following manner:

- Explanation provided: 7 complaints
- Review decision – upheld: 4 complaints
- Review decision – amended: 1 complaint
- Apology: 2 complaints

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

## Information systems and recordkeeping

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

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

The Commission uses RecFind as its electronic documents and records management system (EDRMS). We have 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.

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

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

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

## Internal and external audit

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

## Risk management

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

## Early retirement, redundancy and retrenchment

The Commission made no payments of this nature during 2020-21.

## 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 2020-21

This summary provides an overview of the Commission's financial performance for 2020-21 and a comparison with 2019-20. A detailed view of the financial performance for 2020-21 is provided in the financial statements included in Appendix F of this annual report and can be viewed at [www.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au).

The operating result for the Commission for 2020-21 was a surplus of approximately \$406,000, which was primarily driven by in-year savings from vacant positions and steady demand for training.

Performance in the remaining budget areas was sound.

As part of the 2019-20 budget, the Commission received additional and on-going funding to assist with delivering new functions required under the *Human Rights Act 2019*. Part of the funding requirement was to have 10 new positions on-board by 1 July 2019. Due to delayed recruitment processes, the Commission had to return \$123,000 of grant funds in 2020-21, and \$436,000 in 2019-20. All positions as provided for in the 2019-20 budget are now on-board.

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

# Income

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

While training revenue decreased by \$0.151 million (38%) on 2019-20, 2019-20 had unprecedented training demand driven by the introduction of the *Human Rights Act 2019*.

Other revenue increased by \$0.054 million (300%) on 2019-20 primarily due to an insurance compensation payment of \$0.038 million. The insurance compensation was a result of a successful claim with the Queensland Government Insurance Fund (QGIF) for lost training revenue in 2019-20 when face-to-face training sessions were cancelled following government health directives.

**Table 13: Statement of comprehensive income**

	<b>2020-21 (\$'000)</b>	<b>2019-20 (\$'000)</b>
User charges and fees	248	399
Grants and other contributions	7,385	7,394
Interest and other revenue	72	18
<b>Total income from continuing operations</b>	<b>7,705</b>	<b>7,811</b>
Employee expenditure	5,212	5,238
Supplies and services	1,741	1,982
Grants and subsidies	3	6
Depreciation and amortisation	191	182
Other expenses	152	464
<b>Total expenditure from continuing operations</b>	<b>7,299</b>	<b>7,872</b>
<b>Operating result for the year</b>	<b>406</b>	<b>(61)</b>

# Expenditure

Employee expenditure remains the biggest Commission expenditure (on average, 70% of expenditure) and is at similar levels to 2019-20.

The second biggest expense category is supplies and services (on average, 24% of expenditure). Supplies and services decreased by \$0.241 million (12%) on 2019-20, which can be attributed to two main drivers. Firstly, 2019-20 incurred one-off costs associated with the Commission rebranding from the Anti-Discrimination Commission Queensland, to the Queensland Human Rights Commission. Secondly, as a flow on effect from the COVID-19 pandemic, 2020-21 saw the Commission reduce expenditure in areas of travel, photocopying, printing, and client training associated costs (in line with demand).

While other expenses includes \$0.123 million of grant refund expenditure, this is a decrease of 72% on the 2019-20 refund of \$0.436 million. This relates to unspent grant revenue from delayed recruitment of new positions which didn't meet their milestones as required. This unspent grant revenue has been returned to the Department of Justice and Attorney-General.

**Table 14: Statement of Financial Position**

	<b>2020-21 (\$'000)</b>	<b>2019-20 (\$'000)</b>
Current Assets	1,554	1,197
Non-Current Assets	827	1,018
<b>Total Assets</b>	<b>2,381</b>	<b>2,215</b>
Current Liabilities	924	1,164
<b>Total Liabilities</b>	<b>924</b>	<b>1,164</b>
Net Assets	1,457	1,051
<b>Total Equity</b>	<b>1,457</b>	<b>1,051</b>

Table 14 sets out the Commission's net assets (that is, assets less liabilities) and equity. As at 30 June 2021, the Commission's net assets were \$1.457 million, up \$0.406 million due to current year operating surplus.

