



Australian  
Human Rights  
Commission

# Australian Human Rights Commission

ANNUAL REPORT 2010 • 2011



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**Australian  
Human Rights  
Commission**

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30 September 2011

The Hon Robert McClelland MP  
Attorney-General  
Parliament House  
CANBERRA ACT 2600

Dear Attorney,

I have pleasure in presenting the Annual Report of the Australian Human Rights Commission for the period ending 30 June 2011. The report has been prepared pursuant to section 45 of the *Australian Human Rights Commission Act 1986* and in accordance with the requirements of section 70 of the *Public Service Act 1999*.

Yours sincerely,

**The Hon. Catherine Branson, QC**  
President, Australian Human Rights Commission

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**Australian Human Rights Commission**

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## Our vision

# Human rights: everyone, everywhere, everyday

## Our mission

Lead the promotion and protection of human rights in Australia by:

- making human rights values part of everyday life and language
- empowering all people to understand and exercise their human rights
- working with individuals, community, business and government to inspire action
- keeping government accountable to national and international human rights standards
- securing an Australian charter of rights.

We do this by:

- listening, learning, communicating and educating
- being open, expert, committed and impartial
- fostering a collaborative, diverse, flexible, respectful and innovative workplace.

## Our functions

Established in 1986, the Commission is a statutory organisation that exercises functions under the:

- *Australian Human Rights Commission Act 1986*
- *Age Discrimination Act 2004*
- *Disability Discrimination Act 1992*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*

We have statutory responsibilities under these laws, including to investigate and conciliate complaints of alleged discrimination and breaches of human rights recognised under international conventions to which Australia is a party and to promote and protect these human rights generally.

We also have responsibilities under the *Native Title Act 1993* and the *Fair Work Act 1996*.

More detailed information on our functions is available at Appendix 2 and our organisational chart is available at Appendix 3.

## Outcome structure

**The Commission has one outcome on which it is bound to report:**

An Australian society in which the human rights of all are respected, protected and promoted.

**There is one output for the Commission's outcome:**

Australians have access to independent human rights complaint handling and public inquiries processes and benefit from human rights education, promotion and monitoring and compliance activities.

## Our work

We regularly review the human rights situation in Australia to determine where we can take practical action and make a positive difference.

We do this by listening to different groups and communities, undertaking research, analysing the complaints we receive and talking with our partner organisations.

This coordinated approach helps us identify emerging issues and develop integrated and strategic responses.

Between 2010 and 2012, we are prioritising work that:

- builds understanding and respect for human rights
- tackles violence, harassment and bullying.



The work we do is guided by our commitment to **five strategic goals**:

**Leadership**

**Empowerment**

**Education**

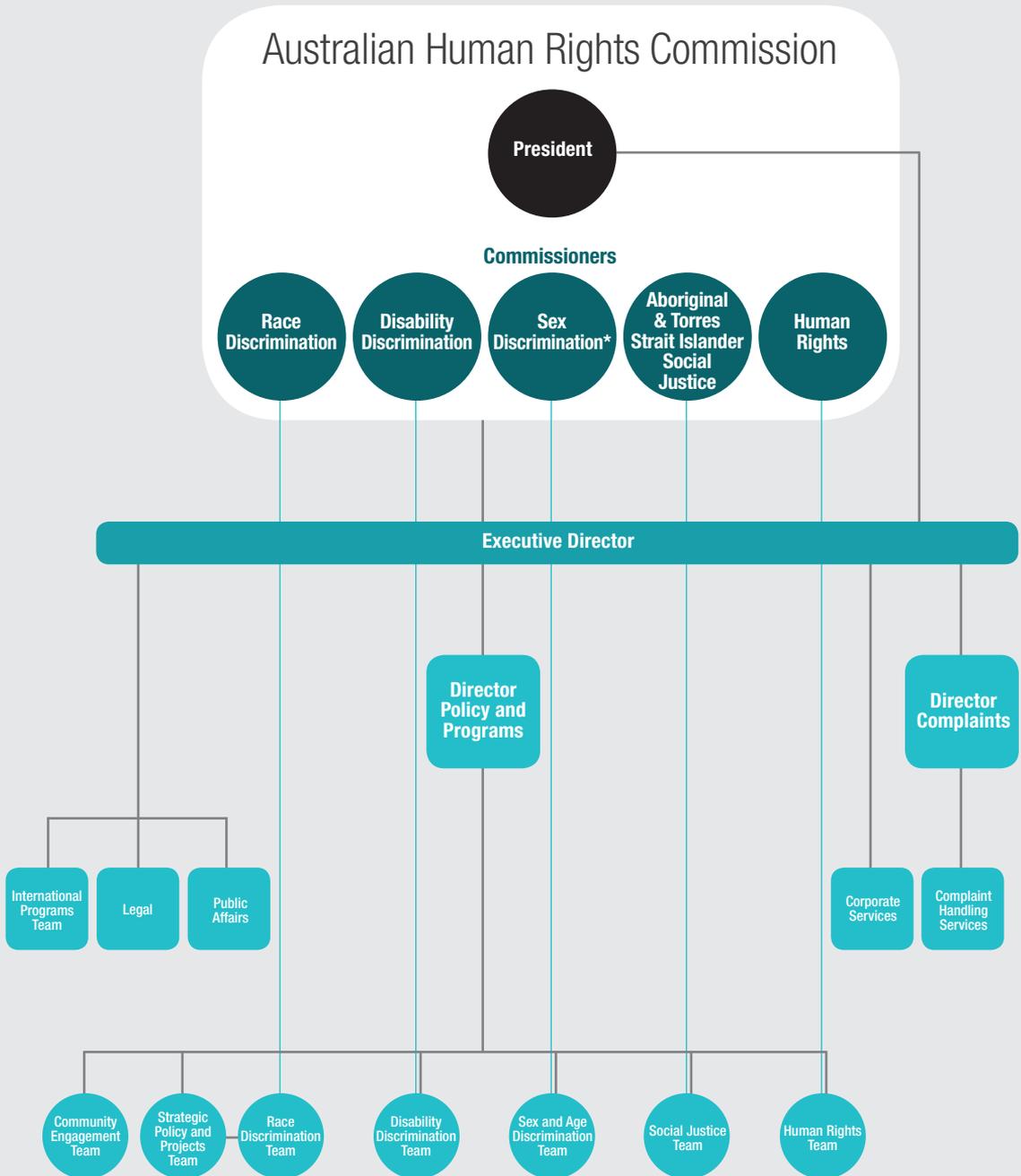
**Monitoring**

**Innovation**

# Organisational structure

The Commission is a national independent statutory body established under the *Australian Human Rights Commission Act 1986*.

In 2010-11, the positions of President and five Commissioners were held by four people.



\*Commissioner carries responsibility for Age Discrimination

**Legend:**

— Policy Direction

# Our Functions

## Legislation

The Commission exercises functions under the following Acts.

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### Australian Human Rights Commission Act

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Establishes the Commission and outlines its powers and functions.

It defines human rights by reference to the following international instruments:

- *International Covenant on Civil and Political Rights*
- *Convention on the Rights of the Child*
- *Declaration on the Rights of the Child*
- *Declaration on the Rights of Disabled Persons*
- *Declaration on the Rights of Mentally Retarded Persons*
- *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*
- *Convention Concerning Discrimination in Respect of Employment and Occupation.*

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### Racial Discrimination Act

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Gives effect to Australia's obligations under the *International Convention on the Elimination of All Forms of Racial Discrimination*.

Its main aims are to:

- promote equality before the law for all persons, regardless of their race, colour or national or ethnic origin
- make discrimination on the basis of race, colour, descent or national or ethnic origin, unlawful
- provide protection against racial hatred.

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### Sex Discrimination Act

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Gives effect to Australia's obligations under the *Convention on the Elimination of All Forms of Discrimination Against Women* and certain aspects of the *International Labour Organization (ILO) Convention 156*.

Its main aims are to:

- promote equality between men and women
- eliminate discrimination on the basis of sex, marital status or pregnancy, and family responsibilities
- eliminate sexual harassment at work, in educational institutions, in the provision of goods and services, accommodation and in the delivery of Commonwealth programs.

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## Disability Discrimination Act

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Its objectives are to:

- eliminate discrimination against people with disabilities as far as is possible
- promote community acceptance of the principle that people with disabilities have the same fundamental rights as all members of the community
- ensure as far as practicable that people with disabilities have the same rights to equality before the law as other people in the community.

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## Age Discrimination Act

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Its objectives are to:

- promote equality before the law for all persons regardless of their age
  - eliminate discrimination against persons on the ground of age in many areas of public life, such as employment, education and the provision of services or facilities change negative stereotypes about older people.
- 

### **The Commission**

We exercise our functions under this federal legislation by:

- investigating and conciliating complaints of discrimination or breaches of human rights made under federal laws
- developing an extensive and accessible website containing research, publications, resources and education programs for young people, teachers, community groups, business, media and the community at large
- working with the media to raise and promote public awareness about important human rights issues
- working with organisations and leaders in the community, government and business sectors to provide education on relevant human rights issues and to support them in their efforts to better protect and promote human rights
- holding public inquiries and consultations to resolve a systemic human rights issue of national importance that we have identified
- working closely with the federal government to provide independent advice regarding the development of laws, programs and policies that will better protect and promote human rights
- publishing annual reports on Aboriginal and Torres Strait Islander social justice and native title
- making submissions to parliamentary and other inquiries in order to identify human rights issues which may arise in proposed or existing laws and policies
- working in the legal system through education focused on legal professionals and by appearing as an intervener or as *amicus curiae* in cases that involve human rights
- working with other national human rights institutions, particularly through the Asia Pacific Forum of National Human Rights Institutions
- working on human rights technical cooperation programs in China and Vietnam

The President, the Aboriginal and Torres Strait Islander Social Justice Commissioner and the Sex Discrimination Commissioner have additional responsibilities.

## **President**

The President is the Chief Executive Officer of the Commission, responsible for its financial and administrative affairs. The President is also responsible for the complaint handling function of the Commission.

## **Aboriginal and Torres Strait Islander Social Justice Commissioner**

Under the Australian Human Rights Commission Act, the Aboriginal and Torres Strait Islander Social Justice Commissioner prepares an annual report on the exercise and enjoyment of human rights of Indigenous peoples and undertakes social justice education and promotional activities.

This Commissioner also performs reporting functions under the *Native Title Act 1993*. These functions include preparing an annual report on the operation of the Act and its effect on the exercise and enjoyment of human rights of Indigenous peoples.

In addition, the Commissioner reports, when requested by the Minister, on any other matter relating to the rights of Indigenous peoples under this Act.

## **Sex Discrimination Commissioner**

The *Fair Work Act 1996* gives the Sex Discrimination Commissioner the power to initiate and refer equal pay cases to the Fair Work Australia.

## **Amicus Curiae**

Section 46PV of the Australian Human Rights Commission Act gives Commissioners an *amicus curiae* ('friend of the court') function. The role of an *amicus curiae* is to provide special assistance to a court in resolving issues raised by a case and to draw attention to aspects of the case that might otherwise have been overlooked.

Under this function, the Aboriginal and Torres Strait Islander Social Justice Commissioner, the Disability Discrimination Commissioner, the Human Rights Commissioner, the Race Discrimination Commissioner and the Sex Discrimination Commissioner may seek the permission of the Federal Court, or Federal Magistrates Court, to assist the court as *amicus curiae* in the hearing of unlawful discrimination applications.

## **Relationship with the Minister**

The Attorney-General, the Honourable Robert McClelland MP, is the Minister in Parliament responsible for the Commission. He has a number of powers under the Australian Human Rights Commission Act.

The most significant are:

- to make, vary or revoke an arrangement with states or territories for the performance of functions relating to human rights or to discrimination in employment or occupation
- to declare, after consultation with the states, an international instrument to be one relating to human rights and freedoms for the purposes of the Act
- to establish an advisory committee (or committees) to advise the Commission in relation to the performance of its functions. The Commission will, at his request, report to him on Australia's compliance with *International Labour Organization Convention 111* and advise him on national policies relating to equality of opportunity and treatment in employment and occupation.

# Highlights of the year

## Key achievements

### International student safety:

**In July 2010**, the *Racism and the Tertiary Student Experience in Australia* policy paper was released, the result of our partnership with the Academy of Social Sciences in Australia and Universities Australia. With international student safety a major political, social and economic issue, we led a collaboration of student representatives, key institutions and international experts to address the policy gap, identify the human rights issues and advocate for solutions. This partnership helped create a national voice for international students.

### Protection from discrimination on the basis of sexual orientation and sex and/or gender identity consultation:

**In October 2010**, we hosted a series of public consultations to listen to the experiences of lesbian, gay, bisexual, trans and intersex people. Close to 100 roundtable participants and 50 online responses shared personal stories of discrimination, violence, harassment and bullying on the basis of their sexual orientation and sex and/or gender identity. The majority of participants highlighted the need for greater protection against discrimination, including in federal anti-discrimination law. We released the report of our consultations in May 2011.

### United Nations Declaration on the Rights of Indigenous Peoples:

**In December 2010**, we launched a package of resources to assist Aboriginal and Torres Strait Islander peoples understand and protect their rights. The resources bring the *United Nations Declaration on the Rights of Indigenous Peoples* to life by showcasing real-life examples of rights in action. They also describe how Aboriginal and Torres Strait Islander communities can use the Declaration to promote positive change.

### Universal Periodic Review:

**In January 2011**, Australia took part in the Universal Periodic Review (UPR), a new process of the United Nations Human Rights Council that examines the human rights record of all Member States. We played an active role in the lead-up to the UPR; we developed a range of information resources, held consultation workshops over a six month period, met with government and civil society and lodged our own independent submission to the Council. Many of our recommendations were reflected in the Report of the UPR Working Group.

### Disability Access to Premises standards

**In March 2011**, we released a guideline to assist building professionals better understand the Disability (Access to Premises – Buildings) Standards and how they apply to new and upgraded public buildings. The Premises Standards commenced on 1 May 2011, after more than a decade of cooperative work and negotiation between the Commission, regulators, government, industry bodies and the disability community. The Standards address the way we design, construct and renovate buildings and will deliver greater safety and accessibility for all Australians.

## Community Policing Partnership Projects:

**In March 2011**, we released a review of 38 Commission/ Australian Multicultural Foundation projects which sought to build trust and foster stronger relationships between Muslim communities and Police in different parts of Australia. The review highlighted a number of 'best practice' approaches that could be adapted to other communities to improve understanding and help break down negative stereotypes. It also demonstrated the positive contribution that small-scale, local projects can have in building a more socially cohesive Australia.

## Disability rights in the Pacific:

**In April 2011**, we concluded a major two-year capacity building project in partnership with the Pacific Disability Forum. Funded by AusAID, the project sought to build skills and knowledge to progress disability issues among representatives from government and disabled people's organisations (DPOs) in ten Pacific countries. Two DVD resources were also produced as part of the project and distributed to stakeholders across the region.

## 'Don't Stand By, Stand Up' campaign:

In partnership with online youth mental health service, *ReachOut.com*, we launched a national campaign **in May 2011** calling on young people to create an anti-bullying pledge. The goal was to highlight the important role that bystanders can play to prevent bullying. The 'Don't Stand By, Stand Up' campaign encouraged young people to stand up to bullies, stand up for their friends and stand up for other young people who are being bullied.

## Amendments to the Sex and Age Discrimination Acts:

**In May 2011**, the Parliament passed important amendments to federal sex and age discrimination legislation, which will deliver better outcomes for women, men and older Australians. The Commission advocated strongly for the changes, which include protection from discrimination in employment on the ground of family responsibilities for both men and women. There is greater protection against sexual harassment and breastfeeding is covered as a separate ground of discrimination. The amendments also establish Australia's first full-time Age Discrimination Commissioner.

## Complaints achievements:

**During 2010-11**, we provided information about the law and the complaint process to 18 670 enquirers and received 2152 complaints about alleged discrimination and violations of human rights. We worked with those involved to successfully resolve over 1000 complaints. We exceeded all our key performance standards in relation to timeliness, conciliation and service satisfaction and 61% of those who were surveyed about our complaint service described the service as 'very good' or 'excellent'.

**The Hon. Catherine Branson, QC**

*President and*

*Human Rights Commissioner*



# President's Statement

In early 2011 the Australian Human Rights Commission celebrated 25 years of operation. It was an occasion for us to identify lessons from the past and to envision how we can work even more effectively to fulfil our statutory mandate to protect and promote human rights in Australia.

Coincidentally, early 2011 was also the time when Australia underwent its first Universal Periodic Review before the Human Rights Council of the United Nations. The Commission, together with a number of non-government organisations, contributed information to this process. It gave us the benefit of the views of other nations on our country's human rights record. I commend the Australian Government for accepting, in whole or in part, a high percentage of the recommendations made to it during the UPR and for its commitment to incorporate accepted recommendations into the National Action Plan on Human Rights which forms part of the Australian Human Rights Framework.

The Australian Human Rights Framework, which was announced by the Attorney-General in April 2010, is an important new element of the environment in which we work. It places particular emphasis on human rights education. It also includes commitments to improved Parliamentary scrutiny of legislation for compliance with Australia's international human rights obligations

It was therefore timely that this year we prepared our Strategic Plan 2011-2014 which will guide the formulation of our annual work plans over the next three years. During this period the Commission will continue to work on the two core priorities that have informed our work over the past year: building community understanding and respect for rights and tackling violence, harassment and bullying.

We look to the future in the knowledge that human rights protections in Australia have been strengthened during the past year by:

- reforms to the Sex and Age Discrimination Acts, including the creation of the statutory office of the Age Discrimination Commissioner;
- confirmation that the Race Discrimination Commissioner will lead a national partnership to develop and implement a national anti-racism strategy; and

- confirmation that each of the statutory offices of the Aboriginal and Torres Strait Islander Social Justice Commissioner, Age, Disability, Race and Sex Discrimination Commissioners will soon be held by separate individuals.

As activities under the Australian Human Rights Framework are fully implemented, we expect that these protections will be further strengthened.

In fulfilment of our two core priorities, the Commission has undertaken a wide range of activities which are referred to later in this report. Highlights include developing tools to assist bystanders to address bullying, particularly on the internet and through social networking, and the development of web-based initiatives to inform the community about the everyday application of human rights to their lives and communities

During the past year I have led the Commission's work monitoring the human rights impacts of Australia's system of mandatory, prolonged and indefinite immigration detention.

The Commission's longstanding concerns about Australia's immigration detention system have escalated over the past year as the number of people in detention has grown, people have been detained for longer periods and incidents of self-harm and suicide have increased.

Our inspections of places of detention have raised some serious concerns about the conditions of detention in some facilities, including the impacts of detaining people in remote locations, often in overcrowded conditions; in facilities with inappropriate infrastructure, including intrusive security measures; and often with limited access to health and mental health services, communication facilities, educational and recreational opportunities, and limited opportunities to leave the detention environment on excursions.

The impacts of these factors and prolonged and indefinite detention have significant impacts on the health and mental health of people held in these facilities.

We have welcomed the movement of large numbers of families with children and unaccompanied minors into community detention and hope to see this program expanded. We continue to urge the Australian Government to end the current system of mandatory, prolonged and indefinite detention and to make greater use of community-based alternatives that allow for the protection of the community while at the same time ensuring that people are treated in line with human rights standards.

As Human Rights Commissioner, I have also continued to advocate for the ratification and implementation of the *Optional Protocol to the Convention against Torture*. This would require Australia to establish a national system of monitoring conditions in all places of detention.

I have conducted public consultations to canvas the experience and views of people who may have been discriminated against on the basis of their sexual orientation or their sex and/or gender identity. These consultations identified the importance of prohibiting such discrimination in federal law in order both to provide legal remedies and to send a clear message that violence and other discrimination is not acceptable. As the Government has committed to introducing this protection as part of the consolidation of federal discrimination laws, the report of this consultation will be an important resource for the harmonisation project.

The Commission firmly believes that respect for human rights is the cornerstone of strong communities in which everyone, regardless of his or her background, abilities and circumstances, feels valued and respected. We believe that mutual respect for human rights will ensure that our diverse nation remains a harmonious one.



**Catherine Branson, QC**  
President and Human Rights Commissioner

# Commissioners' Statements

**Mick Gooda**

*Aboriginal and Torres Strait  
Islander Social Justice Commissioner*

Last year, when I announced the priorities for my term I said that, as a nation, we needed to develop stronger and deeper relationships between Aboriginal and Torres Strait Islander peoples and the rest of the Australia, between Aboriginal and Torres Strait Islander peoples and all levels of government, and between ourselves as Aboriginal and Torres Strait Islander peoples.



We're not there yet by a long shot, but some fundamental movement on a number of fronts during the past year gives me confidence and optimism about a reinvigorated commitment to improve these relationships.

Our new national representative body, the National Congress of Australia's First Peoples, is now up and running with our first elected co-chairs.

The nation has embarked on a critical conversation that goes to the heart of the relationship between Aboriginal and Torres Strait Islander people and the rest of Australia; recognition of Australia's First Peoples in the Australian Constitution. For the first time in our history, recognising Australia's First Peoples in our nation's founding document might be closer than ever before.

Australia's appearance before the UN Human Rights Council's Universal Periodic Review, led to a number of recommendations pertaining to the rights of Aboriginal and Torres Strait Islander peoples and included a call for the government to give full effect to the *United Nations Declaration on the Rights of Indigenous Peoples* in Australian laws and policies.

A Minister for Indigenous Health was appointed and the Close the Gap Health Equality campaign had its fifth birthday.

All of this is exciting and all of it is necessary.

But we must remind ourselves that sustainable improvements in life outcomes for Aboriginal and Torres Strait Islander peoples will take a generation to take effect.

We must find solutions to some of the intractable problems being confronted by our peoples.

While the government has acknowledged the mistakes made with the 2007 imposition of the Northern Territory Emergency Response on 73 prescribed Aboriginal communities, Aboriginal and Torres Strait Islander peoples must be recognised as key stakeholders in the design and implementation of laws and policies after the intervention comes to its legislative end in August 2012.

It is unacceptable to find, 20 years on from the landmark Royal Commission into Aboriginal Deaths in Custody, more Aboriginal and Torres Strait Islander people in prison now than when the Commission reported in 1991. While we must continue to focus on alternatives to incarceration, such as the justice reinvestment model, the ongoing injustice around the deaths in custody of Mulrunji Doomadgee on Palm Island and Mr Ward in the back of a prison van in the WA Goldfields, must prompt immediate action that prevents future tragedies such as these.

These things should not be happening in the 21<sup>st</sup> century in Australia.

Sustainable improvements in life outcomes for Indigenous Australians must involve a willingness from government and Aboriginal and Torres Strait Islander communities to work hand-in-hand.

**Mick Gooda**

Aboriginal and Torres Strait Islander Social Justice Commissioner

**Graeme Innes AM**

*Disability and Race  
Discrimination Commissioner*



I approach the coming year with a sense of optimism. Some positive achievements have occurred during the year under review, but there is still much left to do if we are to achieve the vision of human rights for everyone, everywhere, every day.

With the commencement of Access to Premises Standards in April, Australians with disability will now be more easily able to access our public buildings, and thus not experience the exclusion of physical barriers to public life. However, the same cannot be said of public transport where - as demonstrated by numerous incidents throughout the year, particularly on airlines - barriers still exist.

The commitment by COAG in January to a national disability strategy, using the Convention on the Rights of Persons with Disabilities as its foundation, sets out the programme to be followed during the next ten years. It will be important for all of us to ensure that all governments keep the promises made in this strategy.

Thirdly, the achievement of agreements on captioning and audio description in cinemas, and on principles by which houses should be built so that they are liveable for all members of the community - including those who are older or have a disability - are promises of great things to come in the future. As is the work towards the development of a National Disability Insurance Scheme.

In the area of race discrimination, the Government's announcement of a multicultural policy for Australia is a pleasing recognition of the diversity of Australian society, and the important contribution made by people of many racial or ethnic backgrounds, including Aboriginal and Torres Strait Islander Australians. Part of this policy is the development of an anti-racism strategy for Australia, and the Commission will be proud to be a leading partner

in this work. Research released during the year confirms our concern that racism in Australia is still a problem which needs to be addressed.

The intervention in the Northern Territory has continued, and I am firm in my view that - whilst governments must always take action to protect children and families at risk - it is not necessary to do so by suspending the human rights legislation which protects us all. If we are to prevent such suspension ever occurring again, constitutional change is a critical part of the work needed to repair the damage to communities caused by the intervention.

As our time online increases, cyber racism, much of which is just flavoured cyber bullying, is a problem which has the potential to become more prevalent. The Commission, and others, have begun some positive work in this area. But there is much still to do, including encouraging all members of the community to challenge racism in all of its forms.

The coming year will bring further challenges, and I look forward to contributing to the work of the Commission in meeting them.

**Graeme Innes, AM**

Disability Discrimination Commissioner and  
Race Discrimination Commissioner

**Elizabeth Broderick**

*Sex Discrimination Commissioner and  
Commissioner Responsible for Age Discrimination*



The 2010-2011 year has been a very significant one for both gender and age discrimination. In May, we saw the federal Parliament pass amendments to both of these discrimination acts, with far reaching implications.

It is very pleasing that the changes to the Age Discrimination Act will soon see the appointment of Australia's first Age Discrimination Commissioner. This is a tremendous development that places age discrimination on an equal footing with other areas of discrimination.