Total assets increased to \$2.381 million (\$0.166 million or 8% from 2019-20). The Commission had increases in cash on hand (\$0.261 million), primarily from in-year labour savings from vacant positions, and other current assets (\$0.096 million) as a result of increased receivables and prepayments. This is offset by a reduction in value of

non-current assets from the annual depreciation charges (\$0.191 million), and no new assets acquired during 2020-21.

The majority of current liabilities relates to employee entitlements (\$0.572 million or 62% of current liabilities) which is made up of salaries and recreation leave entitlements as at 30 June 2021. The Commission also holds \$0.243 million in contract liabilities where the Commission hasn't met its performance obligation. These contract liabilities are anticipated to be recognised as revenue in 2021-22.

## Comparison to the 2020-21 Budget<sup>13</sup>

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

## Certification of financial statements

The certification of financial statements accompanies the annual report or can be view at [www.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au).

## Independent auditor's report

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

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<sup>13</sup> 2020-21 Queensland State Budget – Service Delivery Statements – Queensland Human Rights Commission  
Queensland Human Rights Commission | [qhrc.qld.gov.au](http://qhrc.qld.gov.au)



# Appendix A: Compliance checklist

Summary of requirement		Basis for requirement	Annual report reference
Letter of compliance	A letter of compliance from the accountable officer or statutory body to the relevant Minister/s	ARRs – section 7	Page 6
Accessibility	Table of contents Glossary	ARRs – section 9.1	Page 4-5 Appendix B
	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	Page 7
Non-financial performance	Government's objectives for the community and whole-of government plans/specific initiatives	ARRs – section 11.1	Page 10, 21
	Agency objectives and performance indicators	ARRs – section 11.2	Page 15
	Agency service areas and service standards	ARRs – section 11.3	Page 15
Financial performance	Summary of financial performance	ARRs – section 12.1	Page 75
Governance – management and structure	Organisational structure	ARRs – section 13.1	Appendix C
	Executive management	ARRs – section 13.2	Page 68
	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 71
	Human Rights	<i>Human Rights Act 2019</i> ARRs – section 13.5	Page 72
	Queensland public service values	ARRs – section 13.6	Page 11
Governance – risk	Risk management	ARRs – section 14.1	Page 74
	Audit committee	ARRs – section 14.2	Page 68

Summary of requirement		Basis for requirement	Annual report reference
management and accountability	Internal audit	ARRs – section 14.3	Page 74
	External scrutiny	ARRs – section 14.4	Page 74
	Information systems and recordkeeping	ARRs – section 14.5	Page 73
	Information security attestation	ARRs – section 14.6	N/A
Governance – human resources	Strategic workforce planning and performance	ARRs – section 15.1	Page 70
	Early retirement, redundancy and retrenchment	Directive No.04/18 <i>Early Retirement, Redundancy and Retrenchment</i> ARRs – section 15.2	Page 74
Open Data	Statement advising publication of information	ARRs – section 16	Page 74
	Consultancies	ARRs – section 33.1	<a href="https://data.qld.gov.au">https://data.qld.gov.au</a>
	Overseas travel	ARRs – section 33.2	<a href="https://data.qld.gov.au">https://data.qld.gov.au</a>
	Queensland Language Services Policy	ARRs – section 33.3	<a href="https://data.qld.gov.au">https://data.qld.gov.au</a>
Financial statements	Certification of financial statements	FAA – section 62 FPMS – sections 38, 39 and 46 ARRs – section 17.1	Page 82 Appendix D
	Independent Auditor's Report	FAA – section 62 FPMS – section 46 ARRs – section 17.2	Page 82 Appendix D