Of course, this also spells the end of my tenure as Commissioner responsible for age discrimination. During the last year, I released our report on the hidden barriers and discrimination faced by mature age workers and my team and I worked with the consultative forum to advance proposals for a prevalence study and audit of laws. We have also advocated nationally and internationally for the development of a Convention on the Rights of Older People. I have been very proud to work in this field and eagerly anticipate the opportunities a Commissioner will bring.

The amendments also significantly strengthened the Sex Discrimination Act, particularly by prohibiting direct discrimination against male and female employees on the ground of family responsibilities. They also strengthen protections against sexual harassment in workplaces and schools and prohibit sexual harassment conducted by way of new technologies. Breastfeeding has been established as a separate ground of discrimination.

Other advancements have seen real achievement against many of the recommendations in my *Gender Equality Blueprint 2010*. The 1<sup>st</sup> of January this year delivered the commencement of two major initiatives. After 30 years, Australia's first National Paid Parental Leave Scheme began, with the

government committing to extend it by an additional two weeks for supporting partners in 2013. The ASX Corporate Governance Reforms also came into play, delivering an increase in the proportion of women on ASX 200 Boards from 8.3 percent in January 2010 to 11.9 in May this year. Also in the area of women's leadership, I am pleased to report the growth of the male Champions of Change network.

I had immense pleasure in attending the UN Commission on the Status of Women's 55th session and the launch of UN Women, the United Nations new entity for Gender Equality and the Empowerment of Women in New York.

In March this year, we saw the launch of the National Plan to Reduce Violence Against Women and their Children and the announcement of reforms to the Equal Opportunity for Women in the Workplace Agency and its Act. This includes a shift in focus from reporting on workplace programs to reporting on outcomes.

In April, I was asked to lead a Commission review into the treatment of women in the Australian Defence Force Academy and the Australian Defence Force. I anticipate releasing the two reports during the next reporting period. I thank my team and Andrea Durback, Deputy Sex Discrimination Commissioner.

**Elizabeth Broderick**  
Sex Discrimination Commissioner and  
Commissioner responsible for Age Discrimination

# President and Commissioners



**The Hon. Catherine Branson, QC**

*President and  
Human Rights Commissioner*

The Hon. Catherine Branson was appointed President of the Australian Human Rights Commission on 7 August 2008 and commenced her five year term on 14 October 2008. On 12 July 2009 she additionally became the Human Rights Commissioner.

At the time of her appointment as President of the Commission, she was a judge of the Federal Court of Australia, a position she had held since 1994. The Federal Court is a superior court with wide original and appellate jurisdiction including jurisdiction to hear and determine complaints alleging unlawful discrimination under Commonwealth anti-discrimination laws and in other areas of human rights law including refugee law.

At the time of her appointment to the Federal Court, Ms Branson was a member of the Board of Examiners of the Supreme Court of South Australia, a council member of the University of South Australia and a Trustee of the Adelaide Festival Centre Trust. She had earlier been Deputy Chair of the Adelaide Medical Centre for Women and Children and a member of the National Women's Advisory Council.

Ms Branson is a past President of the Australian Institute for Judicial Administration, a former member of the Board of Management of IDLO (a governmental organisation based in Rome enjoying observer status at the United Nations), a member of the International Association of Judges, a member of the International Association of Refugee Law Judges and convenor of the latter association's Human Rights Nexus Working Party.

Prior to her appointment as a judge, she practiced as a barrister at the Adelaide Bar in South Australia, principally in the areas of administrative law, including discrimination law, and commercial law. She was appointed Queen's Counsel in 1992.

Between 1984-89, she was Crown Solicitor of South Australia and the CEO of the South Australian Attorney-General's Department.

Ms Branson holds a Bachelor of Arts and a Bachelor of Laws from the University of Adelaide.



**Mr Mick Gooda**

*Aboriginal and Torres Strait  
Islander Social Justice  
Commissioner*

Mick Gooda is a descendent of the Gangulu people of central Queensland. He is a senior executive with 25 years experience and a record of attaining high-level goals and leading multi-million dollar service programs and organisational reform.

Immediately prior to taking up the position of Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick was the Chief Executive Officer of the Cooperative Research Centre for Aboriginal Health (CRAH) for close to five and a half years. Here, he drove a research agenda which placed Aboriginal and Torres Strait Islander people 'front and centre' in the research agenda, working alongside world leading researchers. His work at the CRAH empowered Aboriginal and Torres Strait Islander people to lead the research agenda in areas including: chronic disease management; skin infections; and promoting cultural change in hospitals to make them more appropriate to the needs of Aboriginal and Torres Strait Islander people.

Mick has extensive knowledge of the diversity of circumstance and cultural nuances of Aboriginal and Torres Strait Islander peoples throughout Australia. He has been actively involved in advocacy in Indigenous affairs throughout Australia and has delivered strategic and sustainable results in remote, rural and urban environments. Mick has played a leadership role in a range of areas including: Acting Chief Executive Officer of the Aboriginal and Torres Strait Islander Commission and Senior Consultant to the Aboriginal Legal Service (WA).

He is highly experienced in policy and program development in the public and community sectors.

Mick is also currently a Board Member of the Centre for Rural and Remote Mental Health Queensland, and is the Australian representative on the International Indigenous Council which focuses on healing and addictions. He also has an interest in the Lateral Violence Program in Canada and has been working closely with the First Nation people of Canada on the relevance of this program to Australia.



**Graeme Innes AM**

*Disability and  
Race Discrimination  
Commissioner*

Graeme Innes has been Australia's Disability Discrimination Commissioner since December 2005. During that time he has also served as Australia's Human Rights Commissioner for three and a half years and as Race Discrimination Commissioner for two years.

Graeme is a Lawyer, Mediator and Company Director. He has been a Human Rights Practitioner for 30 years in NSW, WA and nationally.

As Commissioner, Graeme has led or contributed to the success of a number of initiatives. These have included the Same Sex: Same Entitlements inquiry, which resulted in removal of discrimination across federal law; the drafting of the United Nations Convention on the Rights of Persons with Disabilities, and its ratification by Australia; the development of the National Disability Strategy and the *Disability (Access to Premises – buildings) Standards 2010*; as well as establishment of the Lifetime Housing Foundation. Graeme has also been an active high profile advocate for the implementation of cinema captioning and audio descriptions and, as Human Rights Commissioner, undertook three annual inspections of Australia's Immigration Detention facilities.

Graeme has been a Member of the NSW Administrative Decisions Tribunal; the NSW Consumer, Trader and Tenancy Tribunal; and the Social Security Appeals Tribunal. He has also been a Hearing Commissioner with the Human Rights and Equal Opportunity Commission.

Graeme was Chair of the Disability Advisory Council of Australia, and the first Chair of Australia's national blindness agency, Vision Australia.

In 1995 Graeme was made a Member of the Order of Australia (AM). In 2003, he was a finalist for Australian of the Year.

Graeme is married with an adult son and a daughter in primary school. He enjoys cricket (as a spectator) and sailing (as a participant), and relaxes by drinking fine Australian white wine.



**Elizabeth Broderick**

*Sex Discrimination  
Commissioner and  
Commissioner  
responsible for  
Age Discrimination*

Elizabeth Broderick was appointed Sex Discrimination Commissioner and Commissioner responsible for Age Discrimination in September 2007 for a five year term.

A lawyer and businesswoman, Elizabeth was the 2001-02 Telstra NSW Business Woman of the Year and Australian Corporate Business Woman of the Year.

Prior to her appointment as Sex Discrimination Commissioner and Commissioner responsible for Age Discrimination, Elizabeth was a partner at Blake Dawson and developed the firm's business case for flexibility in the workplace. Her efforts contributed to creating a workplace where more than 20 percent of the law firm's workforce now uses flexible work arrangements.

Elizabeth has travelled the length and breadth of Australia listening to the gender equality and age discrimination concerns of women and men.

In 2009 she accompanied a group of Aboriginal women to the United Nations where they told their story of rebuilding their community following years of alcohol abuse. This opportunity enabled community womens' voices to be heard on a global stage.

She has been a strong advocate for Australia's national paid parental leave scheme and more recently has championed the changes to the ASX Corporate Governance Principles to increase the number of women at decision making level.

Elizabeth is an advisor on women's issues to the Australian Chief of the Defence Force, a member of the University of Technology Sydney (UTS) Advisory Board, the Vic Health Advisory Board and the ANU Centre for Public and International Law.

Elizabeth is married and has two young children.

# The year in review

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# Building understanding and respect for human rights

A fundamental goal of the Commission is to engage all parts of the Australian community in a constructive dialogue about human rights and how they can be better protected.

Community education is a critical tool for addressing many of the human rights and discrimination concerns that are raised with us. That's why it is one of our two priority areas of action.

In April 2010, the Australian Government released the Australian Human Rights Framework and committed \$6.6 million to the Commission over four years to advance our work in this area.

This funding has helped us establish and implement a range of initiatives during 2010-11 to better connect with the broader Australian community.

We also continued our long-standing role of providing vulnerable groups with information and skills to address discrimination and unfair treatment.

In addition, the Commission provided advice and recommendations to the Government to ensure that a human rights perspective could be integrated across a broad range of policy issues.

## Working with Aboriginal and Torres Strait Islander peoples

On 13 December 2010, the Commission launched a set of plain language resources to help Aboriginal and Torres Strait Islander peoples better understand and protect their rights.

Our community guide to the *United Nations Declaration on the Rights of Indigenous Peoples* uses real-life examples to explain the key principles of the Declaration and describe how communities can use it to promote practical action.

Funded by the Christensen Fund, with additional support from Oxfam Australia, the community guide is complemented by a poster and an eight-page overview. A DVD version of the resource will be available later in 2011.



Commissioner Gooda and Riki and Diana Salam with the artwork that was used on the cover of the Commission's Community Guide to the UN Declaration on the Rights of Indigenous Peoples. The work was painted by Mr Salam and Gilimbaa.

Since being launched, there has been high demand for the materials from Aboriginal and Torres Strait Islander communities and organisations. Funding to print additional copies of the community guide has been provided by the Department of Families, Housing, Community Services and Indigenous Affairs.

Membership of the Indigenous Human Rights Network Australia (IHRNA), which the Commission launched in April 2010, continues to grow strongly: from less than 200 a year ago to nearly 350 at the end of the reporting period.

The IHRNA website<sup>1</sup> provides a one-stop-shop for information on international human rights treaties relating to Aboriginal and Torres Strait Islander peoples. It also offers a forum for advocates to share advice and best practice.

## Working with educators

During 2010-11 we continued our efforts to include human rights education in schools across Australia. We believe that applying discussions of rights and responsibilities to practical situations helps young people become active and engaged citizens.

To further this work, the Commission:

- developed a position paper on Human Rights Education in the National Curriculum

<sup>1</sup> The IHRNA website is supported by the Diplomacy Training Program and Oxfam Australia.

We all have a responsibility to respect and protect the rights of others.

To make this a reality, the Commission works to build greater understanding about what human rights are and how they apply to everyday life in Australia.

- co-hosted a major roundtable discussion on the issue with the Australian Curriculum Assessment and Reporting Authority (ACARA) in December 2010
- provided submissions to ACARA on integrating human rights into specialist subjects, as well as cross-cutting themes and general capabilities
- provided our curriculum-linked *RightsED* teaching resources online.

## Working with Australian Muslim communities

Sporting and arts-based projects, along with new approaches to community consultation, have helped build trust and stronger relationships between Muslim communities and police.

Between 2007 and 2010, 38 projects, which ran in communities around Australia, were funded by the Commission and selected in partnership with the Australian Multicultural Foundation.

The Centre of Excellence in Policing and Security, Griffith University, prepared an independent review of these projects, which was launched in Melbourne on 25 March 2011.

The review highlighted a number of 'best practice' approaches that could be trialled in other communities to improve understanding and help break down negative stereotypes.



Child rights

The Commission's RightsEd resources include a range of interactive education activities for teachers and their students.

The Community Policing Partnership Project was one of seven major initiatives conducted by the Commission since 2007, using funding we received through the National Action Plan to Build on Social Cohesion, Harmony and Security.

A number of these projects were completed last year and reported in our *2009-10 Annual Report*.

In the previous 12 months the Commission completed:

- a major research report on freedom of religion and belief in 21st century Australia, which received almost 2,000 submissions from a wide cross-section of individuals and organisations
- a literature review on intersections between the law, religion and human rights, prepared by Schofield King Lawyers.



Jack Manning Bancroft received the 2010 Young People's Human Rights Medal for his work with young Indigenous Australians

- Independent Review of the Intelligence Community
- Inquiry into the Commonwealth Commissioner for Children and Young People Bill 2010

## Working with business and industry

During the year, the Commission was invited to join a newly-established network of business and industry leaders which aims to assist Australian companies to make human rights principles an everyday part of work.

Launched in December 2010, Australia's first-ever Business and Human Rights Working Group brings together senior executives from companies across a wide range of sectors, including the mining, financial services, property development and professional services industries.

At the Working Group's meeting in April 2011, the Commission provided guidance and resources on integrating human right principles into business planning and operations.

The Working Group was established by the Global Compact Network Australia, a local network of the United Nations Global Compact.

## Recognising Australia's human rights champions

Held on 10 December, Human Rights Day, our annual Human Rights Awards are an important way of acknowledging the tireless work of individuals and groups to make a lasting difference in the lives of others.

The 2010 Human Rights Medal was presented to Thérèse Rein for her long-standing dedication to human rights, especially her work to support people with disability into meaningful employment.

Jack Manning Bancroft, 25, was awarded the Young People's Human Rights Medal for his efforts to improve opportunities for young Indigenous Australians.

Issues raised during the course of this work have led us to develop a range of new initiatives to support specific communities in the coming year. These include:

- human rights education and advocacy for African Australian communities
- promoting increased access to justice and settlement services for African Australian communities
- human rights, advocacy and leadership training for community development workers engaging Muslim communities.

## Contributing to better laws and policies

The Commission has an important role to review laws and policies that raise human rights issues.

We provide advice and recommendations to ensure that Australian laws and policies operate fairly and meet our national and international human rights commitments.

During 2010-11, we presented 12 submissions to parliamentary committees and other inquiry bodies, including the:

- Inquiry into the Migration Amendment (Strengthening the Character Test and Other Provisions) Bill 2011

Around 400 people attended the ceremony, which also featured the Human Rights Oration by Commission President Catherine Branson.

Awards were also presented in the following categories: Law, Community (Organisation), Community (Individual), Print Media, Literature (Non-fiction), Radio and Television.

We are grateful for the support of our two major sponsors, Rio Tinto and the Department of Immigration and Citizenship.

A full list of Award recipients, commendations and sponsors is available at: [http://www.humanrights.gov.au/hr\\_awards/previous\\_winners/](http://www.humanrights.gov.au/hr_awards/previous_winners/).

## Informing and engaging Australians

We use a wide variety of means to connect with the Australian public and share information about human rights and listen to community views.

### Online

Our website – [www.humanrights.gov.au](http://www.humanrights.gov.au) – is our primary tool for communicating with the Australian community. Updated daily, it provides information about our complaint handling work, current projects, new reports, speeches, media releases and resources for schools and community groups.

During 2010-11, the site recorded 14,433,667 page views and 4,740,564 unique visits. This represents an increase of 16.5% in the number of page views from the previous year. A summary of website statistics is provided at Appendix 3.

In addition, we had 23,400 subscribers to our electronic mailing lists.

New audio interviews on topical human rights issues – called Podrights – were uploaded to the site on a fortnightly basis.

The Commission uses Facebook, Twitter and My Space to communicate with different groups of people. We also share video highlights of our major events on YouTube and publish photos on Flickr.

### Publications and resources

We prepare a broad range of materials every year, from plain-language brochures and community guides to major reports and submissions. These resources are all available on our website in accessible formats. We also produce DVDs and CDs to reach different audiences.

During 2010-11, we distributed 40,048 publications and resources in response to 1,024 requests. This was in addition to resources distributed by Commissioners and staff at community consultations or public events.

### Presentations and education

Over the past 12 months, the President and Commissioners addressed a broad range of conferences, seminars and public events. A selection of these speeches is available on our website.

Our staff delivered information sessions about current projects, federal human rights laws and the Commission's complaint process to groups in all states and territories, including legal and advocacy groups, professional associations, unions, multicultural organisations and universities.

We also provide training in statutory investigation and conciliation for Commission staff, as well as staff of state and territory anti-discrimination commissions and other relevant organisations. A number of in-house training courses were held in the past 12 months.

### Engaging the media

The Commission engages with the media to draw public attention to significant human rights issues.

During 2010-11, the President and Commissioners received approximately 1170 requests for interviews from print, radio, television and online journalists. We distributed 116 media releases and had 17 opinion editorials published in newspapers and journals around Australia.



In May, the Commission hosted the Human Rights 2011 panel at Sydney Town Hall

Some of the key topics of media interest included:

- the Commission's reports on immigration detention facilities
- the announcement of the inquiry into the treatment of women at the Australian Defence Force Academy
- the passage of new disability standards to improve access to premises
- proposed constitutional recognition for Aboriginal and Torres Strait Islander peoples
- our review of human rights issues facing gay, lesbian, bisexual and transgender Australians.

## Human Rights 2011

More than 1,300 people filled the Sydney Town Hall on 23 May 2011 to listen to the only public presentation by the UN High Commissioner for Human Rights, Navi Pillay, during her visit to Australia.

Organised by the Commission, Ms Pillay was joined in a panel discussion by Professor Patrick Dodson, Australia's 'father of reconciliation', and Paris Aristotle AM, Director of the Victorian Foundation for Survivors of Torture.

# Tackling violence, harassment and bullying

Everyone has a fundamental right to feel safe from all forms of violence, in all parts of their lives.

Each year, however, too many Australians encounter violence, harassment and bullying because of their gender, race, ethnicity, religion, disability, sexual orientation or age.

Addressing these forms of violence is the second of the Commission's two priority areas of work.

In previous years, the Commission has led a number of successful initiatives to tackle sexual harassment. We have also strongly advocated for programs and policies to counter family violence in Indigenous communities.

Drawing on this experience, we initiated a range of projects and led advocacy efforts in 2010-11 to respond to violence, harassment and bullying in different parts of the community.

We also continued to provide an effective service to inform people about their rights and responsibilities and help them resolve complaints of harassment and bullying under federal human rights and anti-discrimination laws.

## Reducing violence against women

Violence against women is a devastating problem that knows no geographic, demographic, financial or racial boundaries. It affects the lives of more than 300 000 women and children in Australia each year.

During 2010-11, the Commission continued to advocate for a comprehensive and integrated national strategy to counter violence against women and children, including adequate funding for service providers and advocacy organisations.

The *National Plan to Reduce Violence against Women and Their Children 2010-2022*, announced on 15 February 2011, is a major step towards this goal.

Sex Discrimination Commissioner Elizabeth Broderick described the new National Plan as a landmark moment and welcomed its focus on addressing both domestic violence and sexual assault.

As part of the strategy, a National Centre of Excellence will be established to develop a national research agenda and undertake national data collection and reporting.

Commissioner Broderick noted that independent and rigorous monitoring and evaluation is essential to ensure that the National Plan delivers its goals.

In April 2011, the Commission made a submission to the Australian Law Reform Commission's Inquiry into Family Violence and Commonwealth Laws: Employment and Superannuation.

We also drew community attention to the issue of violence against women during activities to mark International Women's Day (8 March 2011) and as part of the 16 Days of Activism Against Gender Violence international campaign, which started on 25 November 2010.

## Stronger protection against sexual harassment

In 2010-11, allegations of sexual harassment accounted for 30% of complaints received under the Sex Discrimination Act, up markedly from 21% in the previous year.

It remains a serious problem in Australian workplaces and the proliferation of new technologies is also creating new mediums where sexual harassment can occur.

During the year, the Commission advocated for changes to the Sex Discrimination Act that would strengthen protection against sexual harassment in workplaces and schools and prohibit sexual harassment using new technologies.

Violence, harassment and bullying profoundly affect the lives of many thousands of Australians every year.

The Commission understands that discrimination can often be a key factor behind violence in all its forms and that addressing the root causes is essential in building a safer and more inclusive Australia.

In May 2011, these amendments were passed by Parliament. We welcomed the improved protection that these changes will provide, especially for young people.

We have also started work with a range of stakeholders on a major project that aims to challenge workplace attitudes to sexual harassment and encourages people to take action when they witness incidents of sexual harassment.

### Australian Defence Force Review

In April 2011, the Minister for Defence, Stephen Smith, requested the Commission undertake a Review into the treatment of women in the Australian Defence Force Academy (ADFA) and the Australian Defence Force (ADF).

In June 2011, a four-member panel of experts, led by Sex Discrimination Commissioner Elizabeth Broderick, began receiving submissions on the treatment of women in ADFA and further initiatives required to drive cultural change.

The second phase of the Review will examine the effectiveness of cultural change strategies and initiatives to improve leadership pathways for women in the ADF.

The terms of reference for the Review are available on the Commission's website. It is anticipated that both phases of the Review will be completed by the end of 2011.

### Complaint of sexual harassment in employment<sup>1</sup>

The complainant was employed with the respondent company in a hospitality role. She alleged that during the course of her employment she was sexually harassed by her male manager, which included him placing his arm around her shoulder, slapping her bottom and rubbing himself against her.

On being advised of the complaint, the company agreed to participate in a conciliation conference. The complainant did not wish to continue the employment relationship and the complaint was resolved with the company agreeing to pay the complainant \$73,000 as compensation.

<sup>1</sup> Complaints are resolved in conciliation on a without-admission-of-liability basis



In April, the Minister for Defence announced that the Commission would undertake a review into the treatment of women in the Australian Defence Force Academy and in Defence Force policies.

## Safeguarding the rights of international students

As a proportion of its total tertiary enrolments, Australia has the largest number of international students. In 2010, there were 470 000 international students in Australia.

However, as academic research and media reports have highlighted, some international students are vulnerable to violence, harassment and bullying that can seriously compromise their safety and their overall study experience.

These include, among others, racially motivated violence and harassment, sexual violence, workplace exploitation and sexual harassment.

During the year, the Commission hosted a series of policy workshops to examine these and other issues in detail.

At year close, Race Discrimination Commissioner, Graeme Innes, was working with international students and their representative bodies, as well as partners in the international education sector, to develop a set of Minimum Standards for International Study Safety.

The Minimum Standards, which will be tested and then released later in 2011, aim to positively inform future government policy.

## Addressing discrimination against lesbian, gay, bisexual, trans and intersex people

In October 2010, the Australian Human Rights Commission hosted a series of public consultations to listen to the experiences of lesbian, gay, bisexual, trans and intersex people.

During these meetings, participants shared personal stories of discrimination, vilification and harassment. They also told us about the negative effects of discrimination on their health, well-being and self-esteem.

These stories reinforced a number of the findings in previous reports by the Commission: *Same-Sex: Same Entitlements* (2007) and *Sex Files: The legal recognition of sex in documents and government records* (2009).

Equality and freedom from discrimination are fundamental human rights that belong to all people, irrespective of their sexual orientation and sex and/or gender identity.

The Commission's consultations provided compelling evidence of the need for stronger federal protection against discrimination, harassment and bullying. In addition, improved legal safeguards can help bring about positive changes in community attitudes.

Consultation participants also suggested that marriage equality would be an important step towards full equality for lesbian, gay, bisexual, trans and intersex people in Australia. Other suggestions focused on public education, health services

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Australian  
Human Rights  
Commission



The Commission partnered with Reach Out in a major anti-bullying campaign.

and obtaining legal recognition of a person's sex on official documents.

Our consultations reinforced the point that, just as heterosexual people are not a homogenous group, neither are lesbian, gay, bisexual, trans and intersex people. It is important that their different experiences are acknowledged when developing strategies to address discrimination and harassment.

In 2010, Australia's major political parties affirmed their support to include protection from discrimination on the basis of sexual orientation and gender identity in federal law.

The Commission's consultation report aims to assist the Australian Government as it considers how these protections might be included.

On 4 May 2011, *Addressing sexual orientation and sex and/or gender identity discrimination* was released by Commission President, Catherine Branson.

## Complaint of race discrimination and racial hatred in employment

The complainant, who is of Middle Eastern descent, was employed on a contract basis with the respondent manufacturing company. He alleged that his manager made various racially offensive comments in front of his co-workers, including calling him "f\*\*king Arab", "terrorist" and "bomb chucker". He also claimed his manager asked him if he was planning to blow up their place of work and whether he sold and used drugs. The complainant said he was eventually not given any further work with the company.

In its response to the complaint, the company said that colourful language was a regular part of workplace banter. The complainant's manager acknowledged that he made some of the alleged comments but denied using the word "Arab". The company claimed the complainant and a number of other contract workers were not offered further work because of a downturn in business.

The complaint was resolved with an agreement that the company would provide the complainant with a reference, a statement of service and \$25,000 as compensation. The company also agreed to provide anti-discrimination training to all employees and arrange additional training for the complainant's former manager.



Actress and UN Youth Champion, Monique Coleman, and Commissioner Broderick with students at Granville High School in NSW

## Taking a stand against bullying

In May 2010, the Commission joined with online youth mental health service, ReachOut.com, to launch a national campaign calling on young Australians to develop an anti-bullying pledge.

The competition, open to people aged between 14 and 25, focused on the important role that bystanders can play in standing up to bullying.

Ninety three entries were submitted, with five winning entries selected through over 3,000 online votes.

We recognise that the negative effects of bullying on young people can last a lifetime. It can harm their physical and mental health and undermine their education.

With social networking websites now a central part of the lives of many Australians, a growing number of young people are grappling with problems of cyber bullying.

In June 2011, the Commission began work on an innovative campaign to counter this emerging trend.

Partnering with the Child Health Promotion Research Centre at Edith Cowan University, and communications specialists, Primary Communication, our goal is to help young people take safe, effective and appropriate action when they witness cyber bullying.

Young people will also directly contribute to the content, design and delivery of the project.

Our project complements a number of the key findings in the report of the Joint-Select Committee on Cyber Safety, *High Wire Act: Cyber Safety and the Young*.

## Youth champion shares anti-bullying message

During her visit to Australia in February 2011, UN Youth Champion and Disney actress, Monique Coleman, was a star attraction with students at Granville South High School in Sydney, sharing a positive message of youth empowerment. She also recorded a series of messages for the Commission's anti-bullying initiatives.

# Framing and advancing national human rights agendas

## Advancing the rights of Aboriginal and Torres Strait Islander peoples

Formally recognising the unique position of Aboriginal and Torres Strait Islander peoples in the Australian Constitution has the potential to provide an important step forward on the journey to national reconciliation.

With all major political parties endorsing the need for constitutional change, it is vital that a final proposal also has widespread public understanding and support.

An Expert Panel, which includes Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Gooda, was established in December 2010 to lead a nationwide conversation on the issue. A public discussion paper was released in May 2011.

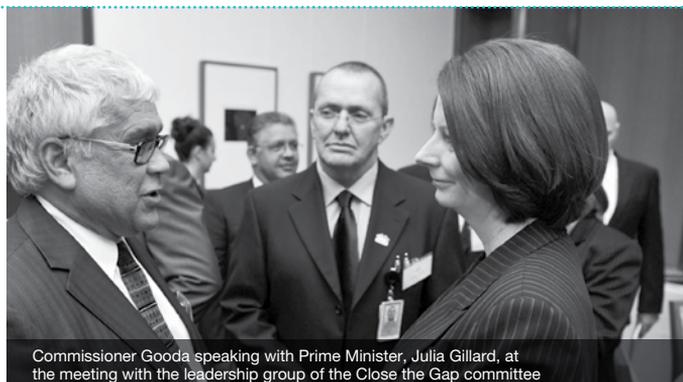
Key issues raised in the 'You me unity' community consultations so far have included recognising Aboriginal and Torres Strait Islander peoples in the preamble to the Constitution, removing discriminatory provisions and including a guarantee of equal treatment and non-discrimination.

In December 2011, the Expert Panel will provide a report to the Australian Government on options for formally recognising Aboriginal and Torres Strait Islander peoples in the Constitution.

The Commission is providing secretarial support for the work of the Expert Panel.

During the year, we continued to monitor developments in relation to the Northern Territory Emergency Response – the 'NT Intervention' – and listened to community concerns.

With the legislation establishing the NT Intervention set to lapse in August 2012, we will continue to advocate the need for genuine community engagement in the development of policies, programs and services to support Aboriginal and Torres Strait Islander communities.



Commissioner Gooda speaking with Prime Minister, Julia Gillard, at the meeting with the leadership group of the Close the Gap committee

In June 2011, the National Congress of Australia's First Peoples held its inaugural national meeting, with Commissioner Gooda invited to present the keynote address.

The new national representative body, established as a company and independent from government, will advocate for the recognition of Aboriginal and Torres Strait Islander peoples' rights.

The Commission has been proud to provide assistance in developing the framework for the National Congress, through the work of the previous Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma. We look forward to supporting its important work.

## Building a diverse, harmonious Australia

On 16 February 2011, Race Discrimination Commissioner, Graeme Innes, welcomed the release of *The People of Australia: Australia's Multicultural Policy*.

The policy – the first since 2003 – highlights the economic and social benefits of cultural diversity and commits to fairness, equality and inclusion for all people in Australia.

The Commission will directly contribute to a National Anti-Racism Partnership and Strategy, which will be established as part of the policy.

The Commission provides advice and recommendations to the Australian Government on an ongoing basis to ensure that a human rights perspective informs a broad range of policy issues.

We also have a strong track record of drawing national attention to pressing human rights issues, raising community awareness and encouraging positive action.

This important initiative will also help Australia implement key recommendations of recent United Nations reviews, including the Universal Periodic Review and the report of the Committee on the Elimination of Racial Discrimination.

### Stronger human rights scrutiny

During the year, the Commission endorsed a proposal by the Australian Government for all new federal laws to be assessed against the international human rights standards that Australia has agreed to uphold.

In July 2010, we presented our submission to the Senate Legal and Constitutional Affairs Committee on Human Rights (Parliamentary Scrutiny) Bill 2010 and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010.

We believe that the proposed Joint Parliamentary Committee will help build understanding and acceptance of human rights standards in Australia and ensure a more considered approach to the development of new laws.

Our submission included four key recommendations to strengthen the operation of the proposed Committee.

During 2010-11, we provided support for a range of other activities to advance Australia's Human Rights Framework, including the review and consolidation of federal discrimination laws and the development of a new National Action Plan on Human Rights.

### The Challenging Racism project

In February 2011, an anti-racism study of 12500 Australians, conducted by the University of Western Sydney and supported by the Commission, reported that 84% of people believe racism exists in Australia and 12% said they were prejudiced against other cultures. The vast majority (87%) supported multiculturalism.



Commission President, Cathy Branson, signs the Statement of Intent for the Close the Gap campaign

## Other major activities

During the past 12 months, the Commission:

- highlighted the need to strengthen the protection and monitoring of children's rights by establishing a national Children's Commissioner
- continued to advocate for the introduction of a comprehensive National Disability Insurance Scheme
- drew attention to the need for all parts of the Australian community to take a stand against age discrimination, especially discrimination experienced by mature workers
- promoted our gender equality blueprint with government, business, the community and other stakeholders.

## Closing the gap

On 24 March 2011, tens of thousands of Australians took part in events around the country and pledged their support to help close the 10-17 year Indigenous life expectancy gap.

During an address to the National Press Club to mark the campaign's fifth anniversary, Co-chair of the Close the Gap Campaign, Mick Gooda, said 'people power' was crucial to achieving Indigenous life expectancy equality within a generation.

# Building human rights into law and practice

## Bolstering equality for men, women and older Australians

Important changes to federal sex and age discrimination legislation, passed by the Parliament in May 2011, will help deliver better and fairer outcomes for women, men and older Australians.

The Commission advocated strongly for the amendments, which:

- prohibit direct discrimination against male and female employees on the grounds of family responsibility in all areas of employment
- strengthen protection against sexual harassment in workplaces and schools, as well as through the use of new technologies
- establish breast feeding as a separate ground of discrimination
- create a separate statutory office for an Age Discrimination Commissioner, placing age discrimination on an equal footing with other areas of discrimination.

However, we expressed disappointment that protections in relation to family responsibility do not cover indirect discrimination.

The Commission also drew attention to the exemption in the Sex Discrimination Act which allows state and territory laws to prevent trans people from changing their legal sex on identity documents if they are married.

In June 2011, we intervened in a case before the High Court to raise important human rights principles concerning the formal recognition of gender reassignment (see page 41).



Commissioner Broderick at the 100 Years International Women's Day breakfast with (from right) ACT Human Rights Commissioner Dr Helen Watchirs, Governor-General Quentin Bryce AC, ABC journalist Virginia Haussegger and Dot Henry from the National Aboriginal and Torres Strait Islander Women's Alliance.

## Getting more women in leadership roles

From 1 January 2011, ASX200 companies are obliged to set targets for increasing the number of women on their boards and at senior executive level. The Commission played an important role in bringing this issue to national attention and we look forward to monitoring progress in the coming year.



Commissioner Innes with disability rights advocate and 2010 Human Rights Medal winner, Therese Rein, and Canadian disability advocate and Paralympian, Rick Hansen.

## Complaint of disability discrimination in the provision of goods and services

The complainants, who have hearing impairments, said they were unable to enjoy performances at their local entertainment venue because the venue does not have adjustments to accommodate the needs of people with hearing impairments.

The complaints were resolved through conciliation, with an agreement that the venue operator would install a hearing support system and invite the complainants to trial the system.

## Improved access for people with disability

On 1 May 2011, major changes to the way public buildings are designed, constructed and renovated came into force, which will deliver greater safety and accessibility for all Australians.

The Disability (Access to Premises – buildings) Standards 2010 usher in the most widespread improvements in building access in Australia’s history.

At the same time, changes to the Building Code of Australia were introduced to support the Premises Standards and ensure consistency between the two.

Disability Discrimination Commissioner, Graeme Innes, said these combined changes mean people with disability will be more able to participate in and contribute to the economic, cultural, social and political life of our community as equal citizens.

The Commission, in partnership with representatives from government, industry and community organisations, made a significant contribution to the development of these new standards over the past ten years.

In March 2011, we released a guideline to assist building professionals and others to understand how the new Premises Standards apply to new and upgraded public buildings.

We believe that human rights protection needs to be a central part of laws, policies and practices in order to build a fairer and more inclusive Australia.

To make this happen, we work in cooperation with people from a broad range of backgrounds: government, peak bodies, community organisations, business, employers and academia.

Other important initiatives that the Commission contributed to during 2010-11 included:

- the release of the National Disability Strategy in February 2011, which draws on the key principles of the *Convention on the Rights of Persons with Disabilities*
- an agreement with leaders from the housing, government and community sectors to work together on a Lifetime Housing strategy that will promote the design and building of safer and more accessible homes
- an agreement between community groups and major cinema operators that will vastly improve the provision of captions and audio description in cinemas around the country
- updated guidelines for access to web-based information for people with disability.

### Promoting the right for equal pay

During the year, the Commission joined a broad coalition of business, unions and governments to argue for equal pay for workers in the female-dominated social and community services industry.

In March 2010, the Australian Services Union launched the country's first equal pay test case under new workplace laws.

We intervened to highlight the historical context and causes of pay inequity and the impact it has at an individual and community level.

We also provided an explanation of the international obligations that should be taken into account when applying the objects of the *Fair Work Act 2009* (Cth).

In June 2011, the Full Bench of Fair Work Australia handed down an interim decision and called for further technical submissions in relation to the terms of the orders it should make.

### Exemptions to anti-discrimination laws

The Commission is able to grant temporary exemptions from some parts of the Sex Discrimination Act, the Disability Discrimination Act and the Age Discrimination Act.

We have developed guidelines to help us determine when a temporary exemption should be granted. These guidelines are available on our website.

During the year, we received eight applications for exemptions.

# Monitoring and reporting on laws and policy

## Advocating alternatives to mandatory detention of asylum seekers

In June 2011, the Commission welcomed action taken by the Australian Government to move a significant number of families and unaccompanied children from immigration detention facilities to community-based detention.

The Commission has consistently advocated for the use of community-based alternatives, which are cheaper, more effective and more humane than holding asylum seekers and refugees in closed detention facilities for extended periods.

This approach is also consistent with Australia's international human rights obligations.

Over the last decade, the Commission's reports have all highlighted the serious impact that prolonged and indefinite detention has on people's mental health, particularly those who have experienced torture and trauma.

Our concerns escalated in 2010-11, with evidence of the deteriorating mental health of many detainees. This included high rates of self-harm, a number of suicides and serious unrest in immigration detention facilities.

We continued to recommend that immigration detention be used as a last resort and for the shortest practicable time.

At the end of June 2011, there were still more than 4500 asylum seekers and refugees held in immigration detention facilities across Australia.

In May 2010, the Commission expressed serious concerns about the Government's proposal to send some asylum seekers to have their claims processed in Malaysia, which is not a signatory to the *Convention Relating to the Status of Refugees 1951*.

While recognising the need for regional and international cooperation on asylum seekers, we reiterated our view that the vast majority of asylum seekers who arrive in Australia each year should have their claims assessed while living in the community.

## Complaints under the Australian Human Rights Commission Act

In 2010-11, the number of complaints the Commission received under the Australian Human Rights Commission Act rose by 34% compared with the previous year. There has been an 83% increase in complaints received under this Act over the past five years.

Just over half (51%) of all complaints received under the Act this year alleged breaches of the *International Covenant on Civil and Political Rights*. The majority of these complaints were about immigration detention.

## Native Title Report

The *2010 Native Title Report* identified access to financial, technical and other assistance for Indigenous peoples as being essential to meaningful and effective consultation.

## Inspecting immigration detention facilities

During the year, the Commission visited immigration detention facilities around the country to monitor conditions and speak directly to detainees.

This included visits to facilities on Christmas Island and at Leonora (Western Australia), Villawood (Sydney) and Darwin.

The reports of our visits included recommendations specific to each facility and about Australia's migration policy.

We acknowledged positive steps taken by the Department of Immigration and Citizenship to respond to issues we had previously raised, as well as the efforts of detention staff who work in challenging circumstances.

However, our reports highlighted a number of common concerns, including overcrowding, deteriorating conditions and the serious impact of prolonged and indefinite detention on the mental health of detainees.

## Promoting and protecting the rights of Aboriginal and Torres Strait Islander peoples

On 11 February 2011, Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Gooda, launched two major reports that assessed current human rights issues and concerns facing Aboriginal and Torres Strait Islander peoples.

Some people in Australia are especially vulnerable to discrimination, exclusion and unfair treatment.

We have a particular responsibility to monitor the situation facing these groups, identify issues of concern and propose solutions that will improve their lives.

## Alleged breach of human rights

The complaint was lodged on behalf of a young orphan. The complaint alleged that a decision by the Commonwealth to detain the child in an immigration detention centre off the Australian mainland, and away from his extended family in NSW, breached the child's human rights. The complaint alleged that the Commonwealth had failed in its obligation to take into consideration the best interests of the child and that the action constituted an arbitrary interference with the family.

On being notified of the complaint, the Commonwealth advised that arrangements were already underway to address the issues raised by the complaint. The matter was resolved seven days later when a determination was made to move the child from an immigration detention centre into community detention in NSW.



Christmas Island Immigration Detention Centre.

The *2010 Social Justice Report* and the *2010 Native Title Report* also outlined the key priorities that will guide his five year term as Commissioner. They include:

- addressing the disadvantage still experienced by Aboriginal and Torres Strait Islander peoples
- strengthening relationships between Indigenous peoples, governments and the broader Australian community
- working to achieve a truly reconciled Australia.

The *2010 Social Justice Report* set out how the *United Nations Declaration on the Rights of Indigenous Peoples* will provide a framework for pursuing these outcomes.

It also described advances being made in the Fitzroy Valley to argue that community-led initiatives deliver the best outcomes for addressing social and health issues in Indigenous communities.

In addition, the report explored the significance of recognising Aboriginal and Torres Strait Islander peoples in the Australian Constitution.

The *2010 Native Title Report* reviewed a number of key developments in native title law and policy that occurred during 2009–2010, including the Native Title Amendment Bill (No 2) and amendments to the provisions of the *Northern Territory National Emergency Response Act 2007*.

It also highlighted two key ways that governments can rebuild relationships with Indigenous peoples: by improving agreement-making processes and through committing to meaningful and effective consultation and engagement.

The Commissioner is required to produce the Social Justice and Native Title Reports on an annual basis. The reports, which include recommendations to improve laws and policies affecting Aboriginal and Torres Strait Islander peoples, are presented to the Attorney-General and tabled in Parliament.

# Resolving discrimination and human rights issues

One of the Commission's primary functions is to help people resolve complaints about discrimination and breaches of human rights.

We also provide independent legal advice to assist courts in cases that involve human rights principles.

## Our complaint service

The Commission can investigate complaints of discrimination, harassment and bullying based on a person's sex, disability, race and age.

We can also investigate complaints about alleged breaches of human rights by the Commonwealth and its agencies, as well as discrimination in employment based on a person's sexual preference, criminal record, trade union activity, political opinion, religion or social origin.

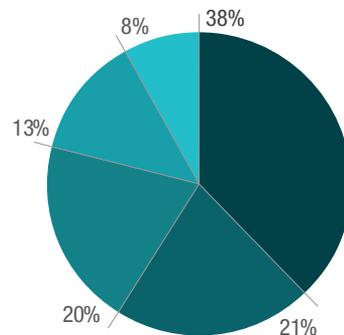
In 2010-11, the Commission received 18 670 enquires and 2152 complaints. This is in line with the average number of enquires and complaints received over the past five years.

As in previous years, employment was a major area of complaint: Sex Discrimination Act (88% of all complaints), Age Discrimination Act (66%), Racial Discrimination Act (35%) and Disability Discrimination Act (31%).

Discrimination in the provision of goods and services was the main area of complaint under the Disability Discrimination Act (35%) and the second most common area of complaint under the other anti-discrimination Acts.

A comprehensive set of complaint statistics and demographic data for 2010-11 is available at Appendix 4.

## Complaints received by Act



- 38% Disability Discrimination Act
- 21% Sex Discrimination Act
- 20% Racial Discrimination Act
- 13% Australian Human Rights Commission Act
- 8% Age Discrimination Act



## Complaint of age discrimination in employment

The complainant, who is over 50 years of age, applied for a position advertised on the internet. He said a staff member from the employment agency sent him an email by mistake which said *'sounds good. but I think a bit old. need to get back to him with a result though'*. The complainant claimed his application wasn't considered because of his age.

The agency agreed that the email was sent. However, the agency said the reason the complainant was not considered for the position was his lack of experience and age was not a factor in the decision. The complaint was conciliated with an agreement that the agency would pay the complainant \$10,000 and provide him with an apology.

## Resolving complaints through conciliation

The Commission attempts to resolve complaints through conciliation.

Our conciliation process is informal and flexible and provides an opportunity for those involved in a complaint to talk about the issues and try to resolve the matter themselves with the assistance of an officer from the Commission.

Of the 2266 complaints finalised in 2010-11, 47% were conciliated. Of those matters where conciliation was attempted, 64% were able to be resolved.

Information about the Commission's complaint process, including a register of de-identified conciliated complaints, is available on our website at: [http://www.humanrights.gov.au/complaints\\_information/](http://www.humanrights.gov.au/complaints_information/)

## Our performance

Key performance indicators for our complaint service, as well as our performance during 2010-11, are summarised on page 52.

## Reporting on human rights breaches

As noted above, the Commission can also inquire into complaints about breaches of human rights and workplace discrimination under the Australian Human Rights Commission Act.

In 2010-11, complaints under this Act rose by 34% compared with the previous year.

If conciliation is unsuccessful or inappropriate and the Commission finds that a breach of human rights or workplace discrimination has occurred, the President can prepare a report of the complaint for the Attorney-General.

The report, which includes recommendations for action, must be tabled in Parliament.

In 2010-11, we presented reports of two complaints:

- Mr NK v Commonwealth of Australia (Department of Immigration and Citizenship), concerning a breach of human rights
- Mr KL v State of NSW (Department of Education), concerning discrimination in employment on the basis of criminal record.

## Working with the courts

The Commission can, with a Court's leave, appear as *amicus curiae* – or 'friend of the court' – to provide specialist assistance in discrimination cases. During the year, we acted as amicus in two cases.

We can also intervene, with a Court's leave, in cases which raise human rights issues. We have clear guidelines that we follow before we make a decision to intervene.

In 2010-11, we intervened in two cases:

- the pay equity test case, heard by the Full Bench of Fair Work Australia (see page 35)
- *AB v State of Western Australia and Gender Reassignment Board and AH v State of Western Australia and Gender Reassignment Board*.

The latter case centred on a decision of the Gender Reassignment Board of Western Australia to refuse to grant a recognition certificate to both AB and AH under the *Gender Reassignment Act 2000* (WA).

We intervened in an appeal of a decision by the Full Court of the Supreme Court of Western Australia, which overruled an earlier decision of the State Administrative Tribunal to grant the certificates.

In our submission to the High Court in June 2011, we drew attention to the role of international law in interpreting State legislation, with particular reference to articles 2 and 26 (right to non-discrimination) article 17 (right to privacy) and article 16 (right to recognition before the law) of the *International Covenant on Civil and Political Rights*.



In the complaints process, the Commission acts as an impartial third party during conciliations.

## Mr KL vs State of NSW (Department of Education)

Mr KL had a record of criminal convictions from 1983 up until 1992, for which he had spent a total of eight months in prison.

However, he had no criminal convictions recorded since 1992 and had rehabilitated himself and his life to the extent that he completed a Bachelor of Music Education in 2003 and a Graduate Diploma in Education in 2006. His efforts were crucial to the decision of the Commission to uphold his complaint.

The Commission agreed with the Department of Education that integrity and a commitment to upholding community standards are inherent requirements of the job of a teacher.

However, we found that the Department had not demonstrated a sufficiently 'tight' correlation between the decision not to offer Mr KL employment and the inherent requirements of the job.

# Working in the international arena to improve human rights

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## Human rights technical cooperation

Australia operates bilateral human rights technical cooperation programs with the Governments of China and Vietnam. These programs are funded by AusAID and managed by the Commission on behalf of the Australian Government.

The China-Australia Human Rights Technical Cooperation Program aims to strengthen the administration, promotion and protection of human rights in China in the areas of legal reform, women's and children's rights, and ethnic and minority rights.

A total of 15 activities were carried out in 2010-11, including seminars, study visits, training workshops and internships. They addressed issues such as community corrections, judicial sentencing, domestic violence, family planning, cultural diversity, workers' rights and vulnerable citizens, among others.

The Vietnam-Australia Human Rights Technical Cooperation Program aims to contribute to reduced poverty and sustainable development by helping strengthen the promotion and protection of human rights in Vietnam.

Phase 3 of the program began in January 2010 and continued during 2010-2011. Activities included the establishment of grass roots 'women's legal clubs' in three target provinces, seminars on access to justice and a study visit to Australia examining mechanisms for human rights protection. Fifteen of the 17 activities included under Phase 3 have now been completed.

AusAID undertook a formal review of both human rights technical cooperation programs during 2010-11, as required every four years.

## International human rights review of Australia

Addressing racism, tackling violence against women and children and advancing the rights of Indigenous peoples were some of the key recommendations made to Australia following a review of the country's human rights record by the United Nations Human Rights Council.

On 27 January 2011, Australia took part in the Universal Periodic Review (UPR), a new process which involves all 192 Member States of the United Nations every four years.

In the lead-up to Australia's UPR appearance, and following extensive consultations with government and civil society, the Commission provided an independent submission to the Council on a number of critical human rights issues.

The Report of the UPR Working Group set out 145 recommendations for consideration by the Australian Government. The Commission was pleased to provide feedback to the Government on these recommendations.



Commissioner Innes with Rosalie Kunoth-Monks and Reverend Dr Djiniyini Gondarra OAM at the UN in Geneva.

In June 2011, we welcomed the Government's response to accept, or accept in part, more than 90% of these recommendations and to report back to the Council within two years on progress taken to implement them.

These recommendations will also be incorporated into Australia's National Action Plan on Human Rights.

However, we were disappointed that the Government rejected certain key recommendations, such as overturning the mandatory detention of asylum seekers, introducing a Human Rights Act and compensating members of the Stolen Generations.

## UN meetings

During the year, the Commission participated in meetings and reviews conducted by a range of United Nations bodies, including:

- the Committee on the Elimination of Discrimination against Women (July 2010)
- the Committee on the Elimination of Racial Discrimination (August 2010)
- the 55th Session of the Commission on the Status of Women (22 February – 4 March 2011).

We also attended and supported the participation of the Indigenous Peoples Organisations Network in meetings of the United Nations Permanent Forum on Indigenous Issues (April 2011) and the Expert Mechanism on the Rights of Indigenous Peoples (July 2010).

As Australia's independent national human rights institution, we are often invited to share our knowledge and expertise with others in the Asia Pacific region.

We also provide independent reports to the United Nations bodies that assess Australia's performance in meeting its human rights obligations.

### Working with national human rights institutions

International and regional meetings of national human rights institutions (NHRIs) provide a valuable opportunity to share information, ideas and examples of good practice in addressing human rights violations.

During 2010-11, the Commission:

- participated in the 15th Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions (Bali, August 2010), as well as regional workshops on issues of shared concern
- took part in the 10th International Conference of National Human Rights Institutions (Edinburgh, October 2010)

- hosted the annual Australia and New Zealand Race Relations Roundtable (Canberra, 10 November 2010), which involved representatives from the New Zealand Human Rights Commission, Australia's state and territory anti-discrimination and equal opportunity commissions, community organisations and academics
- attended the annual meeting of the Commonwealth Forum of National Human Rights Institutions (London, May 2011), where we were elected Chair for the next two years.

In May 2011, the Commission sought re-accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). The result of our application will be made public in August 2011.

We also supported the ICC's successful advocacy to increase participation opportunities for NHRIs in the work of the United Nations Human Rights Council.



As part of the Australian delegation to the UN's Universal Periodic Review in Geneva, Commission President, Cathy Branson talks with Senator Kate Lundy.

## Assisting disability organisations in the Pacific

During the year, the Commission held three workshops – in Papua New Guinea, Tonga and Nauru – to conclude a major training program to support disabled people's organisations and governments in the Pacific.

The program was funded by AusAID and conducted in partnership with the Pacific Disability Forum.

We also produced two DVD training resources, which were launched in April 2011 and distributed across the Pacific.

# People and performance

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# Working at the Commission

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## Workplace philosophy

The Commission is committed to providing a flexible, family and lifestyle friendly workplace. Any staff member may start a conversation on flexible working arrangements and know that the Commission will consider and work with them to implement genuinely mutually beneficial work patterns wherever possible. These arrangements also support staff members with disabilities who may benefit from more flexible ways of working.