FAA *Financial Accountability Act 2009*

FPMS *Financial and Performance Management Standard 2019*

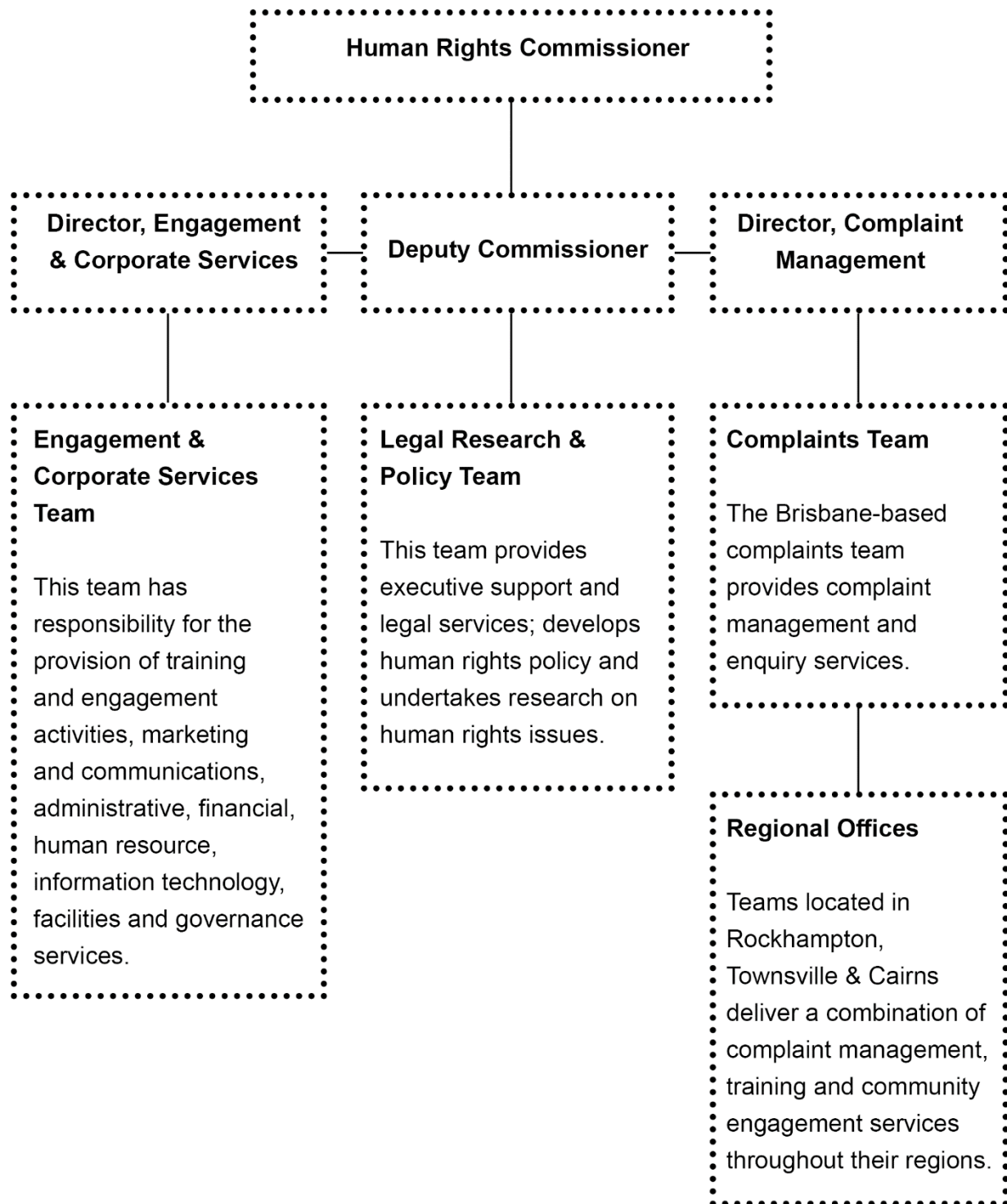
ARRs *Annual report requirements for Queensland Government agencies*



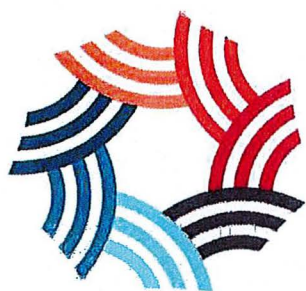
# Appendix B: Glossary of terms

Term	Description
complaint	Means a complaint made under the <i>Anti-Discrimination Act 1991</i> or <i>Human Rights Act 2019</i> .
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
piggy-back 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> .
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 2021**

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**Queensland Human Rights Commission Financial Statements**  
For the Year Ended 30 June 2021

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**Queensland Human Rights Commission**  
**Statement of Comprehensive Income**  
For the year ended 30 June 2021