## Meeting staff training and development

During 2010-11, the Commission delivered the following selection of training sessions to staff:

- OHS for managers
- Plain English writing
- Financial management
- Statutory conciliation
- Complaint investigation

These were supplemented by learning and development activities approved under personal development plans.

## Providing performance feedback

The Commission undertakes an annual strategic planning process to align the activities of all staff to the strategic goals of our organisation. During 2010-11, the Commission's policy units adapted the performance management system to reflect the Integrated Leadership System, as used across the broader Australian Public Service.

## Encouraging a diverse workplace

We celebrated Harmony Day with the publication of a recipe book which shared food and cultural origins from our diverse mix of staff. The Commission continues to exceed APS targets for the employment of people with a disability and Aboriginal and Torres Strait Islander peoples.

## Working in a way that supports Aboriginal and Torres Strait Islander peoples and cultures

Our Reconciliation Action Plan (RAP), first developed with Reconciliation Australia in 2008, helps us achieve our vision by committing the whole organisation to working in a way that respects, values, engages and supports Aboriginal and Torres Strait Islander peoples and cultures.

In June 2011, we launched our updated RAP, in conjunction with the Commission's move to new premises. This included honouring significant Aboriginal and Torres Strait Islander peoples by naming public meetings room in the new premises after them. The launch was attended by Reconciliation Australia representative and past Social Justice Commissioner, Tom Calma.

The RAP has been the basis for a range of ongoing activities, including commemorating and participating in significant Indigenous events and providing Indigenous cultural awareness training for all staff.



Commission staff members in discussion.

## Ensuring our policies, programs and services are accessible

The Commission is committed to implementing best practice in relation to the provision and improvement of access to its services for people with disabilities and is in the process of reviewing our Disability Action Plan. Examples of best practice include our Complaint Handling processes, online access to our services, website and education material, and consultations with disability groups.

Since 1994, Commonwealth departments and agencies have reported on their performance as policy adviser, purchaser, employer, regulator and provider under the Commonwealth Disability Strategy. In 2007-08, reporting on the employer role was transferred to the Australian Public Service Commission's *State of the Service Report* and the *APS Statistical Bulletin*. These reports are available at [www.apsc.gov.au](http://www.apsc.gov.au). From 2010-11, departments and agencies are no longer required to report on these functions.

The Commonwealth Disability Strategy has been overtaken by a new National Disability Strategy which sets out a ten year national policy framework for improving life for Australians with disability, their families and carers. A high level report to track progress for people with disability at a national level will be produced by the Standing Council on Community, Housing and Disability Services to the Council of Australian Governments and will be available at [www.fahcsia.gov.au](http://www.fahcsia.gov.au).

The Social Inclusion Measurement and Reporting Strategy agreed by the Government in December 2009 will also include some reporting on disability matters in its regular *How Australia is Faring* report and, if appropriate, in strategic change indicators in agency annual reports. More detail on social inclusion matters can be found at [www.socialinclusion.gov.au](http://www.socialinclusion.gov.au).

## Working to make our workplace environmentally sustainable

The Commission relocated its business premises during 2010-11. This relocation enabled the Commission to access a significantly improved energy efficient work environment and to implement environmentally friendly work systems. A new 'Green Committee' has been convened to support further improvements to the Commission's commitment to minimise its environmental impact.

## Ensuring health and safety at work

The Commission delivered OHS training for Managers this year to reinforce its responsibilities on health and safety issues. Fully adjustable ergonomic furniture was a feature of the new building fit-out. All staff were provided with access to ergonomic advice and support following the relocation. The Occupational Health and Safety Committee met quarterly to review safety issues across the organisation. The Commission has no current compensation claims.

## Workplace relations and employment arrangements

The Commission's Certified Agreement continues in force until January 2012. Salary progression within classification levels is subject to performance assessment. Salary ranges are reflected in the table in Appendix 6. Structurally the Commission has three SES employees, each covered by a section 24(1) Determination. The Commission has three non-SES employees covered by Australian Workplace Agreements and three on section 24(1) Determinations.

## Our recruitment processes

The Commission undertakes merit based selection processes in accordance with the Public Service Act requirements, Australian Public Service Commission guidelines and Commission Recruitment and Selection policies.

## Promoting staff ethics

The Commission has an Ethics Contact Officer responsible for ethics related issues in the workplace and is committed to fostering a high performing ethical culture. No such issues were raised for investigation or resolution during the year.

## Our staff

The Commission's average staffing level for the year was 112.85 staff, with a turnover of 14% for ongoing staff. The Commission has a diverse representation of staff, which includes:

|                               |                       |
|-------------------------------|-----------------------|
| 81% women                     | 4.5% Indigenous staff |
| 6.4% people with a disability | 12% NESB staff        |

An overview of the Commission's staffing profile, as at 30 June 2011, is provided in Appendix 6.

Note: Additional staff were employed on a short term basis towards the end of the financial year. This included additional IT staff to assist with the relocation of the Commission's computer network and staff to assist on the Australian Defence Force Review.

# Management accountability

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## Our main corporate governance practices

The Commission, as a legal entity, is constituted by the President and the Commissioners. The President is the senior member of the Commission. The Commission meets every six-to-eight weeks to make its decisions. All meetings are minuted.

The responsibilities of the Commission include preparing and implementing the strategic plan, ensuring compliance with the APS Code of Conduct, ensuring transparency and accountability for our work and fostering high ethical standards in its execution. The President has specific responsibility for financial management but has delegated some of those functions to the Executive Director.

The Commission has developed a Governance Handbook which sets out its responsibilities and, where relevant, the individual responsibilities of the President and specific Commissioners.

## Identifying financial and operational risk

We annually review and identify changes to business and operational risks through our business risk assessment. Risks are categorised according to whether they are strategic or corporate in nature. Controls and risk-mitigating strategies are also identified along with an assessment of the residual risk.

## Protecting against fraud

We have undertaken a Fraud Risk Assessment, developed a Fraud Control Plan and have procedures and processes in place to assist in fraud prevention, detection, investigation and reporting in line with the Commonwealth Fraud Control Guidelines. The Fraud Control Plan is available electronically to all Commission staff.

## Audit committee

Consistent with the Australian Stock Exchange principles of good corporate governance and the requirements of the *Financial Management and Accountability Act 1997* (Cth), we maintain an audit committee. The audit committee advises the President on compliance with external reporting requirements and the effectiveness and efficiency of internal control and risk management mechanisms. The audit committee met four times during the reporting period.

# Report on performance

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## Key performance indicators for our complaint service

We have developed key performance indicators which form the basis for ongoing assessment of the complaint service. These indicators, and our performance in 2010-11 in relation to these indicators, are summarised below.

- **Timeliness.** Our stated performance standard is for 80% of complaints to be finalised within 12 months of receipt. In 2010-11, we finalised 94% of matters within 12 months. The average time from lodgement to finalisation of a complaint was 5.8 months.
- **Conciliation rate.** Our stated performance standard is for 30% of finalised complaints to be conciliated. In 2010-11, we achieved a 47% conciliation rate and 64% of all matters where conciliation was attempted were successfully resolved.
- **Service satisfaction.** Our stated performance standard is for 80% of surveyed parties to complaints to be satisfied with the service they receive. In 2010-11, 94% of surveyed parties reported that they were satisfied with the service and 61% rated the service as 'very good' or 'excellent'. Further details of survey results for this reporting year are provided below.

## Measuring satisfaction with the complaint service

We seek feedback on aspects of the service from people lodging complaints (complainants) and people responding to complaints (respondents). This feedback is obtained through a service satisfaction survey, which is usually conducted by telephone interview.

In 2010-11, 48% of those who could be contacted (126 complainants and 160 respondents) agreed to participate in the survey.

- 89% of complainants and 98% of respondents felt that Commission staff explained things in a way that was easy for them to understand.
- 90% of complainants and 94% of respondents felt that forms and correspondence from the Commission were easy to understand.
- 77% of complainants and 85% of respondents felt that the Commission dealt with the complaint in a timely manner.
- 93% of complainants and 94% of respondents did not consider staff to be biased.

## Our Charter of Service

Our Charter of Service provides an avenue through which complainants and respondents can understand the nature and standard of service they can expect, as well as contribute to continual improvement of our complaints service. All complainants are provided with a copy of the Charter when their complaint is accepted by the Commission. Respondents receive a copy when notified of a complaint. The Charter of Service is available at: [www.humanrights.gov.au/complaints\\_information/charter\\_of\\_services/](http://www.humanrights.gov.au/complaints_information/charter_of_services/).

In 2010-11 the Commission only received one complaint about its service under the formal complaint process provided in the Charter.

Our Charter of Service provides an avenue through which complainants and respondents can understand the nature and standard of service they can expect, as well as contribute to continual improvement of our complaints service.

### Ensuring accountability for our administrative decisions

People affected by administrative decisions we have made may be entitled to seek a review of those decisions before a court or tribunal.

**Judicial review:** Judicial review of Commission decisions can be sought by application to the Federal Court or the Federal Magistrates Court under the *Administrative Decisions (Judicial Review) Act 1977* (Cth).

In accordance with established legal principle, the Commission (as decision maker) usually does not play an active role in those proceedings. This is to avoid a perception of bias in the event that a matter is remitted to the Commission for further determination. Instead, the Commission agrees to be bound by the decision of the Court and leaves the substantive parties (usually the complainant and respondent to a complaint that was before the Commission) to argue the matter.

In 2010-11, the Commission was a respondent to one matter under the Administrative Decisions (Judicial Review) Act. The matter, which had been transferred to the Federal Court in 2008, was summarily dismissed by the Court on 2 December 2010.

**Merits review:** Some decisions of the Commission or its staff (acting under instruments of delegation) are subject to merits review by the Administrative Appeals Tribunal (AAT). These include decisions made under the *Freedom of Information Act 1982* (Cth), and decisions on applications for temporary exemptions under section 44 of the Sex Discrimination Act, section 55 of the Disability Discrimination Act and section 44 of the Age Discrimination Act.

There were three matters involving merits reviews of Commission decisions during 2010-11. In one matter, an application for an extension of time to appeal against a decision of the AAT was dismissed. Proceedings were discontinued in another matter. A third matter was ongoing at the end of the reporting period.



Administration staff at the Commission's reception.

## Facilitating freedom of information

The *Freedom of Information Act 1982* (Cth) gives the general public legal access to government documents.

Documents held by the Commission relate to:

- administration matters, including personnel, recruitment, accounts, purchasing, registers, registry, library records and indices
- complaint handling matters, including the investigation and resolution of complaints
- legal matters, including legal documents, opinion, advice and representations
- research matters, including research papers in relation to complaints, existing or proposed legislative practices, public education, national inquiries and other relevant issues

- policy matters, including minutes of Commission meetings, administrative and operational guidelines
- operational matters, including files on formal inquiries
- reference materials, including press clippings, survey and research materials, documents relating to conferences, seminars and those contained in the library.

During the reporting year, we received 18 initial requests for access to documents under the Freedom of Information Act.

Four requests were reviewed internally and one request was being considered for further review by the Office of the Australian Information Commissioner.

All initial inquiries about access to Commission documents are directed to our Freedom of

Information Officer, who can be contacted by either telephoning (02) 9284 9600 or by writing to:

Freedom of Information Officer  
Australian Human Rights Commission  
GPO Box 5218  
Sydney NSW 2001

We follow procedures for dealing with Freedom of Information requests detailed in section 15 of the Freedom of Information Act. A valid request must:

- be in writing
- state that it is a request for the purposes of the Freedom of Information Act
- include details of how notices under the Freedom of Information Act can be sent to them, such as an email address
- specify the documents to which access is sought.

From 1 May 2011 agencies subject to the Freedom of Information Act are required to publish information to the public as part of the Information Publication Scheme (IPS). This requirement is in Part II of the Freedom of Information Act and has replaced the former requirement to publish a section 8 statement in an annual report.

The Commission's plan, which shows what information is published in accordance with the IPS requirements, is available on our website at: [www.humanrights.gov.au/ips/ips\\_scheme.html](http://www.humanrights.gov.au/ips/ips_scheme.html).

## Consultancy services

We use consultants where there is a need to access skills, expertise or independence that is not available within the organisation.

During 2010-11, eight new consultancy arrangements were entered into, involving total actual expenditure, including GST, of \$339 320 (see Appendix 7). There were four active part-performed consultancy contracts from prior years. As the prior year contracts were fully expensed and accrued in the year of commitment, payments made in the current reporting period did not give rise to any new expenditure.

Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website: [www.tenders.gov.au](http://www.tenders.gov.au).

## Advertising and market research

During the reporting period, the commission entered into no market research contracts. The Commission paid \$9,189 (including GST) on non-campaign advertising (recruitment).

## ANAO access clauses

No contracts were let during the reporting period for amounts of \$100 000 or more with provisions to exempt ANAO access the supplier's premises.

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## INDEPENDENT AUDITOR'S REPORT

### To the Attorney General

I have audited the accompanying financial statements of Australian Human Rights Commission for the year ended 30 June 2011, which comprise: a Statement by the Chief Executive and Chief Finance Officer; Statement of Comprehensive Income; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; Schedule of Asset Additions; and Notes to and forming part of the Financial Statements, including a Summary of Significant Accounting Policies.

### *Chief Executive's Responsibility for the Financial Statements*

The Chief Executive of the Australian Human Rights Commission is responsible for the preparation of financial statements that give a true and fair view in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards, and for such internal control as the Chief Executive determines is necessary to enable the preparation of the financial statements that are free from material misstatement, whether due to fraud or error.

### *Auditor's Responsibility*

My responsibility is to express an opinion on the financial statements based on my audit. I have conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. These auditing standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Australian Human Rights Commission's preparation of the financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Australian Human Rights Commission's internal control. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Chief Executive of the Australian Human Rights Commission, as well as evaluating the overall presentation of the financial statements.

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

***Independence***

In conducting my audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

***Opinion***

In my opinion, the financial statements of the Australian Human Rights Commission:

- (a) have been prepared in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards; and
- (b) give a true and fair view of the matters required by the Finance Minister's Orders including the Australian Human Rights Commission's financial position as at 30 June 2011 and of its financial performance and cash flows for the year then ended.

Australian National Audit Office



Ron Wah  
Audit Principal

Delegate of the Auditor-General

Canberra

15 September 2011

**AUSTRALIAN HUMAN RIGHTS COMMISSION**

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**FINANCIAL STATEMENTS**  
*for the period ended 30 June 2011*

**STATEMENT BY THE CHIEF EXECUTIVE AND CHIEF FINANCE OFFICER**

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In our opinion, the attached financial statements for the period ended 30 June 2011 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made under the Financial Management and Accountability Act 1997, as amended.



**The Hon. Catherine Branson QC**  
President and Chief Executive  
14 September 2011



**David Richards**  
Chief Finance Officer  
14 September 2011

## Statement of Comprehensive Income

for the period ended 30 June 2011

|   | Notes | 2011<br>\$'000  | 2010<br>\$'000  |
|---|-------|-----------------|-----------------|
| <b>Expenses</b>   |       |                 |                 |
| Employee benefits   | 3A    | 12,088          | 11,012          |
| Supplier expenses   | 3B    | 7,594           | 8,055           |
| Depreciation and amortisation   | 3C    | 358             | 302             |
| Finance costs   | 3D    | 25              | 28              |
| Write-down and impairment of assets   | 3E    | 232             | 9               |
| <b>Total expenses</b>   |       | <b>20,297</b>   | <b>19,406</b>   |
| <b>Less:</b>  |       |                 |                 |
| <b>Own-source income</b>  |       |                 |                 |
| <b>Own-source revenue</b>   |       |                 |                 |
| Sale of goods and rendering of services                                     | 4A    | 4,870           | 4,360           |
| Other revenue   | 4B    | 675             | 632             |
| <b>Total own-source revenue</b>   |       | <b>5,545</b>    | <b>4,992</b>    |
| <b>Gains</b>  |       |                 |                 |
| Other gains   | 4C    | 98              | 89              |
| <b>Total gains</b>  |       | <b>98</b>       | <b>89</b>       |
| <b>Total own-source income</b>  |       | <b>5,643</b>    | <b>5,081</b>    |
| <b>Net cost of services</b>   |       | <b>(14,654)</b> | <b>(14,325)</b> |
| Revenue from Government   | 4D    | 14,424          | 13,711          |
| <b>Deficit attributable to the Australian government</b>                    |       | <b>(230)</b>    | <b>(614)</b>    |
| <b>Other comprehensive income</b>   |       |                 |                 |
| Changes in asset revaluation reserves                                       |       | (422)           | (401)           |
| <b>Total other comprehensive income</b>                                     |       | <b>(422)</b>    | <b>(401)</b>    |
| <b>Total comprehensive income attributable to the Australian Government</b> |       | <b>(652)</b>    | <b>(1,015)</b>  |

The above statement should be read in conjunction with the accompanying notes.

## Balance Sheet

as at 30 June 2011

|   | Notes | 2011<br>\$'000 | 2010<br>\$'000 |
|---|-------|----------------|----------------|
| <b>Assets</b>                                 |       |                |                |
| <b>Financial Assets</b>                       |       |                |                |
| Cash and cash equivalents                     | 5A    | 1,081          | 439            |
| Trade and other receivables                   | 5B    | 7,804          | 5,954          |
| <b>Total financial assets</b>                 |       | <b>8,885</b>   | <b>6,393</b>   |
| <b>Non-Financial Assets</b>                   |       |                |                |
| Infrastructure, plant and equipment           | 6A,B  | 5,822          | 1,222          |
| Intangibles                                   | 6C,D  | –              | 19             |
| Other non-financial assets                    | 6E    | 45             | 86             |
| <b>Total non-financial assets</b>             |       | <b>5,867</b>   | <b>1,327</b>   |
| <b>Total assets</b>                           |       | <b>14,752</b>  | <b>7,720</b>   |
| <b>Liabilities</b>                            |       |                |                |
| <b>Payables</b>                               |       |                |                |
| Supplier payables                             | 7A    | 816            | 1,025          |
| Other payables                                | 7B    | 4,327          | 3,094          |
| <b>Total payables</b>                         |       | <b>5,143</b>   | <b>4,119</b>   |
| <b>Non-Interest Bearing Liabilities</b>       |       |                |                |
| Lease incentives                              | 8A    | 5,667          | 48             |
| <b>Total non-interest bearing liabilities</b> |       | <b>5,667</b>   | <b>48</b>      |
| <b>Provisions</b>                             |       |                |                |
| Employee provisions                           | 9A    | 2,302          | 2,098          |
| Other provisions                              | 9B    | 335            | 825            |
| <b>Total provisions</b>                       |       | <b>2,637</b>   | <b>2,923</b>   |
| <b>Total liabilities</b>                      |       | <b>13,447</b>  | <b>7,090</b>   |
| <b>Net assets</b>                             |       | <b>1,305</b>   | <b>630</b>     |
| <b>Equity</b>                                 |       |                |                |
| Contributed equity                            |       | 1,442          | 115            |
| Reserves                                      |       | –              | 422            |
| Retained earnings                             |       | (137)          | 93             |
| <b>Total equity</b>                           |       | <b>1,305</b>   | <b>630</b>     |

The above statement should be read in conjunction with the accompanying notes.

## Statement of Changes in Equity

for the period ended 30 June 2011

|  | Retained Earnings |                | Asset Revaluation Reserve |                | Contributed equity/capital |                | Total equity   |                |
|--|-------------------|----------------|---------------------------|----------------|----------------------------|----------------|----------------|----------------|
|  | 2011<br>\$'000    | 2010<br>\$'000 | 2011<br>\$'000            | 2010<br>\$'000 | 2011<br>\$'000             | 2010<br>\$'000 | 2011<br>\$'000 | 2010<br>\$'000 |
| <b>Opening balance</b>   |                   |                |                           |                |                            |                |                |                |
| Balance carried forward from previous period                     | 93                | 707            | 422                       | 823            | 115                        | 1,342          | 630            | 2,872          |
| <b>Adjusted opening balance</b>                                  | <b>93</b>         | <b>707</b>     | <b>422</b>                | <b>823</b>     | <b>115</b>                 | <b>1,342</b>   | <b>630</b>     | <b>2,872</b>   |
| <b>Comprehensive income</b>                                      |                   |                |                           |                |                            |                |                |                |
| Changes in asset revaluation reserves:                           |                   |                |                           |                |                            |                |                |                |
| Computer, plant and equipment                                    | -                 | -              | (40)                      | (29)           | -                          | -              | (40)           | (29)           |
| Leasehold improvements   | -                 | -              | (382)                     | (309)          | -                          | -              | (382)          | (309)          |
| Deficit for the period   | (230)             | (614)          |                           |                |                            |                | (230)          | (614)          |
| <b>Total comprehensive income</b>                                | <b>(230)</b>      | <b>(614)</b>   | <b>(422)</b>              | <b>(401)</b>   | <b>-</b>                   | <b>-</b>       | <b>(652)</b>   | <b>(1,015)</b> |
| of which:  |                   |                |                           |                |                            |                |                |                |
| Attributable to the Australian Government                        | (230)             | (614)          | (422)                     | (401)          | -                          | -              | (652)          | (1,015)        |
| <b>Transactions with owners</b>                                  |                   |                |                           |                |                            |                |                |                |
| <b>Distributions to owners</b>                                   |                   |                |                           |                |                            |                |                |                |
| Returns of capital:  |                   |                |                           |                |                            |                |                |                |
| Other <sup>1</sup>   | -                 | -              | -                         | -              | -                          | (1,227)        | -              | (1,227)        |
| <b>Contributions by owners</b>                                   |                   |                |                           |                |                            |                |                |                |
| Equity Injection – Appropriation                                 |                   |                |                           |                | 510                        | -              | 510            | -              |
| Departmental Capital Budget                                      | -                 | -              | -                         | -              | 817                        | -              | 817            | -              |
| <b>Sub-total transactions with owners</b>                        | <b>-</b>          | <b>-</b>       | <b>-</b>                  | <b>-</b>       | <b>1,327</b>               | <b>(1,227)</b> | <b>1,327</b>   | <b>(1,227)</b> |
| <b>Closing balance attributable to the Australian Government</b> | <b>(137)</b>      | <b>93</b>      | <b>-</b>                  | <b>422</b>     | <b>1,442</b>               | <b>115</b>     | <b>1,305</b>   | <b>630</b>     |

<sup>1</sup> Return of contributed equity/capital under the application of the Operation Sunlight initiative.

The above statement should be read in conjunction with the accompanying notes.

## Cash Flow Statement

for the period ended 30 June 2011

|   | Notes | 2011<br>\$'000  | 2010<br>\$'000  |
|---|-------|-----------------|-----------------|
| <b>Operating activities</b>   |       |                 |                 |
| <b>Cash received</b>  |       |                 |                 |
| Goods and services  |       | 7,139           | 5,263           |
| Appropriations  |       | 14,424          | 13,711          |
| Net GST received  |       | 101             | 6               |
| Cash from the Official Public Account                               |       | 5,900           | 6,613           |
| <b>Total cash received</b>  |       | <b>27,564</b>   | <b>25,593</b>   |
| <b>Cash used</b>  |       |                 |                 |
| Employees   |       | (11,826)        | (11,237)        |
| Suppliers   |       | (8,755)         | (8,290)         |
| Cash to the Official Public Account                                 |       | (6,325)         | (6,378)         |
| <b>Total cash used</b>  |       | <b>(26,906)</b> | <b>(25,905)</b> |
| <b>Net cash from/(used by) operating activities</b>                 | 10    | <b>658</b>      | <b>(312)</b>    |
| <b>Investing activities</b>   |       |                 |                 |
| <b>Cash received</b>  |       |                 |                 |
| Proceeds from lease incentive                                       |       | 5,577           | -               |
| <b>Total cash received</b>  |       | <b>5,577</b>    | <b>-</b>        |
| <b>Cash used</b>  |       |                 |                 |
| Purchase of infrastructure, plant and equipment                     |       | (5,593)         | (396)           |
| Purchase of intangibles   |       | -               | (3)             |
| <b>Total cash used</b>  |       | <b>(5,593)</b>  | <b>(399)</b>    |
| <b>Net cash used by investing activities</b>                        |       | <b>(16)</b>     | <b>(399)</b>    |
| <b>Net increase/(decrease) in cash held</b>                         |       | <b>642</b>      | <b>(711)</b>    |
| Cash and cash equivalents at the beginning of the reporting period  |       | 439             | 1,150           |
| <b>Cash and cash equivalents at the end of the reporting period</b> | 5A    | <b>1,081</b>    | <b>439</b>      |

The above statement should be read in conjunction with the accompanying notes.

## Schedule of Commitments

as at 30 June 2011

|  | 2011<br>\$'000  | 2010<br>\$'000 |
|--|-----------------|----------------|
| <b>BY TYPE</b>                                   |                 |                |
| <b>Commitments Receivable</b>                    |                 |                |
| Sublease rental income                           | (10,999)        | (736)          |
| Other commitments receivable                     | (2,269)         | (1,321)        |
| GST recoverable on commitments                   | (2,122)         | (126)          |
| <b>Total commitments receivable</b>              | <b>(15,390)</b> | <b>(2,183)</b> |
| <b>Commitments Payable</b>                       |                 |                |
| <b>Capital commitments</b>                       |                 |                |
| Infrastructure, plant and equipment <sup>1</sup> | 1,157           | 9              |
| <b>Total capital commitments</b>                 | <b>1,157</b>    | <b>9</b>       |
| <b>Other commitments</b>                         |                 |                |
| Operating leases <sup>2</sup>                    | 37,423          | 2,711          |
| Other  | 150             | 99             |
| <b>Total other commitments</b>                   | <b>37,573</b>   | <b>2,810</b>   |
| <b>Net commitments by type</b>                   | <b>23,340</b>   | <b>636</b>     |
| <b>BY MATURITY</b>                               |                 |                |
| <b>Commitments Receivable</b>                    |                 |                |
| <b>Operating lease income</b>                    |                 |                |
| One year or less                                 | (925)           | (736)          |
| From one to five years                           | (5,179)         | –              |
| Over five years                                  | (4,895)         | –              |
| <b>Total operating lease income</b>              | <b>(10,999)</b> | <b>(736)</b>   |
| <b>Other Commitments Receivable</b>              |                 |                |
| One year or less                                 | (1,974)         | (1,347)        |
| From one to five years                           | (2,417)         | (100)          |
| <b>Total other commitments receivable</b>        | <b>(4,391)</b>  | <b>(1,447)</b> |
| <b>Commitments Payable</b>                       |                 |                |
| <b>Capital commitments</b>                       |                 |                |
| One year or less                                 | 1,157           | 9              |
| <b>Total capital commitments</b>                 | <b>1,157</b>    | <b>9</b>       |
| <b>Operating lease commitments</b>               |                 |                |
| One year or less                                 | 3,327           | 2,711          |
| From one to five years                           | 17,731          | –              |
| Over five years                                  | 16,365          | –              |
| <b>Total operating lease commitments</b>         | <b>37,423</b>   | <b>2,711</b>   |

## Schedule of Commitments

as at 30 June 2011

|                                    | 2011<br>\$'000 | 2010<br>\$'000 |
|------------------------------------|----------------|----------------|
| <b>Other Commitments</b>           |                |                |
| One year or less                   | 150            | 99             |
| <b>Total other commitments</b>     | <b>150</b>     | <b>99</b>      |
| <b>Net commitments by maturity</b> | <b>23,340</b>  | <b>636</b>     |

Note: Commitments are GST inclusive where relevant.

### Nature of Leases/General Description

<sup>1</sup> Outstanding payments for leasehold improvements

<sup>2</sup> Operating leases included are effectively non-cancellable and comprise:

#### Leases for office accommodation

Lease payments are subject to fixed annual rental increases. The initial periods of accommodation are still current and there are no options in the lease agreement to renew.

#### Agreements for the provision of motor vehicles to senior executive officers

No contingent rentals exist and there are no renewal or purchase options available to the Commission.

#### Lease agreement in relation to the provision of desktop computer equipment and printers

The lessor provides all desktop computer equipment and software. The lease agreement allows for variations to the duration of the rental period and to the equipment being provided.

#### Other commitments

Consists of agreements with other entities for the provision of goods and services, outgoings and agreements equally proportionately unperformed.

This schedule should be read in conjunction with the accompanying notes.

## Schedule of Contingencies

as at 30 June 2011

|  | 2011<br>\$'000 | 2010<br>\$'000 |
|--|----------------|----------------|
| <b>Contingent Assets</b>                   | –              | –              |
| <b>Contingent Liabilities</b>              | –              | –              |
| <b>Net contingent assets (liabilities)</b> | –              | –              |

Details of each class of contingent assets and liabilities, including those not included above because they cannot be quantified, are disclosed in Note 11: Contingent liabilities and assets.

The above schedule should be read in conjunction with the accompanying notes.

## Schedule of Asset Additions

for the period ended 30 June 2011

The following non-financial non-current assets were added in 2010-2011

|   | Infrastructure,<br>plant &<br>equipment<br>\$'000 | Intangibles<br>\$'000 | Total<br>\$'000 |
|---|---|-----------------------|-----------------|
| By purchase – appropriation ordinary annual services                  | 16  | –                     | 16              |
| By purchase – other   | 5,577   | –                     | 5,577           |
| <b>Total additions funded in the current year</b>                     | <b>5,593</b>                                      | <b>–</b>              | <b>5,593</b>    |
| <b>Additions recognised in 2010-2011 to be funded in future years</b> |   |                       |                 |
| Make-good   | 25  | –                     | 25              |
| <b>Total additions funded in future years</b>                         | <b>25</b>   | <b>–</b>              | <b>25</b>       |
| <b>Total asset additions</b>  | <b>5,618</b>                                      | <b>–</b>              | <b>5,618</b>    |

The following non-financial non-current assets were added in 2009-2010

|   | Infrastructure,<br>plant &<br>equipment<br>\$'000 | Intangibles<br>\$'000 | Total<br>\$'000 |
|---|---|-----------------------|-----------------|
| By purchase – appropriation ordinary annual services                  | 396   | 3                     | 399             |
| <b>Total additions funded in the current year</b>                     | <b>396</b>  | <b>3</b>              | <b>399</b>      |
| <b>Additions recognised in 2009-2010 to be funded in future years</b> |   |                       |                 |
| Make-good   | 27  | –                     | 27              |
| <b>Total additions funded in future years</b>                         | <b>27</b>   | <b>–</b>              | <b>27</b>       |
| <b>Total asset additions</b>  | <b>423</b>  | <b>3</b>              | <b>426</b>      |

The above schedule should be read in conjunction with the accompanying notes.

# Notes to and forming part of the financial statements

for the period ended 30 June 2011

## Note 1: Summary of Significant Accounting Policies

### 1.1 Objectives of The Australian Human Rights Commission

The Australian Human Rights Commission (the Commission) is an Australian Government controlled entity. The Commission's objective is to ensure that Australians have access to independent human rights complaint handling and public inquiries processes and benefit from human rights education, promotion, monitoring and compliance activities.

The Commission is structured to meet the following outcome:

*"An Australian Society in which human rights are respected, protected and promoted through independent investigation and resolution of complaints, education and research to promote and eliminate discrimination, and monitoring, and reporting on human rights."*

The continued existence of the Commission in its present form and with its present programs is dependent on Government policy and on continuing appropriations by Parliament for the Commission's administration and programs.

Commission activities contributing toward these outcomes are classified as departmental. Departmental activities involve the use of assets, liabilities, income and expenses controlled or incurred by the Commission in its own right.

The Commission has no administered activities.

### 1.2 Basis of Preparation of the Financial Statements

The financial statements are required by section 49 of the *Financial Management and Accountability Act 1997* and are general purpose financial statements.

The Financial Statements have been prepared in accordance with:

- Finance Minister's Orders (or FMO) for reporting periods ending on or after 1 July 2010; and
- Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

The financial statements are presented in Australian dollars and values are rounded to the nearest thousand dollars unless otherwise specified.

Unless an alternative treatment is specifically required by an accounting standard or the FMO, assets and liabilities are recognised in the balance sheet when and only when it is probable that future economic benefits will flow to the entity or a future sacrifice of economic benefits will be required and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under Agreements Equally Proportionately Unperformed are not recognised unless required by an accounting standard. Liabilities and assets that are unrecognised are reported in the schedule of commitments or the schedule of contingencies.

Unless alternative treatment is specifically required by an accounting standard, income and expenses are recognised in the statement of comprehensive income when and only when the flow, consumption or loss of economic benefits has occurred and can be reliably measured.

## Note 1: Summary of Significant Accounting Policies (continued)

### 1.3 Significant Accounting Judgements and Estimates

No significant accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to carrying amounts of assets and liabilities within the next accounting period.

### 1.4 New Australian Accounting Standards

#### *Adoption of New Australian Accounting Standard Requirements*

No accounting standard has been adopted earlier than the application date as stated in the standard.

No new accounting standards (including reissued standards), amendments to standards or interpretations issued by the Australian Accounting Standards Board that are applicable to the current period have had a material financial impact on the Commission.

#### *Future Australian Accounting Standard Requirements*

New standards, revised standards, interpretations and amending standards issued by the Australian Accounting Standards Board prior to the signing of the statement by the Chief Executive and Chief Finance Officer, are not expected to have a material financial impact on the Commission for future reporting periods.

### 1.5 Revenue

#### *Revenue from Government*

Amounts appropriated for departmental outputs for the year (adjusted for any formal additions and reductions) are recognised as revenue when the Commission gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned.

Appropriations receivable are recognised at their nominal amounts.

#### *Other Types of Revenue*

Revenue from the sale of goods is recognised when:

- the risks and rewards of ownership have been transferred to the buyer;
- the Commission retains no managerial involvement or effective control over the goods;
- the revenue and transaction costs incurred can be reliably measured; and
- it is probable that the economic benefits associated with the transaction will flow to the entity.

Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The revenue is recognised when:

- the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- the probable economic benefits associated with the transaction will flow to the entity.

The stage of completion of contracts at the reporting date is determined by reference to:

- the proportion that costs incurred to date bear to the estimated total costs of the transaction.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed at end of reporting period. Allowances are made when collectability of the debt is no longer probable.

## Note 1: Summary of Significant Accounting Policies (continued)

### 1.6 Gains

#### *Resources Received Free of Charge*

Resources received free of charge are recognised as gains when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

#### *Sale of Assets*

Gains from disposal of assets are recognised when control of the asset has passed to the buyer.

### 1.7 Transactions with the Government as Owner

#### *Equity Injections*

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.

#### *Other Distributions to Owners*

The FMO require that distributions to owners be debited to contributed equity unless in the nature of a dividend.

### 1.8 Employee Benefits

Liabilities for 'short-term employee benefits' (as defined in AASB 119 Employee Benefits) and termination benefits due within twelve months of end of reporting period are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

Other long-term employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

#### *Leave*

The liability for employee benefits includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of the Commission is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that will be applied at the time the leave is taken, including the Commission's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave has been determined by reference to the work of an actuary as at 30 June 2011. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

#### *Separation and Redundancy*

Provision is made for separation and redundancy benefit payments. The Commission recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the terminations.

## Note 1: Summary of Significant Accounting Policies (continued)

### *Superannuation*

Staff of the Commission are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS) or the PSS accumulation plan (PSSap).

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported by the Department of Finance and Deregulation as an administered item.

The Commission makes employer contributions to the employee superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government of the superannuation entitlements of the Commission's employees. The Commission accounts for the contributions as if they were contributions to defined contribution plans.

The liability for superannuation recognised as at 30 June represents outstanding contributions for the final fortnight of the year.

### **1.9 Leases**

A distinction is made between finance leases and operating leases. Finance leases effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of leased assets. An operating lease is a lease that is not a finance lease. In operating leases, the lessor effectively retains substantially all such risks and benefits.

Where an asset is acquired by means of a finance lease, the asset is capitalised at either the fair value of the lease property or, if lower, the present value of minimum lease payments at the inception of the contract and a liability is recognised at the same time and for the same amount.

The discount rate used is the interest rate implicit in the lease. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are expensed on a straight-line basis which is representative of the pattern of benefits derived from the leased assets.

### **1.10 Cash**

Cash and cash equivalents includes cash on hand, cash held with outsiders, demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value. Cash is recognised at its nominal amount.

### **1.11 Financial Assets**

The Commission classifies its financial assets as 'loans and receivables'.

The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition.

Financial assets are recognised and derecognised upon trade date.

### *Effective Interest Method*

The effective interest method is a method of calculating the amortised cost of a financial asset and of allocating interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset, or, where appropriate, a shorter period.

## Note 1: Summary of Significant Accounting Policies (continued)

### *Loans and Receivables*

Trade receivables, loans and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as 'loans and receivables'. Loans and receivables are measured at cost.

### *Impairment of Financial Assets*

Financial assets are assessed for impairment at the end of each reporting period.

Financial assets held at cost - If there is objective evidence that an impairment loss has been incurred for loans and receivables the amount of the impairment loss is the difference between the carrying amount of the asset and the present value of the estimated future cash flows discounted at the current market rate for similar assets.

### **1.12 Financial Liabilities**

Financial liabilities are classified as 'other financial liabilities'.

Financial liabilities are recognised and derecognised upon 'trade date'.

### *Other Financial Liabilities*

Other financial liabilities, including borrowings, are initially measured at fair value, net of transaction costs.

Other financial liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments through the expected life of the financial liability, or, where appropriate, a shorter period.

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

### **1.13 Contingent Liabilities and Contingent Assets**

Contingent liabilities and contingent assets are not recognised in the balance sheet but are reported in the relevant schedules and notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

### **1.14 Acquisition of Assets**

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor agency's accounts immediately prior to the restructuring.

## Note 1: Summary of Significant Accounting Policies (continued)

### 1.15 Infrastructure, Plant and Equipment

#### *Asset Recognition Threshold*

Purchases of infrastructure, plant and equipment are recognised initially at cost in the balance sheet, except for purchases costing less than \$2,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'make good' provisions in property leases taken up by the Commission where there exists an obligation to restore the property to its original condition. These costs are included in the value of the Commission's leasehold improvements with a corresponding provision for the 'make good' recognised.

#### *Revaluations*

Fair values for each class of asset are determined as shown below:

| Asset Class                   | Fair Value Measured at:      |
|-------------------------------|------------------------------|
| Computer, plant and equipment | Market value                 |
| Leasehold improvements        | Depreciated replacement cost |

Following initial recognition at cost, infrastructure, plant and equipment are carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reverses a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reverse a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

#### *Depreciation*

Depreciable infrastructure, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the Commission using, in all cases, the straight-line method of depreciation.

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives:

| Asset Class                   | 2011                 | 2010          |
|-------------------------------|----------------------|---------------|
| Computer, plant and equipment | <b>4 to 10 years</b> | 4 to 10 years |
| Leasehold improvements        | <b>Lease term</b>    | Lease term    |

## Note 1: Summary of Significant Accounting Policies (continued)

### *Impairment*

All assets were assessed for impairment at 30 June 2011. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs to sell and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the Commission were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

### *Derecognition*

An item of infrastructure, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

### **1.16 Intangibles**

The Commission's intangibles comprise internally developed software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the Commission's software are 2 to 5 years (2009-10: 2 to 5 years).

All software assets were assessed for indications of impairment as at 30 June 2011.

### **1.17 Taxation**

The Commission is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

Revenues, expenses and assets are recognised net of GST except:

- where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
- for receivables and payables.

## Note 2: Events After the Reporting Period

The Commission is not aware of any significant events that have occurred since balance date that warrant disclosure in these financial statements.

**Notes to and forming part of the financial statements**  
for the period ended 30 June 2011

**Note 3: Expenses**

|   | 2011<br>\$'000 | 2010<br>\$'000 |
|---|----------------|----------------|
| <b>A: Employee Benefits</b>                     |                |                |
| Wages and salaries                              | 9,523          | 8,574          |
| Superannuation:                                 |                |                |
| Defined contribution plans                      | 749            | 648            |
| Defined benefit plans                           | 761            | 786            |
| Leave and other entitlements                    | 813            | 366            |
| Separation and redundancies                     | 173            | 534            |
| Other employee expenses                         | 69             | 104            |
| <b>Total employee benefits</b>                  | <b>12,088</b>  | <b>11,012</b>  |
| <b>B: Suppliers</b>                             |                |                |
| <b>Goods and services</b>                       |                |                |
| General property operating expenses             | 654            | 675            |
| Insurance                                       | 38             | 45             |
| Office consumables                              | 112            | 97             |
| Official travel                                 | 1,309          | 1,562          |
| Postage and freight                             | 51             | 57             |
| Printing and publications                       | 213            | 322            |
| Professional services and fees                  | 2,001          | 2,115          |
| Reference materials, subscriptions and licences | 260            | 216            |
| Staff training                                  | 131            | 102            |
| Telecommunications                              | 277            | 227            |
| Other   | 309            | 577            |
| <b>Total goods and services</b>                 | <b>5,355</b>   | <b>5,995</b>   |
| Goods and services are made up of:              |                |                |
| Provision of goods – related entities           | 66             | 3              |
| Provision of goods – external parties           | 617            | 563            |
| Rendering of services – related entities        | 537            | 891            |
| Rendering of services – external parties        | 4,135          | 4,538          |
| <b>Total goods and services</b>                 | <b>5,355</b>   | <b>5,995</b>   |
| <b>Other supplier expenses</b>                  |                |                |
| Operating lease rentals – related entities:     |                |                |
| Minimum lease payments                          | 2,206          | 2,020          |
| Workers compensation expenses                   | 33             | 40             |
| <b>Total other supplier expenses</b>            | <b>2,239</b>   | <b>2,060</b>   |
| <b>Total supplier expenses</b>                  | <b>7,594</b>   | <b>8,055</b>   |

## Note 3: Expenses (continued)

|   | 2011<br>\$'000 | 2010<br>\$'000 |
|---|----------------|----------------|
| <b>C: Depreciation and Amortisation</b>           |                |                |
| Depreciation:                                     |                |                |
| Infrastructure, plant and equipment:              |                |                |
| Computer, plant and equipment                     | 283            | 232            |
| <b>Total depreciation</b>                         | <b>283</b>     | <b>232</b>     |
| Amortisation:                                     |                |                |
| Infrastructure, plant and equipment:              |                |                |
| Deferred costs – make good                        | 56             | 51             |
| Intangibles:                                      |                |                |
| Computer software                                 | 19             | 19             |
| <b>Total amortisation</b>                         | <b>75</b>      | <b>70</b>      |
| <b>Total depreciation and amortisation</b>        | <b>358</b>     | <b>302</b>     |
| <b>D: Finance Costs</b>                           |                |                |
| Unwinding of discount                             | 25             | 28             |
| <b>Total finance costs</b>                        | <b>25</b>      | <b>28</b>      |
| <b>E: Write-Down and Impairment of Assets</b>     |                |                |
| Non-financial assets:                             |                |                |
| Infrastructure, plant and equipment – written off | 232            | 9              |
| <b>Total write-down and impairment of assets</b>  | <b>232</b>     | <b>9</b>       |

**Notes to and forming part of the financial statements**  
for the period ended 30 June 2011

**Note 4: Income**

|  | 2011<br>\$'000 | 2010<br>\$'000 |
|--|----------------|----------------|
| <b>REVENUE</b>                                       |                |                |
| <b>A: Sale of Goods and Rendering of Services</b>    |                |                |
| Provision of goods – related entities                | –              | 1              |
| Provision of goods – external parties                | 2              | 7              |
| Rendering of services – related entities             | 4,269          | 3,687          |
| Rendering of services – external parties             | 599            | 666            |
| <b>Total sale of goods and rendering of services</b> | <b>4,870</b>   | <b>4,360</b>   |
| <b>B: Other Revenue</b>                              |                |                |
| <b>Rental Income</b>                                 |                |                |
| Operating lease:                                     |                |                |
| Sub lease rental income                              | 675            | 632            |
| <b>Total rental income</b>                           | <b>675</b>     | <b>632</b>     |
| <b>GAINS</b>   |                |                |
| <b>C: Other Gains</b>                                |                |                |
| Resources received free of charge                    | 50             | 49             |
| Gain on reduction of prior year provisions           | 48             | 41             |
| <b>Total other gains</b>                             | <b>98</b>      | <b>89</b>      |
| <b>REVENUE FROM GOVERNMENT</b>                       |                |                |
| <b>D: Revenue from Government</b>                    |                |                |
| Appropriations:                                      |                |                |
| Departmental outputs                                 | 14,424         | 13,711         |
| <b>Total revenue from Government</b>                 | <b>14,424</b>  | <b>13,711</b>  |

## Note 5: Financial Assets

|  | 2011<br>\$'000 | 2010<br>\$'000 |
|--|----------------|----------------|
| <b>A: Cash and Cash Equivalents</b>                |                |                |
| Cash on hand or on deposit                         | 1,081          | 439            |
| <b>Total cash and cash equivalents</b>             | <b>1,081</b>   | <b>439</b>     |
| <b>B: Trade and Other Receivables</b>              |                |                |
| <b>Good and Services:</b>                          |                |                |
| Goods and services – related entities              | 1,189          | 793            |
| Goods and services – external parties              | 100            | 359            |
| <b>Total receivables for goods and services</b>    | <b>1,289</b>   | <b>1,152</b>   |
| <b>Appropriations receivable:</b>                  |                |                |
| For existing programs                              | 6,502          | 4,750          |
| <b>Total appropriations receivable</b>             | <b>6,502</b>   | <b>4,750</b>   |
| <b>Other receivables:</b>                          |                |                |
| GST receivable from the Australian Taxation Office | –              | 52             |
| Other  | 13             | –              |
| <b>Total other receivables</b>                     | <b>13</b>      | <b>52</b>      |
| <b>Total trade and other receivables (gross)</b>   | <b>7,804</b>   | <b>5,954</b>   |
| <b>Total trade and other receivables (net)</b>     | <b>7,804</b>   | <b>5,954</b>   |
| Receivables are expected to be recovered in:       |                |                |
| No more than 12 months                             | 7,804          | 5,954          |
| <b>Total trade and other receivables (net)</b>     | <b>7,804</b>   | <b>5,954</b>   |
| Receivables are aged as follows:                   |                |                |
| Not overdue  | 7,699          | 5,176          |
| Overdue by:  |                |                |
| 0 to 30 days                                       | 65             | 774            |
| 31 to 60 days                                      | 6              | 4              |
| 61 to 90 days                                      | –              | –              |
| More than 90 days                                  | 34             | –              |
| <b>Total receivables (gross)</b>                   | <b>7,804</b>   | <b>5,954</b>   |

Notes to and forming part of the financial statements  
for the period ended 30 June 2011

Note 6: Non-Financial Assets

|  | 2011<br>\$'000 | 2010<br>\$'000 |
|--|----------------|----------------|
| <b>A: Infrastructure, Plant and Equipment</b>    |                |                |
| Computer, plant and equipment:                   |                |                |
| Gross carrying value (at fair value)             | 368            | 784            |
| Accumulated depreciation                         | (123)          | –              |
| <b>Total computer, plant and equipment</b>       | <b>245</b>     | <b>784</b>     |
| Leasehold improvements:                          |                |                |
| Gross carrying value (at fair value)             | 5,984          | 382            |
| Accumulated amortisation                         | (407)          | –              |
| Deferred costs – make good                       | 388            | 388            |
| Accumulated amortisation                         | (388)          | (332)          |
| <b>Total leasehold improvements</b>              | <b>5,577</b>   | <b>438</b>     |
| <b>Total infrastructure, plant and equipment</b> | <b>5,822</b>   | <b>1,222</b>   |

No revaluations were conducted as at 30 June 2011.

No indicators of impairment were found for infrastructure, plant and equipment.

|   | Computer,<br>plant &<br>equipment<br>\$'000 | Leasehold<br>Improvements<br>\$'000 | Total<br>\$'000 |
|---|---|-------------------------------------|-----------------|
| <b>B: Reconciliation of the Opening and Closing Balances<br/>of Infrastructure, Plant and Equipment 2010-11</b> |   |                                     |                 |
| <b>As at 1 July 2010</b>  |   |                                     |                 |
| Gross book value  | 784   | 789                                 | 1,573           |
| Accumulated depreciation and impairment   | –   | (351)                               | (351)           |
| <b>Net book value 1 July 2010</b>   | <b>784</b>                                  | <b>438</b>                          | <b>1,222</b>    |
| Additions:  |   |                                     |                 |
| By purchase   | 16  | 5,577                               | 5,593           |
| Revaluations and impairments recognised through equity  | (40)  | (382)                               | (422)           |
| Depreciation/amortisation expense   | (283)                                       | (56)                                | (339)           |
| Disposals:  |   |                                     |                 |
| Other   | (232)                                       | –                                   | (232)           |
| <b>Net book value 30 June 2011</b>  | <b>245</b>                                  | <b>5,577</b>                        | <b>5,822</b>    |

**Net book value as of 30 June 2011 represented by:**

|                                       |            |              |              |
|---------------------------------------|------------|--------------|--------------|
| Gross book value                      | 368        | 5,984        | 6,352        |
| Accumulated depreciation/amortisation | (123)      | (407)        | (530)        |
|                                       | <b>245</b> | <b>5,577</b> | <b>5,822</b> |

## Note 6: Non-Financial Assets (continued)

|   | Computer, plant<br>& equipment<br>\$'000 | Leasehold<br>Improvements<br>\$'000 | Total<br>\$'000 |
|---|--|-------------------------------------|-----------------|
| <b>B: Reconciliation of the Opening and Closing Balances<br/>of Infrastructure, Plant and Equipment 2009-10</b> |  |                                     |                 |
| <b>As at 1 July 2009</b>  |  |                                     |                 |
| Gross book value  | 722                                      | 1,098                               | 1,820           |
| Accumulated depreciation and impairment   | –  | (300)                               | (300)           |
| <b>Net book value 1 July 2009</b>   | <b>722</b>                               | <b>798</b>                          | <b>1,520</b>    |
| Additions:  |  |                                     |                 |
| By purchase   | 396                                      | –                                   | 396             |
| Revaluations and impairments recognised through equity  | (93)                                     | (309)                               | (402)           |
| Depreciation/amortisation expense   | (232)                                    | (51)                                | (283)           |
| Disposals:  |  |                                     |                 |
| Other   | (9)                                      | –                                   | (9)             |
| <b>Net book value 30 June 2010</b>  | <b>784</b>                               | <b>438</b>                          | <b>1,222</b>    |
| <b>Net book value as of 30 June 2010 represented by:</b>  |  |                                     |                 |
| Gross book value  | 784                                      | 789                                 | 1,573           |
| Accumulated depreciation/amortisation   | –  | (351)                               | (351)           |
|   | <b>784</b>                               | <b>438</b>                          | <b>1,222</b>    |

Notes to and forming part of the financial statements  
for the period ended 30 June 2011

Note 6: Non-Financial Assets (continued)

|  | 2011<br>\$'000 | 2010<br>\$'000 |
|--|----------------|----------------|
| <b>C: Intangibles</b>                  |                |                |
| Computer software (at cost):           |                |                |
| Internally customised – in use         | 31             | 31             |
| Internally developed – in use          | 440            | 440            |
| <b>Total computer software (gross)</b> | <b>471</b>     | <b>471</b>     |
| Accumulated amortisation               | (471)          | (452)          |
| <b>Total computer software (net)</b>   | <b>–</b>       | <b>19</b>      |
| <b>Total intangibles</b>               | <b>–</b>       | <b>19</b>      |

No indicators of impairment were found for intangible assets.