	Note	2021 \$'000	2020 \$'000
<b>Income</b>			
User charges and fees		246	399
Grants and contributions	B1-1	7,385	7,394
Other revenues	B1-2	72	18
<b>Total revenue</b>		<u>7,705</u>	<u>7,811</u>
<b>Total income</b>		<u>7,705</u>	<u>7,811</u>
<b>Expenses</b>			
Employee expenses	B2-1	5,212	5,238
Supplies and services	B2-2	1,741	1,982
Depreciation and amortisation		191	182
Other expenses	B2-3	155	470
<b>Total expenses</b>		<u>7,299</u>	<u>7,872</u>
<b>Operating result for the year</b>		<u>406</u>	<u>(61)</u>
<b>TOTAL COMPREHENSIVE INCOME</b>		<u><u>406</u></u>	<u><u>(61)</u></u>

*The accompanying notes form part of these statements.*

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

as at 30 June 2021

	Note	2021 \$'000	2020 \$'000
<b>Current assets</b>			
Cash and cash equivalents	C1	1,361	1,100
Other current assets	C2	193	97
<b>Total current assets</b>		<b>1,554</b>	<b>1,197</b>
<b>Non-current assets</b>			
Plant and equipment	C3	401	513
Intangible assets	C4	426	505
<b>Total non-current assets</b>		<b>827</b>	<b>1,018</b>
<b>Total assets</b>		<b>2,381</b>	<b>2,215</b>
<b>Current liabilities</b>			
Payables	C5	109	561
Accrued employee benefits	C6	572	593
Other current liabilities	C7	243	10
<b>Total current liabilities</b>		<b>924</b>	<b>1,164</b>
<b>Total liabilities</b>		<b>924</b>	<b>1,164</b>
<b>Net assets</b>		<b>1,457</b>	<b>1,051</b>
<b>Equity</b>			
Contributed equity		537	537
Accumulated surplus		920	514
<b>Total equity</b>		<b>1,457</b>	<b>1,051</b>

*The accompanying notes form part of these statements.*

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

For the year ended 30 June 2021

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

*The accompanying notes form part of these statements.*



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

For the year ended 30 June 2021

	Note	2021 \$'000	2020 \$'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<i>Inflows:</i>			
User charges and fees		211	384
Grants and contributions		7,385	7,394
GST input tax credits from ATO		184	210
GST collected from customers		27	40
Other		72	18
<i>Outflows:</i>			
Employee expenses		(5,239)	(5,069)
Supplies and services		(2,013)	(1,458)
GST paid to suppliers		(186)	(203)
GST remitted to ATO		(23)	(39)
Other		(157)	(470)
<b>Net cash provided by operating activities</b>	CF-1	<b>261</b>	<b>807</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<i>Outflows:</i>			
Payments for plant and equipment		-	(27)
Payments for intangibles		-	(80)
<b>Net cash provided by (used in) investing activities</b>		<b>-</b>	<b>(107)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
<b>Net cash provided by financing activities</b>		<b>-</b>	<b>-</b>
Net increase (decrease) in cash and cash equivalents		261	700
<b>Cash and cash equivalents - opening balance</b>		<b>1,100</b>	<b>400</b>
<b>Cash and cash equivalents - closing balance</b>	C1	<b>1,361</b>	<b>1,100</b>

*The accompanying notes form part of these statements.*

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

For the year ended 30 June 2021

**NOTES TO THE STATEMENT OF CASH FLOWS**

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

	<b>2021</b>	<b>2020</b>
	<b>\$'000</b>	<b>\$'000</b>
Operating surplus/(deficit)	406	(61)
<i>Non-cash items included in operating result:</i>		
Depreciation and amortisation expense	191	182
<i>Change in assets and liabilities:</i>		
(Increase)/decrease in receivables	(37)	(12)
(Increase)/decrease in prepayments	(59)	32
Increase/(decrease) in accounts payable	(452)	496
Increase/(decrease) in accrued employee benefits	(21)	170
Increase/(decrease) in unearned revenue	233	-
<b>Net cash provided by operating activities</b>	<b>261</b>	<b>807</b>

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

For the year ended 30 June 2021

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

**A1 BASIS OF FINANCIAL STATEMENT PREPARATION**

**A1-1 GENERAL INFORMATION**

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

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

**A1-2 COMPLIANCE WITH PRESCRIBED REQUIREMENTS**

The Queensland Human Rights Commission has prepared these financial statements in compliance with section 39 of the *Financial and Performance Management Standard 2019*. The financial statements comply with Queensland Treasury's Minimum Reporting Requirements for reporting periods beginning on or after 1 July 2020.