No intangibles are expected to be sold or disposed of within the next 12 months.

|  | Computer<br>software<br>internally<br>developed<br>\$'000 | Computer<br>software<br>customised<br>\$'000 | Total<br>\$'000 |
|--|---|--|-----------------|
|  |   |  |                 |

**D: Reconciliation of the Opening and Closing Balances  
of Intangibles 2010-11**

**As at 1 July 2010**

|   |          |           |           |
|---|----------|-----------|-----------|
| Gross book value                        | 31       | 440       | 471       |
| Accumulated amortisation and impairment | (23)     | (429)     | (452)     |
| <b>Net book value 1 July 2010</b>       | <b>8</b> | <b>11</b> | <b>19</b> |
| Amortisation                            | (8)      | (11)      | (19)      |
| <b>Net book value 30 June 2011</b>      | <b>–</b> | <b>–</b>  | <b>–</b>  |

**Net book value as of 30 June 2011 represented by:**

|                          |      |       |       |
|--------------------------|------|-------|-------|
| Gross book value         | 31   | 440   | 471   |
| Accumulated amortisation | (31) | (440) | (471) |
|                          | –    | –     | –     |

## Note 6: Non-Financial Assets (continued)

|   | Computer software internally customised \$'000 | Computer software purchased \$'000 | Total \$'000  |
|---|--|------------------------------------|---------------|
| <b>D: Reconciliation of the Opening and Closing Balances of Intangibles 2009-10</b> |  |                                    |               |
| <b>As at 1 July 2009</b>  |  |                                    |               |
| Gross book value  | 28   | 440                                | 468           |
| Accumulated amortisation and impairment   | (15)   | (417)                              | (432)         |
| <b>Net book value 1 July 2009</b>   | <b>13</b>                                      | <b>23</b>                          | <b>36</b>     |
| Additions:  |  |                                    |               |
| By purchase   | 3  | –                                  | 3             |
| Amortisation  | (8)  | (12)                               | (20)          |
| <b>Net book value 30 June 2010</b>  | <b>(5)</b>                                     | <b>11</b>                          | <b>19</b>     |
| <b>Net book value as of 30 June 2010 represented by:</b>                            |  |                                    |               |
| Gross book value  | 31   | 440                                | 471           |
| Accumulated amortisation  | (23)   | (429)                              | (452)         |
|   | 8  | 11                                 | 19            |
|   |  | <b>2011</b>                        | 2010          |
|   |  | <b>\$'000</b>                      | <b>\$'000</b> |

### E: Other Non-Financial Assets

|   |           |           |
|---|-----------|-----------|
| Prepayments                             | 45        | 86        |
| <b>Total other non-financial assets</b> | <b>45</b> | <b>86</b> |

No indicators of impairment were found for other non-financial assets.

Total other non-financial assets – are expected to be recovered in:

|   |           |           |
|---|-----------|-----------|
| No more than 12 months                  | 41        | 10        |
| More than 12 months                     | 4         | 76        |
| <b>Total other non-financial assets</b> | <b>45</b> | <b>86</b> |

Notes to and forming part of the financial statements  
for the period ended 30 June 2011

## Note 7: Payables

|  | 2011<br>\$'000 | 2010<br>\$'000 |
|--|----------------|----------------|
| <b>A: Supplier payables</b>                                |                |                |
| Trade creditors and accruals                               | 816            | 1,025          |
| <b>Total supplier payables</b>                             | <b>816</b>     | <b>1,025</b>   |
| Supplier payables expected to be settled within 12 months: |                |                |
| Related entities   | 132            | 687            |
| External parties   | 684            | 338            |
| <b>Total supplier payables</b>                             | <b>816</b>     | <b>1,025</b>   |

Settlement is generally made in accordance with the terms of the supplier invoice.

### B: Other Payables

|   |              |              |
|---|--------------|--------------|
| Salaries and wages                                  | 260          | 181          |
| Superannuation                                      | 38           | 31           |
| Other employee expenses                             | 8            | 24           |
| Revenue received in advance                         | 3,964        | 2,858        |
| GST Payable   | 57           | –            |
| <b>Total other payables</b>                         | <b>4,327</b> | <b>3,094</b> |
| Total other payables are expected to be settled in: |              |              |
| No more than 12 months                              | 3,087        | 1,623        |
| More than 12 months                                 | 1,240        | 1,471        |
| <b>Total other payables</b>                         | <b>4,327</b> | <b>3,094</b> |

## Note 8: Non-interest Bearing Liabilities

|   | 2011<br>\$'000 | 2010<br>\$'000 |
|---|----------------|----------------|
| <b>A: Non-interest Bearing Liabilities</b>                      |                |                |
| Lease incentives <sup>1</sup>                                   | 5,667          | 48             |
| <b>Total non-interest bearing liabilities</b>                   | <b>5,667</b>   | <b>48</b>      |
| Non-interest bearing liabilities are expected to be settled in: |                |                |
| No more than 12 months  | 568            | 48             |
| More than 12 months   | 5,099          | –              |
| <b>Total non-interest bearing liabilities</b>                   | <b>5,667</b>   | <b>48</b>      |

<sup>1</sup> Lease incentive included in property operating lease

## Note 9: Provisions

|  | 2011<br>\$'000 | 2010<br>\$'000 |
|--|----------------|----------------|
|--|----------------|----------------|

### A: Employee Provisions

|                                  |              |              |
|----------------------------------|--------------|--------------|
| Leave                            | 2,302        | 2,098        |
| <b>Total employee provisions</b> | <b>2,302</b> | <b>2,098</b> |

Employee provisions are expected to be settled in:

|                                  |              |              |
|----------------------------------|--------------|--------------|
| No more than 12 months           | 1,856        | 1,556        |
| More than 12 months              | 446          | 542          |
| <b>Total employee provisions</b> | <b>2,302</b> | <b>2,098</b> |

### B: Other Provisions

|                                       |            |            |
|---------------------------------------|------------|------------|
| Provision for contract obligations    | 256        | 288        |
| Provision for restoration obligations | 79         | 537        |
| <b>Total other provisions</b>         | <b>335</b> | <b>825</b> |

Other provisions are expected to be settled in:

|                               |            |            |
|-------------------------------|------------|------------|
| No more than 12 months        | 335        | 718        |
| More than 12 months           | –          | 107        |
| <b>Total other provisions</b> | <b>335</b> | <b>825</b> |

|                                     | Provision<br>for contract<br>obligations<br>\$'000 | Provision<br>for restoration<br>obligations<br>\$'000 | Total<br>\$'000 |
|-------------------------------------|--|---|-----------------|
| <b>Carrying amount 1 July 2010</b>  | <b>288</b>   | <b>537</b>  | <b>825</b>      |
| Additional provisions made          | 167  | –   | 167             |
| Amounts used                        | (199)  | (483)   | (682)           |
| Unwinding of discount               | –  | 25  | 25              |
| <b>Closing balance 30 June 2011</b> | <b>256</b>   | <b>79</b>   | <b>335</b>      |

**Notes to and forming part of the financial statements**  
for the period ended 30 June 2011

**Note 10: Cash Flow Reconciliation**

|  | 2011<br>\$'000 | 2010<br>\$'000 |
|--|----------------|----------------|
| <b>Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement</b> |                |                |
| <b>Cash and cash equivalents as per:</b>   |                |                |
| Cash flow statement  | 1,081          | 439            |
| Balance sheet  | 1,081          | 439            |
| <b>Difference</b>  | -              | -              |
| <b>Reconciliation of net cost of services to net cash from operating activities:</b>           |                |                |
| Net cost of services   | (14,654)       | (14,325)       |
| Add revenue from Government  | 14,424         | 13,711         |
| <b>Adjustments for non-cash items</b>  |                |                |
| Depreciation/amortisation  | 358            | 302            |
| Finance costs and restoration obligations  | 25             | 28             |
| Net write-down of non-financial assets   | 232            | 9              |
| <b>Changes in assets / liabilities</b>   |                |                |
| (Increase) / decrease in net receivables   | (467)          | (522)          |
| (Increase) / decrease in other non-financial assets  | 41             | (2)            |
| Increase / (decrease) in employee provisions   | 205            | (286)          |
| Increase / (decrease) in supplier payables   | (209)          | 68             |
| Increase / (decrease) in other payables  | 1,176          | 485            |
| Increase / (decrease) in other provisions  | (515)          | 269            |
| Increase / (decrease) in non-interest bearing liabilities                                      | 42             | (49)           |
| <b>Net cash from operating activities</b>  | <b>658</b>     | <b>(312)</b>   |

## Note 11: Contingent Liabilities and Assets

### Unquantifiable Contingencies

At 30 June 2011, the Commission was named as a respondent in one application before the High Court and one matter before the Administrative Appeals Tribunal.

The Commission is also appearing as an intervener in one matter before Fair Work Australia and one matter before the High Court.

It is not possible to estimate the amounts of the eventual payments that may be required in relation to the unresolved claims, though it is not common for costs to be awarded against the Commission in these matters.

## Note 12: Senior Executive Remuneration

|  | 2011 | 2010 |
|--|------|------|
|  | \$   | \$   |

### Note 12A: Senior Executive Remuneration Expense for the Reporting Period

Short-term employee benefits:

|   |                  |                  |
|---|------------------|------------------|
| Salary                                    | 1,345,811        | 1,139,423        |
| Annual leave accrued                      | 9,866            | 27,045           |
| Other                                     | 31,564           | 13,408           |
| <b>Total short-term employee benefits</b> | <b>1,387,241</b> | <b>1,179,876</b> |

Post-employment benefits:

|                                       |                |               |
|---------------------------------------|----------------|---------------|
| Superannuation                        | 137,935        | 90,469        |
| <b>Total post-employment benefits</b> | <b>137,935</b> | <b>90,469</b> |

Other long-term benefits:

|                                       |               |               |
|---------------------------------------|---------------|---------------|
| Long-service leave                    | 26,320        | 21,180        |
| <b>Total other long-term benefits</b> | <b>26,320</b> | <b>21,180</b> |

Termination benefits

|              |                  |                  |
|--------------|------------------|------------------|
|              | -                | 259,530          |
| <b>Total</b> | <b>1,551,496</b> | <b>1,551,055</b> |

#### Notes:

- Note 12A was prepared on an accrual basis.
- Note 12A excludes acting arrangements and part-year service where remuneration expensed was less than \$150,000.
- Other includes accommodation allowance as per Remuneration Tribunal Determination 2010/10.

**Notes to and forming part of the financial statements**  
for the period ended 30 June 2011

**Note 12: Senior Executive Remuneration (continued)**

**Note 12B: Average Annual Remuneration Packages and Bonus Paid for Substantive Senior Executives as at the end of the Reporting Period**

|  | As at 30 June 2011    |           |               |                               | As at 30 June 2010    |           |               |          |
|--|-----------------------|-----------|---------------|-------------------------------|-----------------------|-----------|---------------|----------|
|  | Senior Executives No. | Salary \$ | Allowances \$ | Total \$                      | Senior Executives No. | Salary \$ | Allowances \$ | Total \$ |
| <b>Fixed Elements and Bonus Paid<sup>1</sup></b>       |                       |           |               | <b>Bonus paid<sup>2</sup></b> |                       |           |               |          |
| Total remuneration (including part-time arrangements): |                       |           |               |                               |                       |           |               |          |
| less than \$150,000                                    | 1                     | 145,000   | -             | 145,000                       | -                     | -         | -             | -        |
| \$150,000 to \$179,999                                 | 1                     | 171,765   | -             | 171,765                       | 1                     | 165,000   | -             | 165,000  |
| \$180,000 to \$209,999                                 | 4                     | 191,120   | -             | 191,120                       | 4                     | 183,590   | -             | 183,590  |
| <b>Total</b>   | <b>6</b>              |           |               |                               | <b>5</b>              |           |               |          |

**Notes:**

<sup>1</sup> This table reports on substantive senior executives who are employed by the entity as at the end of the reporting period. Fixed elements are based on the employment agreement of each individual – each row represents an average annualised figure (based on headcount) for the individuals in that remuneration package band (i.e. the 'Total' column).

<sup>2</sup> Represents average actual bonuses paid during the reporting period. The 'Bonus paid' is excluded from the 'Total' calculation, (for the purpose of determining remuneration package bands). The 'Bonus paid' within a particular band may vary between financial years due to factors such as individuals commencing with or leaving the entity during the financial year.

#### Variable Elements:

With the exception of performance bonuses, variable elements are not included in the 'Fixed Elements and Bonus Paid' table above. The following variable elements are available as part of senior executives' remuneration package:

**(a) Performance bonuses:**

No performance bonuses were paid during the reporting period.

**(b) On average senior executives are entitled to the following leave entitlements:**

- i. Annual Leave: 4 weeks accrual per year (147 hours)
- ii. Long Service Leave: Accrual of 0.3 months per year (9 calendar days per annum)

**(c) Senior executives are members of one of the following superannuation funds:**

- i. Public Sector Superannuation Scheme (PSS) – this scheme is closed to new members and employer contributions averaged 17% for the reporting period;
- ii. Public Sector Superannuation Accumulation Plan (PSSap) with employer contributions of 15.4% per annum or
- iii. Superannuation Choice of Fund schemes with employer contributions of 9% per annum as per Super Guarantee Obligations (and max earnings base set by ATO)

**(d) Variable allowances:**

- i. SES Band 1 – Car in lieu \$22,000pa SES Band 2 – car in lieu \$25,000pa
- ii. Total Remuneration Package benefits as per Remuneration Tribunal Determination 2010/10
- iii. Accommodation Allowance of \$32,780pa as per Remuneration Tribunal Determination 2010/10

**(e) Others:**

Various salary sacrifice arrangements are available to senior executives including superannuation and motor vehicles.

#### Note 12C: Other Highly Paid Staff

During the reporting period, there were no employees whose salary plus performance bonus was \$150,000 or more (2010: nil). These employees did not have a role as senior executive and are therefore not disclosed as senior executive in Note 12A and Note 12B.

#### Note 13: Remuneration of Auditors

|   | 2011<br>\$'000 | 2010<br>\$'000 |
|---|----------------|----------------|
| Financial statement audit services were provided free of charge to the Commission |                |                |
| The fair value of the services provided by the Auditor-General was:               |                |                |
| Financial Statement Audit   | 50             | 48             |

No other services were provided by the Auditor-General.

Notes to and forming part of the financial statements  
for the period ended 30 June 2011

Note 14: Financial Instruments

|  | 2011<br>\$'000 | 2010<br>\$'000 |
|--|----------------|----------------|
|--|----------------|----------------|

**A: Categories of Financial Instruments**

**Financial Assets**

Loans and receivables:

|  |              |              |
|--|--------------|--------------|
| Cash and cash equivalents                                | 1,081        | 439          |
| Trade and other receivables                              | 1,302        | 1,152        |
| Appropriation receivable                                 | 6,502        | 4,750        |
| GST receivable from the Australian Taxation Office (ATO) | -            | 52           |
| <b>Carrying amount of financial assets</b>               | <b>8,885</b> | <b>6,393</b> |

**Financial Liabilities**

Other liabilities:

|   |               |              |
|---|---------------|--------------|
| Trade creditors and accruals                        | 816           | 1,025        |
| Lease incentives                                    | 5,667         | 48           |
| Revenue received in advance                         | 3,964         | 2,858        |
| GST Payable to the Australian Taxation Office (ATO) | 57            | -            |
| <b>Carrying amount of financial liabilities</b>     | <b>10,504</b> | <b>3,931</b> |

|  | Carrying<br>amount<br>2011<br>\$'000 | Fair<br>value<br>2011<br>\$'000 | Carrying<br>amount<br>2010<br>\$'000 | Fair<br>value<br>2010<br>\$'000 |
|--|--------------------------------------|---------------------------------|--------------------------------------|---------------------------------|
|--|--------------------------------------|---------------------------------|--------------------------------------|---------------------------------|

**B: Fair Value of Financial Instruments**

**Financial Assets**

|                             |              |              |              |              |
|-----------------------------|--------------|--------------|--------------|--------------|
| Cash and cash equivalents   | 1,081        | 1,081        | 439          | 439          |
| Trade and other receivables | 1,302        | 1,302        | 1,152        | 1,152        |
| Appropriation receivable    | 6,502        | 6,502        | 4,750        | 4,750        |
| GST receivable from the ATO | -            | -            | 52           | 52           |
| <b>Total</b>                | <b>8,885</b> | <b>8,885</b> | <b>6,393</b> | <b>6,393</b> |

**Financial Liabilities**

|                              |               |               |              |              |
|------------------------------|---------------|---------------|--------------|--------------|
| Trade creditors and accruals | 816           | 816           | 1,025        | 1,025        |
| Lease incentives             | 5,667         | 5,667         | 48           | 48           |
| Revenue received in advance  | 3,964         | 3,964         | 2,858        | 2,858        |
| GST Payable to the ATO       | 57            | 57            | -            | -            |
| <b>Total</b>                 | <b>10,504</b> | <b>10,504</b> | <b>3,931</b> | <b>3,931</b> |

## Note 14: Financial Instruments (continued)

### C: Credit Risk

The Commission's maximum exposures to credit risk at reporting date in relation to each class of recognised financial asset is the carrying amount of those assets as indicated in the Balance Sheet.

The Commission has no significant exposures to any concentrations of credit risk nor does it hold any collateral to mitigate against credit risk.

#### Credit quality of financial instruments not past due or individually determined as impaired:

|                              | Not past due<br>nor impaired | Not past due<br>nor impaired | Past due or<br>impaired | Past due or<br>impaired |
|------------------------------|------------------------------|------------------------------|-------------------------|-------------------------|
|                              | 2011<br>\$'000               | 2010<br>\$'000               | 2011<br>\$'000          | 2010<br>\$'000          |
| <b>Loans and receivables</b> |                              |                              |                         |                         |
| Cash and cash equivalents    | 1,081                        | 439                          | –                       | –                       |
| Trade and other receivables  | 1,197                        | 375                          | 105                     | 777                     |
| Appropriation receivable     | 6,502                        | 4,750                        | –                       | –                       |
| GST receivable from the ATO  | –                            | 52                           | –                       | –                       |
| <b>Total</b>                 | <b>8,780</b>                 | <b>5,616</b>                 | <b>105</b>              | <b>777</b>              |

#### Ageing of financial assets that were past due but not impaired for 2011:

|                             | 0 to 30<br>days | 31 to 60<br>days | 61 to 90<br>days | 90+<br>days | Total      |
|-----------------------------|-----------------|------------------|------------------|-------------|------------|
|                             | \$'000          | \$'000           | \$'000           | \$'000      | \$'000     |
| Trade and other receivables | 65              | 6                | –                | 34          | 105        |
| <b>Total</b>                | <b>65</b>       | <b>6</b>         | <b>–</b>         | <b>34</b>   | <b>105</b> |

#### Ageing of financial assets that were past due but not impaired for 2010:

|                             | 0 to 30<br>days | 31 to 60<br>days | 61 to 90<br>days | 90+<br>days | Total      |
|-----------------------------|-----------------|------------------|------------------|-------------|------------|
|                             | \$'000          | \$'000           | \$'000           | \$'000      | \$'000     |
| Trade and other receivables | 774             | 4                | –                | –           | 788        |
| <b>Total</b>                | <b>774</b>      | <b>4</b>         | <b>–</b>         | <b>–</b>    | <b>788</b> |

Notes to and forming part of the financial statements  
for the period ended 30 June 2011

Note 14: Financial Instruments (continued)

**D: Liquidity Risk**

The Commission's financial liabilities are payables, accrued expenses, revenue received in advance and other non-interest bearing liabilities. The exposure to liquidity risk is based on the notion that the Commission will encounter difficulty in meeting its obligations associated with financial liabilities. This is unlikely due to the appropriation funding and mechanisms available to the Commission (e.g. Advance to the Minister for Finance) and internal policies and procedures put in place to ensure there are appropriate resources to meet its financial obligations.

**Maturities for non-derivative financial liabilities 2011:**

|                              | On demand | within 1 year | 1 to 2 years | 2 to 5 years | > 5 years    | Total         |
|------------------------------|-----------|---------------|--------------|--------------|--------------|---------------|
|                              | \$'000    | \$'000        | \$'000       | \$'000       | \$'000       | \$'000        |
| <b>Other liabilities</b>     |           |               |              |              |              |               |
| Trade creditors and accruals | -         | 816           | -            | -            | -            | 816           |
| Lease incentives             | -         | 568           | 566          | 1,700        | 2,833        | 5,667         |
| Revenue received in advance  | -         | 3,964         | -            | -            | -            | 3,964         |
| GST Payable to the ATO       | -         | 57            | -            | -            | -            | 57            |
| <b>Total</b>                 | -         | <b>5,405</b>  | <b>566</b>   | <b>1,700</b> | <b>2,833</b> | <b>10,504</b> |

Maturities for non-derivative financial liabilities 2010:

|                              | On demand | within 1 year | 1 to 2 years | 2 to 5 years | > 5 years | Total        |
|------------------------------|-----------|---------------|--------------|--------------|-----------|--------------|
|                              | \$'000    | \$'000        | \$'000       | \$'000       | \$'000    | \$'000       |
| <b>Other liabilities</b>     |           |               |              |              |           |              |
| Trade creditors and accruals | -         | 1,025         | -            | -            | -         | 1,025        |
| Lease incentives             | -         | 48            | -            | -            | -         | 48           |
| Revenue received in advance  | -         | 2,858         | -            | -            | -         | 2,858        |
| <b>Total</b>                 | -         | <b>3,931</b>  | -            | -            | -         | <b>3,931</b> |

The Commission has no derivative financial liabilities in both the current and prior year.

**E: Market Risk**

The Commission holds basic financial instruments that do not expose the Commission to certain market risks. The Commission is not exposed to 'interest rate risk', 'currency risk' or 'other price risk'.

**Notes to and forming part of the financial statements**  
for the period ended 30 June 2011

**Note 15: Appropriations**

**Table A: Annual Appropriations ('Recoverable GST exclusive')**

|                           | 2011 Appropriations         |   |            |                   |                           |                   |                            | Appropriation applied in 2011 (current and prior years) \$'000 | Variance <sup>(a)</sup> \$'000 |
|---------------------------|-----------------------------|---|------------|-------------------|---------------------------|-------------------|----------------------------|--|--------------------------------|
|                           | Annual Appropriation \$'000 | Appropriation Act Appropriations reduced \$'000 | AFM \$'000 | Section 30 \$'000 | FMA Act Section 31 \$'000 | Section 32 \$'000 | Total appropriation \$'000 |  |                                |
| <b>Departmental</b>       |                             |   |            |                   |                           |                   |                            |  |                                |
| Ordinary annual services  | 15,241                      | -   | -          | -                 | 6,643                     | -                 | 21,884                     | (19,986)   | 1,898                          |
| Other services            | 510                         | -   | -          | -                 |                           | -                 | 510                        | -  | 510                            |
| Equity                    | -                           | -   | -          | -                 |                           | -                 | -                          | -  | -                              |
| Loans                     | -                           | -   | -          | -                 | 6,643                     | -                 | -                          | (19,986)   | 2,408                          |
| <b>Total departmental</b> | <b>15,751</b>               | <b>-</b>  | <b>-</b>   | <b>-</b>          | <b>6,643</b>              | <b>-</b>          | <b>22,394</b>              | <b>(19,986)</b>  | <b>2,408</b>                   |

**Notes:**

(a) variances represent the agencies 30 June 2011 cash balance (refer note 5A), undrawn capital budget (DCB) funding and undrawn equity injection.

**Notes to and forming part of the financial statements**  
for the period ended 30 June 2011

**Note 15: Appropriations (continued)**

|                                 | 2010 Appropriations         |  |            |                               |                   |                           |                   | Appropriation applied in 2011 (current and prior years) \$'000 | Variance <sup>(b)</sup> \$'000 |                            |
|---------------------------------|-----------------------------|--|------------|-------------------------------|-------------------|---------------------------|-------------------|--|--------------------------------|----------------------------|
|                                 | Annual Appropriation \$'000 | Appropriations reduced <sup>(a)</sup> \$'000 | AFM \$'000 | Section 14 (Act No. 1) \$'000 | Section 30 \$'000 | FMA Act Section 31 \$'000 | Section 32 \$'000 |  |                                | Total appropriation \$'000 |
| <b>Departmental</b>             |                             |  |            |                               |                   |                           |                   |  |                                |                            |
| <b>Ordinary annual services</b> | 13,711                      | -  | -          | -                             | -                 | 5,263                     | -                 | 18,974   | (14,224)                       | 4,750                      |
| <b>Other services</b>           |                             |  |            |                               |                   |                           |                   |  |                                |                            |
| Equity                          | -                           | 1,227  | -          | -                             | -                 |                           | -                 | 1,227  | (1,227)                        | -                          |
| Loans                           | -                           | -  | -          | -                             | -                 |                           | -                 | -  | -                              | -                          |
| <b>Total departmental</b>       | 13,711                      | 1,227  | -          | -                             | -                 | 5,263                     | -                 | 20,201   | (15,451)                       | 4,750                      |

**Notes:**

- (a) Return of contributed equity/capital under the application of the Operation Sunlight initiative.  
(b) variance represents the agencies appropriations receivable at 30 June 2010 (refer to note 5B).