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 2019-20 financial statements.

**Current/non-current classification**

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

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

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

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

For the year ended 30 June 2021

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

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

The financial statements are authorised for issue by the Human Rights Commissioner and 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 all income, expenses, assets, liabilities and equity of the Commission. The Commission does not control any other entities.

**A2 OBJECTIVES OF THE COMMISSION**

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

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

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

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

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

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

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

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

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

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

For the year ended 30 June 2021

**SECTION 2  
NOTES ABOUT OUR FINANCIAL PERFORMANCE**

**B1 REVENUE**

**B1-1 GRANTS AND CONTRIBUTIONS**

	2021 \$'000	2020 \$'000
Recurrent grant from Department of Justice and Attorney-General	7,385	7,394
<b>Total</b>	<b>7,385</b>	<b>7,394</b>

**Accounting policy - Grants and contributions**

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

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

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

**Disclosure – Grants and contributions**

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

**Disclosure – Revenue from contracts with customers**

Queensland Government Grants

Grant	Nature and timing of satisfaction of performance obligations, including significant payment terms	Revenue recognition policies
Department of Justice and Attorney-General – <i>Anti-Discrimination Act 1991</i> Review	<p>The Commission, at the request of the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, is to review the <i>Anti-Discrimination Act 1991</i> (the Act).</p> <p>The review should consider whether there is a need for any reform to enhance and update the Act, taking into account Australian and international best practices, to best protect and promote equality, and non-discrimination and the realisation of human rights.</p> <p>The Commission is to provide a report on the review to the Attorney-General by 30 June 2022.</p> <p>Funding was received in advance in 2020-21.</p>	The total grant funding of \$0.219m is allocated to the report and revenue will be recognised when the report has been provided to the Attorney-General.

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

For the year ended 30 June 2021

**B1 REVENUE (continued)**

**B1-2 OTHER REVENUES**

	<b>2021</b>	<b>2020</b>
	<b>\$'000</b>	<b>\$'000</b>
Insurance compensation - loss of training revenue	38	-
Other	34	18
<b>Total</b>	<b>72</b>	<b>18</b>

**Disclosure – Insurance compensation**

As a result of lost training revenue due to COVID-19 in 2019-20, the Commission received \$37,668 Insurance compensation in the 2020-21 year.

**B2 EXPENSES**

**B2-1 EMPLOYEE EXPENSES**

**Employee benefits**

Wages and salaries *	3,902	3,881
Annual leave expense	449	493
Employer superannuation contributions	533	521
Termination benefits	-	82
Long service leave levy	93	88
Other employee benefits	21	17

**Employee related expenses**

Workers' compensation premium	23	27
Payroll tax	172	111
Other employee related expenses	19	18
<b>Total</b>	<b>5,212</b>	<b>5,238</b>

\* 2020 Wages and salaries includes \$48,434 of \$1,250 one-off, pro-rata payments for 39 full-time equivalent employees (announced in September 2019).

	<b>2021</b>	<b>2020</b>
	<b>No.</b>	<b>No.</b>
Full-Time Equivalent (FTE) Employees *:	43	40

\* FTE data as at 30 June 2021 (based upon the fortnight ending 2 July 2021)

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

For the year ended 30 June 2021

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**B2 EXPENSES (continued)**

**B2-1 EMPLOYEE EXPENSES (continued)**

**Accounting policy - Wages, salaries and recreation leave**

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

For the year ended 30 June 2021

**B2 EXPENSES (continued)**

**B2-2 SUPPLIES AND SERVICES**

	<b>2021</b>	<b>2020</b>
	<b>\$'000</b>	<b>\$'000</b>
Office accommodation	707	695
Property outgoings	120	131
Computing and telephone	499	584
Operating level agreement	182	184
Travel and motor vehicle	32	93
Photocopying and printing	38	90
Other	185	225
<b>Total</b>	<b>1,741</b>	<b>1,982</b>

**Accounting policy – Distinction between grants and procurement**

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

**Office accommodation**

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

**B2-3 OTHER EXPENSES**

Grants refundable *	123	436
External audit fees **	23	23
Other ***	9	11
<b>Total</b>	<b>155</b>	<b>470</b>

**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.

**Audit fees**

\*\* Total audit fees quoted by the Queensland Audit Office relating to the 2020-21 financial statements are \$23,000 (2020: \$23,000). There are no non-audit services included in this amount.

**Other**

\*\*\* Special payments represent ex gratia expenditure and other expenditure that the Commission is not contractually or legally obligated to make to other parties.

Other includes one special payment 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**

For the year ended 30 June 2021

<b>SECTION 3 NOTES ABOUT OUR FINANCIAL POSITION</b>
---

**C1 CASH AND CASH EQUIVALENTS**

	2021	2020
	\$'000	\$'000
Imprest accounts	1	1
Cash at bank	1,360	1,099
<b>Total</b>	<b>1,361</b>	<b>1,100</b>

**Accounting policy - Cash and cash equivalents**

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

Term deposits with the Commonwealth Bank earned interest at rates between 0.21% and 0.34% (2020: 0.38% and 1.52%).

**C2 OTHER CURRENT ASSETS**

Receivables	69	32
Prepayments	124	65
<b>Total</b>	<b>193</b>	<b>97</b>

**Accounting policy - Receivables**

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

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

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

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

For the year ended 30 June 2021

**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	
	2021 \$'000	2020 \$'000	2021 \$'000	2020 \$'000	2021 \$'000	2020 \$'000
Gross	1,129	1,129	7	7	1,136	1,136
Less: Accumulated depreciation	(728)	(623)	(7)	-	(735)	(623)
<b>Carrying amount at 30 June</b>	<b>401</b>	<b>506</b>	<b>-</b>	<b>7</b>	<b>401</b>	<b>513</b>
<i>Represented by movements in carrying amount:</i>						
Carrying amount at 1 July	506	582	7	9	513	591
Acquisitions	-	15	-	92	-	107
Transfers between classes	7	16	(7)	(16)	-	-
Transferred to intangibles	-	-	-	(78)	-	(78)
Depreciation	(112)	(107)	-	-	(112)	(107)
<b>Carrying amount at 30 June</b>	<b>401</b>	<b>506</b>	<b>-</b>	<b>7</b>	<b>401</b>	<b>513</b>

**C3-2 RECOGNITION AND ACQUISITION**

**Accounting policy - Recognition**

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

**Accounting policy - Cost of acquisition**

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

**C3-3 MEASUREMENT USING HISTORICAL COST**

**Accounting policy**

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

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

For the year ended 30 June 2021

### **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.

##### **Useful Life Rates**

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

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

#### **C3-5 IMPAIRMENT**

##### **Accounting policy**

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

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

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

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

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

For the year ended 30 June 2021

## **C4 INTANGIBLES AND AMORTISATION EXPENSE**

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

	<b>Software Internally generated</b>		<b>Software: work in progress</b>		<b>Total</b>	
	<b>2021</b>	<b>2020</b>	<b>2021</b>	<b>2020</b>	<b>2021</b>	<b>2020</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
Gross	1,045	979	66	66	1,111	1,045
Less: Accumulated amortisation	(619)	(540)	(66)	-	(685)	(540)
<b>Carrying amount at 30 June</b>	<b>426</b>	<b>439</b>	<b>-</b>	<b>66</b>	<b>426</b>	<b>505</b>
<i>Represented by movements in carrying amount:</i>						
Carrying amount at 1 July	439	450	66	52	505	502
Transfers between classes	66	64	(66)	(64)	-	-
Transferred from Work in Progress - Refer note C3-1	-	-	-	78	-	78
Amortisation	(79)	(75)	-	-	(79)	(75)
<b>Carrying amount at 30 June</b>	<b>426</b>	<b>439</b>	<b>-</b>	<b>66</b>	<b>426</b>	<b>505</b>

### **C4-2 RECOGNITION AND MEASUREMENT**

#### **Accounting policy**

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

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

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

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

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

### **C4-3 AMORTISATION EXPENSE**

#### **Accounting policy**

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

#### **Useful Life**

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

<b>Class</b>	<b>Useful Life</b>
Intangible assets:	
Software Internally generated	15 - 16 Years

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

For the year ended 30 June 2021

## **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 \$309,539 and a remaining amortisation period of 4 years; and the Website that has a carrying value of \$116,344 and a remaining amortisation period of 7 years.