**Table B: Unspent Departmental Annual Appropriations ('Recoverable GST exclusive')**

|                                       | 2011 \$'000 | 2010 \$'000 |
|---------------------------------------|-------------|-------------|
| <b>Authority</b>                      |             |             |
| Appropriation Act (No. 1) 2006-2007   | 1,523       | 1,523       |
| Appropriation Act (No. 1) 2007-2008   | 1,500       | 1,500       |
| Appropriation Act (No. 1) 2008-2009   | 462         | 462         |
| Appropriation Act (No. 1) 2009-2010   | 565         | 1,265       |
| Appropriation Act (No. 1) 2010-2011   | 1,125       | -           |
| Capital Budget Bill 1 (DCB) 2010-2011 | 817         | -           |
| Appropriation Act (No. 2) 2010-2011   | 510         | -           |
| <b>Total</b>                          | 6,502       | 4,750       |

## Note 16: Special Accounts

The Commission has an 'Other Trust Monies' special account. The account was established under Section 20 of the *Financial Management and Accountability Act 1997* (FMA Act). For the year ended 30 June 2011 the account had a nil opening balance and there were no transactions debited or credited to it in the 2010-2011 financial year.

The purpose of the 'Other Trust Monies' special account is for the expenditure of monies temporarily held on trust or otherwise for the benefit of a person other than the Commonwealth. Any money held thus is special public money under section 16 of the FMA Act.

## Note 17: Compensation and Debt Relief

The Commission made no payments for compensation or debt relief during the reporting period.

## Note 18: Reporting of Outcomes

The Commission is structured to meet one outcome. The Commission outcome and output structure is outlined in Note 1.1 to these financial statements. All resources to be used by the Commission are directed towards the achievement of the Commission's outcome.

|  | Outcome 1      |                | Total          |                |
|--|----------------|----------------|----------------|----------------|
|  | 2011<br>\$'000 | 2010<br>\$'000 | 2011<br>\$'000 | 2010<br>\$'000 |

### A: Net Cost of Outcome Delivery

#### Expenses:

|              |               |               |               |               |
|--------------|---------------|---------------|---------------|---------------|
| Departmental | 20,297        | 19,406        | 20,297        | 19,406        |
| <b>Total</b> | <b>20,297</b> | <b>19,406</b> | <b>20,297</b> | <b>19,406</b> |

#### Income from non-government sector:

|                                     |            |              |            |              |
|-------------------------------------|------------|--------------|------------|--------------|
| Departmental                        |            |              |            |              |
| Activities subject to cost recovery | 601        | 673          | 601        | 673          |
| Other                               | 98         | 632          | 98         | 632          |
| <b>Total</b>                        | <b>699</b> | <b>1,305</b> | <b>699</b> | <b>1,305</b> |

#### Other own-source income:

|              |              |              |              |              |
|--------------|--------------|--------------|--------------|--------------|
| Departmental | 4,944        | 4,319        | 4,944        | 4,319        |
| <b>Total</b> | <b>4,944</b> | <b>4,319</b> | <b>4,944</b> | <b>4,319</b> |

|                                     |               |               |               |               |
|-------------------------------------|---------------|---------------|---------------|---------------|
| <b>Net cost of outcome delivery</b> | <b>14,654</b> | <b>13,782</b> | <b>14,654</b> | <b>13,782</b> |
|-------------------------------------|---------------|---------------|---------------|---------------|

Net costs shown include intra-government costs that are eliminated in calculating the actual Budget Outcome. Refer to the Outcome Resourcing Table on page [page no.] of this Annual Report.

Notes to and forming part of the financial statements  
for the period ended 30 June 2011

Note 18: Reporting of Outcomes (continued)

|  | Outcome 1      |                | Total          |                |
|--|----------------|----------------|----------------|----------------|
|  | 2011<br>\$'000 | 2010<br>\$'000 | 2011<br>\$'000 | 2010<br>\$'000 |

**B: Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcome**

**Departmental expenses:**

|                               |               |               |               |               |
|-------------------------------|---------------|---------------|---------------|---------------|
| Employee benefits             | 12,088        | 11,012        | 12,088        | 11,012        |
| Supplier expenses             | 7,594         | 8,055         | 7,594         | 8,055         |
| Depreciation and amortisation | 358           | 302           | 358           | 302           |
| Finance costs                 | 25            | 28            | 25            | 28            |
| Other expenses                | 232           | 9             | 232           | 9             |
| <b>Total</b>                  | <b>20,297</b> | <b>19,406</b> | <b>20,297</b> | <b>19,406</b> |

**Departmental income:**

|                             |               |               |               |               |
|-----------------------------|---------------|---------------|---------------|---------------|
| Sales of goods and services | 4,870         | 4,360         | 4,870         | 4,360         |
| Revenue from government     | 14,424        | 13,711        | 14,424        | 13,711        |
| Rental income               | 675           | 632           | 675           | 632           |
| Other income                | 98            | 89            | 98            | 89            |
| <b>Total</b>                | <b>20,067</b> | <b>18,792</b> | <b>20,067</b> | <b>18,792</b> |

**Departmental assets:**

|                                     |               |              |               |              |
|-------------------------------------|---------------|--------------|---------------|--------------|
| Cash and cash equivalents           | 1,081         | 439          | 1,081         | 439          |
| Trade and other receivables         | 7,804         | 5,954        | 7,804         | 5,954        |
| Infrastructure, plant and equipment | 5,822         | 1,222        | 5,822         | 1,222        |
| Intangibles                         | –             | 19           | –             | 19           |
| Other non-financial assets          | 45            | 86           | 45            | 86           |
| <b>Total</b>                        | <b>14,752</b> | <b>7,720</b> | <b>14,752</b> | <b>7,720</b> |

**Departmental liabilities:**

|                               |               |              |               |              |
|-------------------------------|---------------|--------------|---------------|--------------|
| Suppliers                     | 816           | 1,025        | 816           | 1,025        |
| Lease incentives              | 5,667         | 48           | 5,667         | 48           |
| Employee provisions           | 2,302         | 2,098        | 2,302         | 2,098        |
| Other provisions and payables | 4,662         | 3,919        | 4,662         | 3,919        |
| <b>Total</b>                  | <b>13,447</b> | <b>7,090</b> | <b>13,447</b> | <b>7,090</b> |

## Note 19: Comprehensive Loss Attributable to the Commission

|   | 2011<br>\$'000 | 2010<br>\$'000 |
|---|----------------|----------------|
| <b>Total Comprehensive Loss Attributable to the Commission</b>                  |                |                |
| Total comprehensive loss attributable to the Australian Government <sup>1</sup> | (652)          | (1,015)        |
| Plus: non-appropriated expenses   |                |                |
| Depreciation and amortisation expenses  | 358            | 302            |
| <b>Total comprehensive loss attributable to the Commission</b>                  | <b>(294)</b>   | <b>(713)</b>   |

<sup>1</sup> As per the Statement of Comprehensive Income.

# Appendices

- Appendix 1: Total resources and expenses for our outcome
- Appendix 2: Complaints statistics
- Appendix 3: Website statistics
- Appendix 4: Staffing statistics
- Appendix 5: Consultancy services



# Appendix 1: Total resources and expense for our outcome\*

**Table 37: Resources for outcome**

**Outcome 1** – An Australian society in which human rights are respected, protected and promoted through independent investigation and resolution of complaints, education and research to promote and eliminate discrimination, and monitoring, and reporting on human rights.

|  | Budget**<br>2010-11<br>\$'000 | Actual<br>Expenses<br>2010-11<br>\$'000 | Variation<br>\$'000 |
|--|-------------------------------|---|---------------------|
|  | (a)                           | (b)                                     | (a)-(b)             |
| <b>Program 1.1</b> – Australians have access to independent human rights complaint handling and public inquiries processes and benefit from human rights education, promotion and monitoring, and compliance activities. |                               |   |                     |
| <b>Departmental Expenses</b>   |                               |   |                     |
| Ordinary annual services (Appropriation Bill No.1)   | 14,424                        | 14,424                                  | –                   |
| Revenues from independent sources (Section 31)   | 4,100                         | 5,233                                   | (1,133)             |
| Expenses not requiring appropriation in the budget year  | 424                           | 640                                     | (216)               |
| <b>Subtotal for Output Group 1.1</b>   | <b>18,948</b>                 | <b>20,297</b>                           | <b>(1,349)</b>      |
| <b>Total for Outcome 1</b>   |                               |   |                     |
| Departmental   | 18,948                        | 20,297                                  | (1,349)             |
| <b>Average staffing level (number)</b>   | <b>110</b>                    | <b>113</b>                              |                     |

\* Refer outcome structure on page 2

\*\* Full-year budget, including any subsequent adjustment made to the 2009-10 Budget

# Appendix 2: Complaint Statistics

## Enquiries and complaints received

In 2010-11 the Commission received 18 670 enquiries and 2 152 complaints which is similar to the average number of enquiries and complaints received over the past five years.

- 38% of complaints were lodged under the Disability Discrimination Act
- 21% of complaints were lodged under the Sex Discrimination Act
- 20% of complaints were lodged under the Racial Discrimination Act
- 13% of complaints were lodged under the Australian Human Rights Commission Act
- 8% of complaints were lodged under the Age Discrimination Act.

## Conciliation of complaints

Of the complaints finalised in 2010-11, 47% were conciliated. Of those matters where conciliation was attempted, 64% were able to be resolved.

Complaints under the Disability Discrimination Act had the highest conciliation rate (49%) and a conciliation success rate of 64%.

Complaints under the Racial Discrimination Act had a 46% conciliation rate and a conciliation success rate of 62%.

Complaints under the Sex Discrimination Act had a conciliation rate of 45% and a conciliation success rate of 61%.

Complaints under the Age Discrimination Act had a conciliation rate of 45% and the highest conciliation success rate (66%).

Forty percent of finalised complaints under the Australian Human Rights Commission Act were successfully resolved.

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## Demographic data

Information on the geographical location and ethnicity of complainants is provided in Tables 7, 10 and 11.

Demographic data obtained during the complaint process indicates that 48% of complaints were lodged by individual males, 46% by individual females and 6% by other categories. Other categories include intersex, sex not specified, joint/multiple complainants and organisations/individuals on behalf of others.

Fifty percent of complainants reported that they knew about the Commission prior to lodging their complaint. This is the highest percentage recorded over the past five years and may be indicative of increased community awareness of the Commission and its work.

The main identified referral sources for others were legal centres or private lawyers (22%), family members or friends (19%), the internet (14%), a disability organisation or advocate (9%) and a government agency (5%). There is also a clear trend over the past five years for more complainants to identify the internet as a source of information and referral.

The majority of complainants (66%) indicated that their main source of income at the time of the alleged act was from full-time, part-time, casual or self employment.

Approximately 38% of complainants said they were represented at the beginning of the complaint process. This figure has varied between 33% and 38% over the past five years. In this reporting year, 39% of those who were represented said they were represented by privately funded solicitors. Other forms of representation were other advocate groups, such as working women's centres or disability advocacy services (23%), community legal centres, such as Indigenous or disability legal services (17%), family members or friends (16%) and trade unions or professional associations (5%).

In 2010-11, the main respondent organisation categories were private enterprise (52%), Commonwealth departments/statutory authorities (16%) and State departments/statutory authorities (16%). These have been the main categories for the last five reporting years.

## Complaint Information Service

**Table 1: Website enquiries**

|   |                |
|---|----------------|
| <b>Complaint Handling Section webpage views</b> | <b>326 516</b> |
|---|----------------|

**Table 2: Telephone, TTY, Email, in-person and written enquiries received**

| <b>Enquiry type</b> | <b>Total</b>  |
|---------------------|---------------|
| Telephone           | 14 479        |
| TTY                 | 13            |
| Email               | 3 336         |
| In-person           | 118           |
| Written             | 724           |
| <b>Total</b>        | <b>18 670</b> |

**Table 3: Enquiries received by issue**

| <b>Issue</b>  | <b>Total</b> |
|---|--------------|
| Race  | 1 979        |
| Race – racial hatred  | 619          |
| Sex – direct  | 890          |
| Sexual harassment   | 1 003        |
| Sex – marital status, family responsibilities, parental status, carers responsibilities, breast feeding | 368          |
| Sex – pregnancy   | 510          |
| Sexual preference, transgender, homosexuality, lawful sexual activity                                   | 218          |
| Disability – impairment   | 2 628        |
| Disability – HIV/AIDS/hepatitis   | 48           |
| Disability – workers compensation   | 164          |
| Disability – mental health  | 581          |
| Disability – intellectual/learning disability   | 293          |
| Disability – maltreatment/negligence  | 30           |
| Disability – physical feature   | 550          |
| Age – too young   | 157          |
| Age – too old   | 562          |
| Age – compulsory retirement   | 5            |
| Criminal record/conviction  | 364          |
| Political opinion   | 17           |
| Religion/religious organisations  | 213          |
| Employment – personality conflicts/favouritism  | 143          |

**Table 3: Enquiries received by issue (continued)**

| Issue   | Total         |
|---|---------------|
| Employment – union/industrial activity                | 60            |
| Employment – unfair dismissal/other industrial issues | 2 020         |
| Employment – workplace bullying                       | 1 564         |
| Human rights – children                               | 80            |
| Human rights – civil, political, economic, social     | 772           |
| Immigration – detention centres                       | 491           |
| Immigration – visas                                   | 334           |
| Prisons/prisoners                                     | 202           |
| Police  | 279           |
| Court – family court                                  | 193           |
| Court – other law matters                             | 249           |
| Privacy – data protection                             | 44            |
| Neighbourhood disputes                                | 80            |
| Advertising   | 23            |
| Local government – administration                     | 77            |
| State government – administration                     | 739           |
| Federal government – administration                   | 716           |
| Other   | 4 256         |
| <b>Total*</b>   | <b>23 521</b> |

\* One enquiry may have multiple issues

**Table 4: Enquiries received by State/Territory of origin**

| State of origin              | Total         | %          |
|------------------------------|---------------|------------|
| New South Wales              | 4 908         | 26         |
| Victoria                     | 2 731         | 15         |
| South Australia              | 1 306         | 7          |
| Western Australia            | 1 104         | 6          |
| Queensland                   | 2 384         | 13         |
| Australian Capital Territory | 326           | 2          |
| Tasmania                     | 212           | 1          |
| Northern Territory           | 243           | 1          |
| Unknown/overseas             | 5 456         | 29         |
| <b>Total</b>                 | <b>18 670</b> | <b>100</b> |

## Complaints overview

**Table 5: Complaints received and finalised over the past five years**

|           | 2006-07 | 2007-08 | 2008-09 | 2009-10 | 2010-11 |
|-----------|---------|---------|---------|---------|---------|
| Received  | 1 779   | 2 077   | 2 253   | 2 517   | 2 152   |
| Finalised | 1 656   | 1 883   | 2 354   | 2 426   | 2 266   |

**Table 6: Outcomes of complaints finalised over the past five years**

|                          | 2006-07<br>(%) | 2007-08<br>(%) | 2008-09<br>(%) | 2009-10<br>(%) | 2010-11<br>(%) |
|--------------------------|----------------|----------------|----------------|----------------|----------------|
| Terminated/<br>declined  | 48             | 39             | 34             | 32             | 35             |
| Conciliated              | 38             | 48             | 48             | 50             | 47             |
| Withdrawn                | 14             | 13             | 18             | 13             | 11             |
| Discontinued*            | –              | –              | –              | 5              | 6              |
| Reported<br>(AHRCA only) | –              | –              | –              | –              | 1              |

\* Complaints finalised under statutory provision – 46 PF(5)(a) – Satisfied that complainant does not want inquiry to continue.

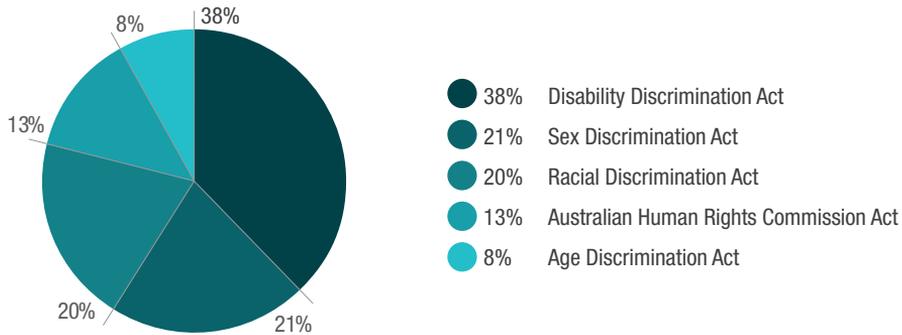
**Table 7: Complaints received by State/Territory of complainant**

| State of origin              | Total        | %          |
|------------------------------|--------------|------------|
| New South Wales              | 827          | 38         |
| Victoria                     | 438          | 20         |
| South Australia              | 150          | 7          |
| Western Australia            | 191          | 9          |
| Queensland                   | 386          | 18         |
| Australian Capital Territory | 65           | 3          |
| Tasmania                     | 19           | 1          |
| Northern Territory           | 41           | 2          |
| Unknown/overseas             | 35           | 2          |
| <b>Total</b>                 | <b>2 152</b> | <b>100</b> |

**Table 8: Complaints received and finalised by Act**

| Act  | Received     | Finalised    |
|--|--------------|--------------|
| Racial Discrimination Act (RDA)                | 422          | 472          |
| Sex Discrimination Act (SDA)                   | 459          | 448          |
| Disability Discrimination Act (DDA)            | 823          | 961          |
| Age Discrimination Act (ADA)                   | 175          | 181          |
| Australian Human Rights Commission Act (AHRCA) | 273          | 204          |
| <b>Total</b>                                   | <b>2 152</b> | <b>2 266</b> |

**Chart 1: Complaints received by Act**



**Table 9: Complaints received by Act over the past five years**

|  | 2006-07      | 2007-08      | 2008-09      | 2009-10      | 2010-11      |
|--|--------------|--------------|--------------|--------------|--------------|
| Racial Discrimination Act              | 250          | 376          | 396          | 550          | 422          |
| Sex Discrimination Act                 | 472          | 438          | 547          | 532          | 459          |
| Disability Discrimination Act          | 802          | 988          | 980          | 1 057        | 823          |
| Age Discrimination Act                 | 106          | 126          | 151          | 174          | 175          |
| Australian Human Rights Commission Act | 149          | 149          | 179          | 204          | 273          |
| <b>Total</b>                           | <b>1 779</b> | <b>2 077</b> | <b>2 253</b> | <b>2 517</b> | <b>2 152</b> |

**Table 10: Country of birth – complainants**

|                           | RDA (%) | SDA (%) | DDA (%) | ADA (%) | AHRCA (%) | Total (%) |
|---------------------------|---------|---------|---------|---------|-----------|-----------|
| Born in Australia         | 47      | 55      | 61      | 59      | 35        | <b>55</b> |
| Born outside of Australia | 44      | 14      | 13      | 22      | 45        | <b>23</b> |
| Unknown/ unspecified      | 9       | 31      | 26      | 19      | 20        | <b>22</b> |

**Table 11: Indigenous status – complainants**

|                        | RDA (%) | SDA (%) | DDA (%) | ADA (%) | AHRCA (%) | Total (%) |
|------------------------|---------|---------|---------|---------|-----------|-----------|
| Aboriginal             | 34      | 2       | 2       | 1       | 2         | <b>9</b>  |
| Torres Strait Islander | –       | –       | –       | –       | 1         | –         |
| None of the above      | 66      | 98      | 98      | 99      | 97        | <b>91</b> |

**Table 12: Time from receipt to finalisation for finalised complaints**

|                     | RDA (%) | SDA (%) | DDA (%) | ADA (%) | AHRCA (%) | Cumulative Total (%) |
|---------------------|---------|---------|---------|---------|-----------|----------------------|
| 0 - 6 months        | 74      | 60      | 47      | 60      | 47        | <b>56</b>            |
| 6 - 9 months        | 90      | 84      | 76      | 88      | 73        | <b>81</b>            |
| 9 - 12 months       | 96      | 95      | 94      | 98      | 89.5      | <b>94</b>            |
| More than 12 months | 100     | 100     | 100     | 100     | 100       | <b>100</b>           |

## Racial Discrimination Act

**Table 13: Racial Discrimination Act — complaints received and finalised**

|           | Total |
|-----------|-------|
| Received  | 422   |
| Finalised | 472   |

**Table 14: Racial Discrimination Act — complaints received by ground**

| Racial Discrimination Act  | Total      | %          |
|----------------------------|------------|------------|
| Colour                     | 74         | 9          |
| National origin/extraction | 41         | 5          |
| Ethnic origin              | 102        | 12         |
| Descent                    | 9          | 1          |
| Race                       | 445        | 54         |
| Victimisation              | 9          | 1          |
| Racial hatred              | 121        | 15         |
| Aids, permits or instructs | –          | –          |
| Association                | 2          | –          |
| Immigrant                  | 23         | 3          |
| <b>Total*</b>              | <b>826</b> | <b>100</b> |

\* One complaint may have multiple grounds.

**Table 15: Racial Discrimination Act — complaints received by area**

| Racial Discrimination Act          | Total      | %          |
|------------------------------------|------------|------------|
| Rights to equality before the law  | –          | –          |
| Access to places and facilities    | 1          | –          |
| Land, housing, other accommodation | 8          | 1          |
| Provision of goods and services    | 227        | 27         |
| Right to join trade unions         | –          | –          |
| Employment                         | 290        | 35         |
| Advertisements                     | –          | –          |
| Education                          | 7          | 1          |
| Incitement to unlawful acts        | –          | –          |
| Other – section 9                  | 165        | 20         |
| Racial hatred                      | 128        | 16         |
| <b>Total*</b>                      | <b>826</b> | <b>100</b> |

\* An area is recorded for each ground, so one complaint may have multiple and different areas.

**Table 16: Racial hatred complaints received by sub-area**

| Racial Discrimination Act          | Total      | %          |
|------------------------------------|------------|------------|
| Media – press/TV/radio             | 19         | 17         |
| Disputes between neighbours        | 6          | 5          |
| Personal conflict                  | 15         | 13         |
| Employment                         | 29         | 26         |
| Racist propaganda                  | 1          | 1          |
| Internet – email/webpage/chat room | 26         | 23         |
| Entertainment                      | –          | –          |
| Sport                              | 2          | 2          |
| Public debate                      | –          | –          |
| Provision of goods and services    | 10         | 9          |
| Other                              | 5          | 4          |
| <b>Total</b>                       | <b>113</b> | <b>100</b> |

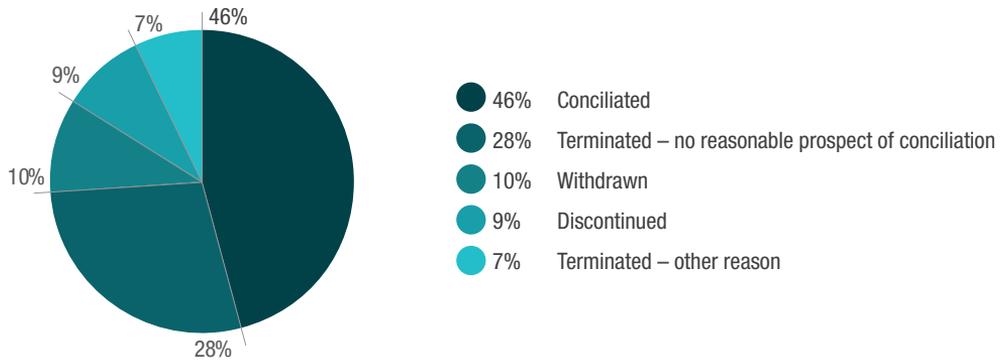
**Table 17: Racial Discrimination Act – outcomes of finalised complaints**

| Racial Discrimination Act   | Total      |
|---|------------|
| <b>Terminated</b>   | <b>158</b> |
| At complainants request – s.46PE                                  | –          |
| Not unlawful  | –          |
| More than 12 months old   | 7          |
| Trivial, vexatious, frivolous, misconceived, lacking in substance | 23         |
| Adequately dealt with already                                     | –          |
| More appropriate remedy available                                 | –          |
| Subject matter of public importance                               | –          |
| No reasonable prospect of conciliation                            | 128        |
| <b>Discontinued*</b>  | <b>40</b>  |
| <b>Withdrawn</b>  | <b>43</b>  |
| <b>Conciliated</b>  | <b>208</b> |
| <b>Administrative closure**</b>                                   | <b>23</b>  |
| <b>Total</b>  | <b>472</b> |

\* Finalised under statutory provision – 46 PF(5)(a) – Satisfied that complainant does not want inquiry to continue.

\*\*Not an aggrieved party, state complaint previously lodged.