## **C5 PAYABLES**

### **Current**

	2021 \$'000	2020 \$'000
Trade creditors	109	119
Grant payable	-	436
Other	-	6
<b>Total</b>	<b>109</b>	<b>561</b>

#### **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	25	117
Recreation leave *	521	452
Long service leave levy payable	26	24
<b>Total</b>	<b>572</b>	<b>593</b>

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

#### **Accounting policy - Accrued employee benefits**

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

## **C7 OTHER CURRENT LIABILITIES**

### **Current**

Contract liabilities - grant	219	-
Contract liabilities - other	24	10
<b>Total</b>	<b>243</b>	<b>10</b>

#### **Disclosure - Contract liabilities**

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

The full amount of the contract liability balance at 1 July 2020 has been recognised as revenue in 2020-21.

Of the contract liability balance at 30 June 2021, all of the balance is expected to be recognised as revenue in 2021-22 as performance obligations are performed.

The significant increase in contract liabilities - grant relates to funding received in advance for the Commission to undertake a review of the *Anti-Discrimination Act 1991*. Refer Note B1-1 for further information in relation to treatment of contracts with customers under AASB 15 *Revenue from Contracts with Customers*.

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

For the year ended 30 June 2021

**SECTION 4  
NOTES ABOUT RISK AND OTHER ACCOUNTING UNCERTAINTIES**

**D1 FINANCIAL RISK DISCLOSURES**

**D1-1 FINANCIAL INSTRUMENT CATEGORIES**

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

Financial assets	Note	2021 \$'000	2020 \$'000
Cash and cash equivalents	C1	1,361	1,100
Financial assets at amortised cost:			
<i>Receivables</i>	C2	69	32
<b>Total financial assets</b>		<b>1,430</b>	<b>1,132</b>
 Financial liabilities			
Financial liabilities at amortised cost:			
<i>Payables</i>	C5	109	561
<b>Total financial liabilities</b>		<b>109</b>	<b>561</b>

No financial assets and financial liabilities have been offset and presented net in the statement of financial position.

The activities undertaken by the Commission do not expose it to any material credit, liquidity or market risk.

**D2 COMMITMENTS**

**Accommodation**

The Commission has a financial commitment to the Department of Energy and Public Works for accommodation rental expenses in respect of the Commission's four premises, with varying lease terms. Amounts committed as at the reporting date are as follows:

Not later than 1 year *	542	714
Later than 1 year and not later than 5 years	536	970
	<b>1,078</b>	<b>1,684</b>

\* Department of Energy and Public Works are currently in negotiation with building owners for a new lease arrangement for Brisbane accommodation. The Brisbane accommodation commitment is based on existing lease arrangement, which expires February 2022.

**D3 EVENTS OCCURRING AFTER THE REPORTING DATE**

No post balance date events have been identified.

**D4 FUTURE IMPACT OF ACCOUNTING STANDARDS NOT YET EFFECTIVE**

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

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

For the year ended 30 June 2021

**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 2020-21 financial results and the original budget presented to Parliament.

The Commission was not required to include a budgeted balance sheet and statement of cash flows in the 2020-21 Service Delivery Statements. Consequently, no budgeted balance sheet and statement of cash flows was presented to Parliament for the 2020-21 financial year.

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

	Variance note	Original budget 2021 \$'000	Actual 2021 \$'000	Variance \$'000
<b>Income</b>				
User charges and fees	V1	187	248	61
Grants and contributions		7,386	7,385	(1)
Other revenues		45	72	27
<b>Total income</b>		<b>7,618</b>	<b>7,705</b>	<b>87</b>
<b>Expenses</b>				
Employee expenses	V2	5,728	5,212	(516)
Supplies and services		1,670	1,741	71
Depreciation and amortisation		182	191	9
Other expenses	V3	38	155	117
<b>Total expenses</b>		<b>7,618</b>	<b>7,299</b>	<b>(319)</b>
<b>Operating result for the year</b>		<b>-</b>	<b>406</b>	<b>406</b>

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

- V1 The increase is due to higher than anticipated training demand.
- V2 Employee expenses were lower than the budget predominately due to in-year vacancies (\$0.443m), and relief of payroll tax for 2 months as part of COVID-19 relief measures made available by the State Government (\$0.040m)
- V3 Other expenses increase is due to grant refund expenditure (\$0.123m) which relates to the return of the Commission's unspent grant revenue, as a result of delayed recruitment of new positions, as provided for in the 2019-20 budget, which didn't meet their required milestones.

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

For the year ended 30 June 2021

**SECTION 6  
OTHER INFORMATION**

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

**Details of key management personnel**

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

The following details for non-Ministerial KMP reflect those positions that had authority and responsibility for planning, directing and controlling the activities of the Commission during 2020-21 and 2019-20. Further information about these positions can be found in the body of the Annual Report under the section relating to Executive Management.

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

**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 2020-21 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**

For the year ended 30 June 2021

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

**Remuneration expenses**

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

**2020-21**

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

**2019-20**

Position	Short term employee expenses	Long term employee expenses	Post employment expenses	Termination benefits	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
Human Rights Commissioner	231	5	28	-	264
Deputy Commissioner	143	3	17	-	163
Director, Complaint Management	131	3	17	-	151
Director, Engagement and Corporate Services	135	3	17	-	155

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

For the year ended 30 June 2021

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## **F2 RELATED PARTY TRANSACTIONS**

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

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

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

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

The Commission receives property tenancy and maintenance services from the Department of Energy and Public Works, and Queensland Shared Services provides human resource management and some financial services, on a full cost recovery basis (Note B2-2).

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

### **Accounting standards applied for the first time**

#### **AASB 1059 Service Concession Arrangements: Grantors**

AASB 1059 applies to grantors in service concession arrangements, which involve an operator:

- (a) providing public services related to a service concession asset on behalf of a grantor; and
- (b) managing at least some of those services under its own discretion, rather than at the direction of the grantor.

In addition, the grantor must control the asset, which is demonstrated by:

- (a) controlling or regulating
  - what services the operator must provide with the asset,
  - to whom it must provide them, and
  - at what price; and
- (b) controlling any significant residual interest in the asset at the end of the term of the arrangement.

The Commission has considered the impact of applying AASB 1059 *Service Concession Arrangements: Grantors* and determined that as the Commission does not provide any public services relating to a concession asset under service concession arrangements, AASB 1059 will have no material impact on the Commission.

### **Accounting standards early adopted**

No Australian Accounting Standards have been early adopted for 2020-21.

## **F4 TAXATION**

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

## **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.

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

For the year ended 30 June 2021

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**F6 COVID 19**

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

The Commission received \$37,668 insurance compensation in the 2020-21 year for lost training revenue from 2019-20 when face-to-face training sessions were cancelled following Government health directives, which has been reflected in other revenues in note B1-2.

The Commission did not provide any COVID-19 relief measures in 2020-21.

The Commission received the State Government's coronavirus payroll tax relief measures which included a refund of two months' worth of payroll tax paid, which has been reflected in employee expenses in note B2-1.

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.

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

**Queensland Human Rights Commission  
Management Certificate**

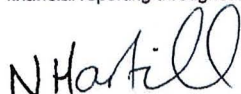
For the year ended 30 June 2021

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These general purpose financial statements have been prepared pursuant to s.62(1) of the *Financial Accountability Act 2009* (the Act), s.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 2021 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**

**16th August 2021**



**Scott McDougall  
Human Rights Commissioner**

**16th August 2021**

## 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 2021, 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 2021, 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.

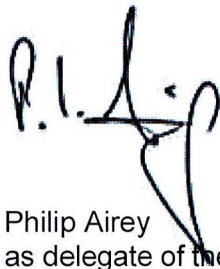
## Statement

In accordance with s.40 of the *Auditor-General Act 2009*, for the year ended 30 June 2021:

- 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.



Philip Airey  
as delegate of the Auditor-General

18 August 2021

Queensland Audit Office  
Brisbane