**Chart 2: Racial Discrimination Act – outcomes of finalised complaints**



## Sex Discrimination Act

**Table 18: Sex Discrimination Act – complaints received and finalised**

| Sex Discrimination Act | Total |
|------------------------|-------|
| Received               | 459   |
| Finalised              | 448   |

**Table 19: Sex Discrimination Act – complaints received by sex of complainant**

| Sex Discrimination Act | Total      | %          |
|------------------------|------------|------------|
| Female                 | 378        | 82         |
| Male                   | 78         | 17         |
| Other category*        | 3          | 1          |
| <b>Total</b>           | <b>459</b> | <b>100</b> |

\* Includes intersex, sex not specified, joint/multiple and individual/organisation on behalf of other.

**Table 20: Sex Discrimination Act – complaints received by ground**

| Sex Discrimination Act                 | Total      | %          |
|--|------------|------------|
| Sex discrimination                     | 324        | 37         |
| Marital status                         | 18         | 2          |
| Pregnancy                              | 165        | 19         |
| Sexual harassment                      | 265        | 30         |
| Parental status/ family responsibility | 43         | 5          |
| Victimisation                          | 50         | 6          |
| Aids, permits, instructs               | 9          | 1          |
| <b>Total*</b>                          | <b>874</b> | <b>100</b> |

\* One complaint may have multiple grounds.

**Table 21: Sex Discrimination Act – complaints received by area**

| Sex Discrimination Act                           | Total      | %          |
|--|------------|------------|
| Employment                                       | 770        | 88         |
| Goods, services and facilities                   | 72         | 8          |
| Land   | –          | –          |
| Accommodation                                    | 2          | 0.5        |
| Superannuation, insurance                        | –          | –          |
| Education  | 10         | 1          |
| Clubs  | –          | –          |
| Administration of Commonwealth laws and programs | 18         | 2          |
| Application forms etc                            | –          | –          |
| Trade unions, accrediting bodies                 | 2          | 0.5        |
| <b>Total*</b>                                    | <b>874</b> | <b>100</b> |

\* An area is recorded for each ground, so one complaint may have multiple and different areas.

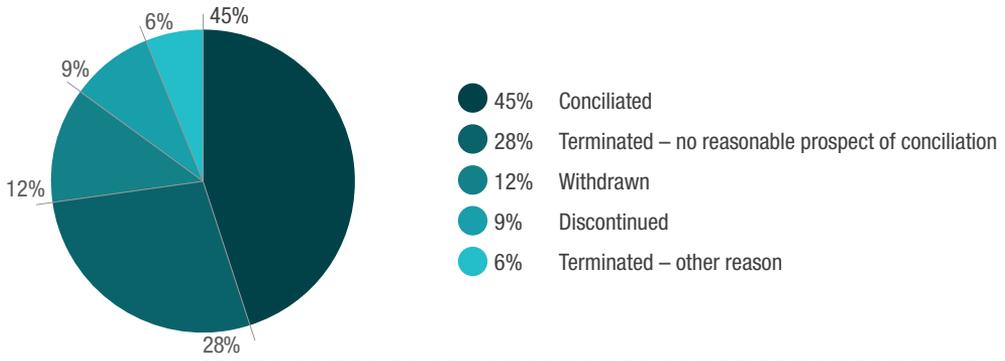
**Table 22: Sex Discrimination Act – outcomes of finalised complaints**

| Sex Discrimination Act  | Total      |
|---|------------|
| <b>Terminated</b>   | <b>142</b> |
| At complainants request – s.46PE                                  | –          |
| Not unlawful  | –          |
| More than 12 months old   | 10         |
| Trivial, vexatious, frivolous, misconceived, lacking in substance | 15         |
| Adequately dealt with already                                     | –          |
| More appropriate remedy available                                 | 1          |
| Subject matter of public importance                               | –          |
| No reasonable prospect of conciliation                            | 116        |
| <b>Discontinued*</b>  | <b>38</b>  |
| <b>Withdrawn</b>  | <b>49</b>  |
| <b>Conciliated</b>  | <b>185</b> |
| <b>Administrative closure**</b>                                   | <b>34</b>  |
| <b>Total</b>  | <b>448</b> |

\* Finalised under new statutory provision – 46 PF(5)(a) – Satisfied that complainant does not want inquiry to continue.

\*\* Not an aggrieved party, state complaint previously lodged.

**Chart 3: Sex Discrimination Act – outcomes of finalised complaints**



## Disability Discrimination Act

**Table 23: Disability Discrimination Act – complaints received and finalised**

| Disability Discrimination Act | Total |
|-------------------------------|-------|
| Received                      | 823   |
| Finalised                     | 961   |

**Table 24: Nature of complainant's disability**

| Disability Discrimination Act                                     | Total        | %          |
|---|--------------|------------|
| Physical disability   | 172          | 16         |
| A mobility aid is used (e.g. walking frame or wheelchair)         | 116          | 11         |
| Physical disfigurement  | 21           | 2          |
| Presence in the body of organisms causing disease (e.g. HIV/AIDS) | 11           | 1          |
| Presence in the body of organisms causing disease (other)         | 16           | 1          |
| Psychiatric disability  | 160          | 15         |
| Neurological disability (e.g. epilepsy)                           | 68           | 6          |
| Intellectual disability   | 45           | 4          |
| Learning disability   | 27           | 3          |
| Sensory disability (hearing impaired)                             | 47           | 4          |
| Sensory disability (deaf)   | 80           | 7          |
| Sensory disability (vision impaired)                              | 60           | 6          |
| Sensory disability (blind)  | 15           | 1          |
| Work-related injury   | 68           | 6          |
| Medical condition (e.g. diabetes)                                 | 88           | 8          |
| Other   | 103          | 9          |
| <b>Total*</b>   | <b>1 097</b> | <b>100</b> |

\* One complainant may have multiple disabilities.

**Table 25: Disability Discrimination Act — complaints received by ground**

| Disability Discrimination Act                  | Total        | %          |
|--|--------------|------------|
| Disability of person(s) aggrieved              | 1 968        | 91         |
| Associate                                      | 91           | 4          |
| Disability – person assisted by trained animal | 43           | 2          |
| Disability – accompanied by assistant          | 7            | –          |
| Disability – use of appliance                  | 16           | 1          |
| Harassment                                     | 8            | –          |
| Victimisation                                  | 31           | 1          |
| Aids, permits or instructs                     | 12           | 1          |
| <b>Total*</b>                                  | <b>2 176</b> | <b>100</b> |

\* One complaint may have multiple grounds.

**Table 26: Disability Discrimination Act — complaints received by area**

| Disability Discrimination Act                    | Total        | %          |
|--|--------------|------------|
| Employment                                       | 672          | 31         |
| Goods, services and facilities                   | 769          | 35         |
| Access to premises                               | 131          | 6          |
| Land   | –            | –          |
| Accommodation                                    | 60           | 3          |
| Incitement to unlawful acts or offences          | –            | –          |
| Advertisements                                   | –            | –          |
| Superannuation, insurance                        | 8            | –          |
| Education  | 188          | 9          |
| Clubs, incorporated associations                 | 38           | 2          |
| Administration of Commonwealth laws and programs | 67           | 3          |
| Sport  | 2            | –          |
| Application forms, requests for information      | –            | –          |
| Trade unions, registered organisations           | –            | –          |
| Unlawful to contravene Disability Standard       | 241          | 11         |
| <b>Total*</b>                                    | <b>2 176</b> | <b>100</b> |

\* An area is recorded for each ground, so one complaint may have multiple and different areas.

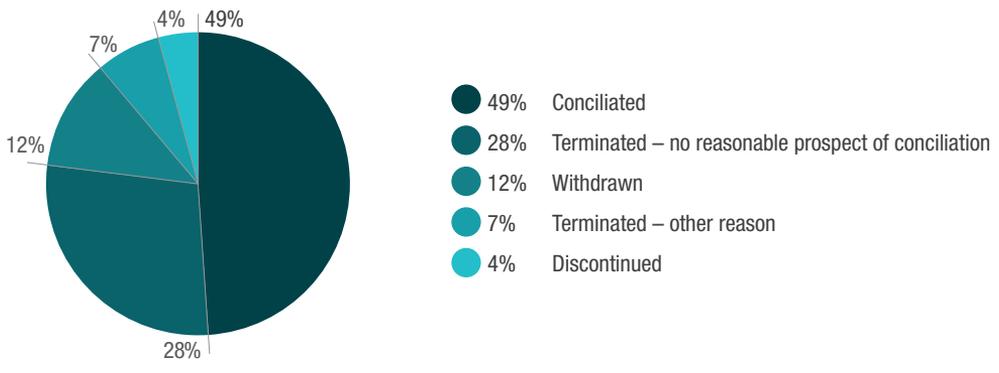
**Table 27: Disability Discrimination Act – outcomes of finalised complaints**

| Disability Discrimination Act                                     | Total      |
|---|------------|
| <b>Terminated</b>   | <b>334</b> |
| At complainants request – s.46PE                                  | –          |
| Not unlawful  | 5          |
| More than 12 months old   | 14         |
| Trivial, vexatious, frivolous, misconceived, lacking in substance | 37         |
| Adequately dealt with already                                     | 7          |
| More appropriate remedy available                                 | 5          |
| Subject matter of public importance                               | –          |
| No reasonable prospect of conciliation                            | 266        |
| <b>Discontinued*</b>  | <b>35</b>  |
| <b>Withdrawn</b>  | <b>110</b> |
| <b>Conciliated</b>  | <b>465</b> |
| <b>Administrative closure**</b>                                   | <b>17</b>  |
| <b>Total</b>  | <b>961</b> |

\* Finalised under statutory provision – 46 PF(5)(a) – Satisfied that complainant does not want inquiry to continue.

\*\* Not an aggrieved party, state complaint previously.

**Chart 4: Disability Discrimination Act – outcomes of finalised complaints**



## Age Discrimination Act

**Table 28: Age Discrimination Act – complaints received and finalised**

| Age Discrimination Act | Total |
|------------------------|-------|
| Received               | 175   |
| Finalised              | 181   |

**Table 29: Age Discrimination Act – age group of complainant**

| Age Discrimination Act | Total      | %          |
|------------------------|------------|------------|
| 0 – 14 years           | 3          | 2          |
| 15 – 24 years          | 23         | 13         |
| 25 – 34 years          | 10         | 6          |
| 35 – 44 years          | 12         | 7          |
| 45 – 54 years          | 44         | 25         |
| 55 – 64 years          | 39         | 22         |
| > 65 years             | 34         | 19         |
| Unknown                | 10         | 6          |
| <b>Total</b>           | <b>175</b> | <b>100</b> |

**Table 30: Age Discrimination Act – complaints received by area**

| Age Discrimination Act                           | Total      | %          |
|--|------------|------------|
| Employment                                       | 195        | 66         |
| Goods, services and facilities                   | 79         | 26         |
| Access to premises                               | –          | –          |
| Land   | –          | –          |
| Accommodation                                    | 8          | 3          |
| Incitement to unlawful acts or offences          | –          | –          |
| Advertisements                                   | –          | –          |
| Superannuation, insurance                        | 4          | 1          |
| Education  | 1          | –          |
| Clubs, incorporated associations                 | –          | –          |
| Administration of Commonwealth laws and programs | 8          | 3          |
| Sport  | –          | –          |
| Application forms, requests for information      | –          | –          |
| Trade unions, registered organisations           | 2          | 1          |
| <b>Total*</b>                                    | <b>297</b> | <b>100</b> |

\* One complaint may have multiple and different areas.

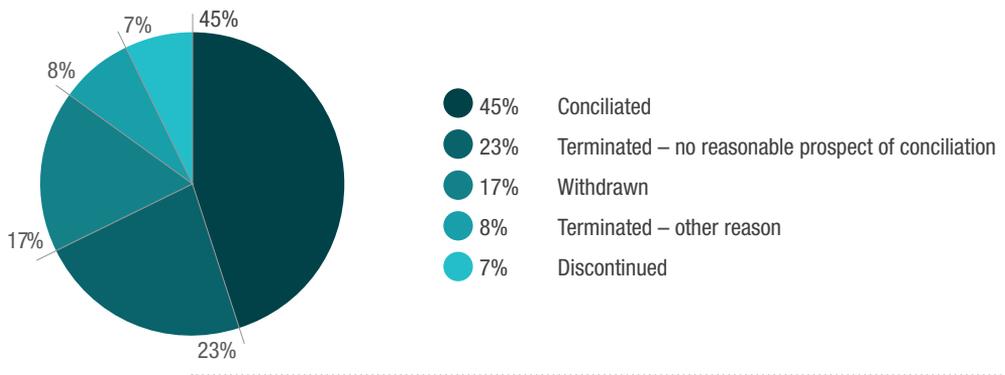
**Table 31: Age Discrimination Act – outcomes of finalised complaints**

| Age Discrimination Act  | Total      |
|---|------------|
| <b>Terminated</b>   | <b>55</b>  |
| At complainants request – s.46PE                                  | –          |
| Not unlawful  | 3          |
| More than 12 months old   | 2          |
| Trivial, vexatious, frivolous, misconceived, lacking in substance | 9          |
| Adequately dealt with already                                     | 1          |
| More appropriate remedy available                                 | –          |
| Subject matter of public importance                               | –          |
| No reasonable prospect of conciliation                            | 40         |
| <b>Discontinued*</b>  | <b>12</b>  |
| <b>Withdrawn</b>  | <b>29</b>  |
| <b>Conciliated</b>  | <b>78</b>  |
| <b>Administrative closure**</b>                                   | <b>7</b>   |
| <b>Total</b>  | <b>181</b> |

\* Finalised under new statutory provision – 46 PF(5)(a) – Satisfied that complainant does not want inquiry to continue.

\*\* Not an aggrieved party, state complaint previously lodged.

**Chart 5: Age Discrimination Act – outcomes of finalised complaints**



## Australian Human Rights Commission Act (AHRCA)

**Table 32: AHRCA — complaints received and finalised**

| Australian Human Rights Commission Act | Total |
|--|-------|
| Received                               | 273   |
| Finalised                              | 204   |

**Table 33: AHRCA — complaints received by ground**

| Australian Human Rights Commission Act   | Total      | %          |
|--|------------|------------|
| Race (ILO 111)   | –          | –          |
| Colour (ILO 111)   | –          | –          |
| Sex (ILO 111)  | –          | –          |
| Religion (ILO 111)   | 14         | 5          |
| Political opinion (ILO 111)  | 3          | 1          |
| National extraction (ILO 111)  | 1          | –          |
| Social origin (ILO 111)  | 1          | –          |
| Age (ILO 111)  | 1          | –          |
| Medical record (ILO 111)   | –          | –          |
| Criminal record (ILO 111)  | 68         | 23         |
| Impairment (including HIV/AIDS status) (ILO 111)   | –          | –          |
| Marital status (ILO 111)   | –          | –          |
| Disability (ILO 111)   | –          | –          |
| Nationality (ILO 111)  | –          | –          |
| Sexual preference (ILO 111)  | 17         | 6          |
| Trade union activity (ILO 111)   | 12         | 4          |
| International Covenant on Civil and Political Rights   | 153        | 51         |
| Declaration on the Rights of the Child   | –          | –          |
| Declaration on the Rights of Mentally Retarded Persons   | –          | –          |
| Declaration on the Rights of Disabled Persons  | –          | –          |
| Convention on the Rights of the Child  | 27         | 9          |
| Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief | 1          | –          |
| Convention on the Rights of Persons with Disabilities  | 4          | 1          |
| Not a ground within jurisdiction   | –          | –          |
| Not a human right as defined by the Act  | –          | –          |
| <b>Total*</b>  | <b>302</b> | <b>100</b> |

\* One complaint may have multiple grounds.

**Table 34: AHRCA — complaints received by area**

| Australian Human Rights Commission Act                            | Total      | %          |
|---|------------|------------|
| Acts or practices of the Commonwealth                             | 188        | 62         |
| Employment  | 113        | 38         |
| Not act or practice of the Commonwealth<br>(not employment cases) | 1          | -          |
| <b>Total*</b>   | <b>302</b> | <b>100</b> |

\* An area is recorded for each ground, so one complaint may have multiple and different areas.

**Table 35: AHRCA — non-employment complaints received by sub-area**

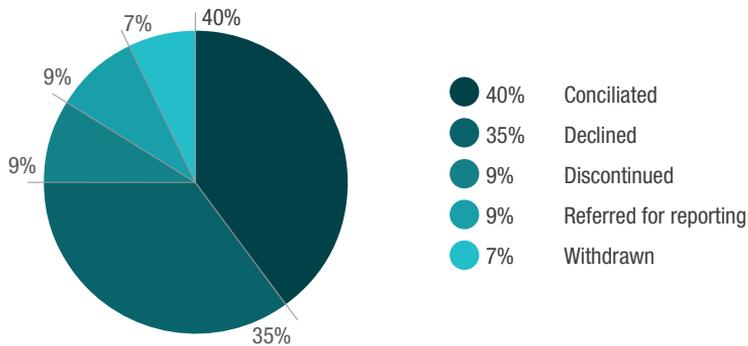
| Australian Human Rights Commission Act  | Total      | %          |
|---|------------|------------|
| Prisons, prisoner                       | 3          | 1.5        |
| Religious institutions                  | -          | -          |
| Family court matters                    | -          | -          |
| Other law court matters                 | 1          | 0.5        |
| Immigration                             | 172        | 91         |
| Law enforcement agency                  | -          | -          |
| State agency                            | 1          | 0.5        |
| Other service provider (private sector) | -          | -          |
| Local government                        | -          | -          |
| Education systems                       | -          | -          |
| Welfare systems                         | 1          | 0.5        |
| Personal or neighbourhood conflict      | -          | -          |
| Health system                           | -          | -          |
| Other                                   | 11         | 6          |
| <b>Total</b>                            | <b>189</b> | <b>100</b> |

**Table 36: AHRCA — Outcomes of finalised complaints**

| Australian Human Rights Commission Act                               | Total      |
|--|------------|
| <b>Declined</b>  | <b>102</b> |
| Does not constitute discrimination                                   | 9          |
| Human rights breach, not inconsistent or contrary to any human right | 6          |
| More than 12 months old  | 2          |
| Trivial, vexatious, frivolous, misconceived, lacking in substance    | 37         |
| Adequately dealt with already  | 11         |
| More appropriate remedy available                                    | 5          |
| Withdrawn, does not wish to pursue, advised the Commission           | 13         |
| Withdrawn, does not wish to pursue, settled outside the Commission   | 1          |
| Discontinued – lost contact  | 18         |
| <b>Conciliated</b>   | <b>82</b>  |
| <b>Referred for reporting*</b>                                       | <b>18</b>  |
| <b>Administrative closure</b>  | <b>2</b>   |
| <b>Total</b>   | <b>204</b> |

\* Complaints in this category were not conciliable and therefore transferred from the Commission’s Complaint Handling Section to the Legal Section for further inquiry and possible reporting.

**Chart 6: ACHRA — outcomes of finalised complaints**



# Appendix 3: Website statistics

**Table 37: Visitors to the Commission website**

| Section  | Views of section home page | Views of all pages in section |
|--|----------------------------|-------------------------------|
| Commission homepage  | 550 170                    | n/a                           |
| <a href="http://www.humanrights.gov.au">www.humanrights.gov.au</a>   |                            |                               |
| Aboriginal and Torres Strait Islander Social Justice   | 98 061                     | 1 244 495                     |
| <a href="http://www.humanrights.gov.au/social_justice/">www.humanrights.gov.au/social_justice/</a>                         |                            |                               |
| Age Discrimination   | 51 836                     | 106 595                       |
| <a href="http://www.humanrights.gov.au/age/">www.humanrights.gov.au/age/</a>   |                            |                               |
| Complaints Information   | 61 340                     | 326 516                       |
| <a href="http://www.humanrights.gov.au/complaints_information/">www.humanrights.gov.au/complaints_information/</a>         |                            |                               |
| Disability Rights  | 87 999                     | 1 223 398                     |
| <a href="http://www.humanrights.gov.au/disability_rights/">www.humanrights.gov.au/disability_rights/</a>                   |                            |                               |
| Education Resources  | 62 580                     | 388 992                       |
| <a href="http://www.humanrights.gov.au/education/">www.humanrights.gov.au/education/</a>                                   |                            |                               |
| Human Rights   | 105 560                    | 1 025 511                     |
| <a href="http://www.humanrights.gov.au/human_rights/">www.humanrights.gov.au/human_rights/</a>                             |                            |                               |
| Information for Employers  | 27 947                     | 327 782                       |
| <a href="http://www.humanrights.gov.au/info_for_employers/">www.humanrights.gov.au/info_for_employers/</a>                 |                            |                               |
| Job Vacancies  | 59 497                     | 70 113                        |
| <a href="http://www.humanrights.gov.au/about/jobs/">www.humanrights.gov.au/about/jobs/</a>                                 |                            |                               |
| Legal Information  | 56 320                     | 485 488                       |
| <a href="http://www.humanrights.gov.au/legal/">www.humanrights.gov.au/legal/</a>   |                            |                               |
| Media Releases Index   | 110 839                    | 910 604                       |
| <a href="http://www.humanrights.gov.au/about/media/media_releases/">www.humanrights.gov.au/about/media/media_releases/</a> |                            |                               |
| Publications   | 85 349                     | n/a                           |
| <a href="http://www.humanrights.gov.au/about/publications/">www.humanrights.gov.au/about/publications/</a>                 |                            |                               |
| Racial Discrimination  | 63 289                     | 449 008                       |
| <a href="http://www.humanrights.gov.au/racial_discrimination/">www.humanrights.gov.au/racial_discrimination/</a>           |                            |                               |
| Sex Discrimination   | 86 331                     | 407 537                       |
| <a href="http://www.humanrights.gov.au/sex_discrimination/">www.humanrights.gov.au/sex_discrimination/</a>                 |                            |                               |

# Appendix 4: Staffing statistics

**Table 38: Commission staffing profile (as at 30 June 2011)**

| Classification                  | Male      | Female    | Full time  | Part time | Total Ongoing | Total Non-ongoing | Total      |
|---------------------------------|-----------|-----------|------------|-----------|---------------|-------------------|------------|
| Statutory Office Holder         | 2         | 2         | 4          |           |               | 4                 | 4          |
| SES Band 2                      |           | 1         | 1          |           | 1             |                   | 1          |
| SES Band 1                      | 1         | 1         | 2          |           | 2             |                   | 2          |
| EL2<br>(\$99,119 – \$119,099)   | 9         | 13        | 17         | 5         | 20            | 2                 | 22         |
| EL1<br>(\$85,941 – \$94,243)    | 6         | 22        | 19         | 9         | 21            | 7                 | 28         |
| APS6<br>(\$68,706 – \$77,006)   | 9         | 25        | 29         | 5         | 26            | 8                 | 34         |
| APS5<br>(\$62,068 – \$67,037)   | 4         | 9         | 12         | 1         | 5             | 8                 | 13         |
| APS3/4<br>(\$49,929 – \$60,421) | 12        | 24        | 30         | 6         | 24            | 12                | 36         |
| APS1/2<br>(\$38,734 – \$42,809) | 1         | 0         | 0          | 1         | 1             | 0                 | 1          |
| <b>Total</b>                    | <b>44</b> | <b>97</b> | <b>114</b> | <b>27</b> | <b>100</b>    | <b>41</b>         | <b>141</b> |

# Appendix 5: Consultancy services

**Table 39: Consultancy services**

| Consultant name                | Description   | Contract price   | Selection process* | Justification** |
|--------------------------------|---|------------------|--------------------|-----------------|
| Dr Paula Abood                 | Education and training services   | \$36 762         | Direct Source      | B               |
| Australian National University | Development of human rights-based immigration detention standards         | \$49 500         | Direct Source      | B               |
| Elena Campbell                 | Technical writing   | \$28 512         | Direct Source      | B               |
| Edith Cowan University         | Social marketing services   | \$76 055         | Open Source        | B               |
| Digital Eskimo Pty Ltd         | Social marketing services   | \$43 991         | Direct Source      | B               |
| Westwood Spice                 | Monitoring and evaluation advice and support services                     | \$55 000         | Direct Source      | A & B           |
| Tamara Domicelj                | Inspections of immigration detention facilities                           | \$33 000         | Direct Source      | A & B           |
| Suresh Sundram                 | Expert evaluation of the impact of immigration detention on mental health | \$16 500         | Direct Source      | A & B           |
| <b>Total</b>                   |   | <b>\$339 320</b> |                    |                 |

\* Explanation of selection process terms drawn from the Commonwealth Procurement Guidelines (December 2008):

**Open tender:** A procurement procedure in which a request for tender is published inviting all businesses that satisfy the conditions for participation to submit tenders. Public tenders are generally sought from the Australian Government AusTender internet site.

**Direct source:** A form of restricted tendering, available only under certain defined circumstances, with a single potential supplier or suppliers being invited to bid because of their unique expertise and/or their special ability to supply the goods and/or services sought.

\*\* Justification for decision to use consultancy:

**A: skills currently unavailable within the agency**

**B: need for specialised or professional skills**

**C: need for independent research or assessment.**

The Commission's purchasing procedures adhere to the Procurement Policy Framework incorporating the Commonwealth Procurement Guidelines and Finance circulars issued by the Department of Finance and Deregulation. The procedures address a range of procurement situations, allowing managers flexibility when making procurement decisions, while complying with the Commonwealth's core procurement principle of value for money. There were no contracts exempt from publishing through AusTender in 2010-11.

## Glossary

### A

|               |  |
|---------------|--|
| ACARA         | The Australian Curriculum, Assessment and Reporting Authority is the independent authority responsible for the development of a national curriculum, a national assessment program and a national data collection and reporting program. |
| ADA           | <i>Age Discrimination Act 2004</i>   |
| AHRCA         | <i>Australian Human Rights Commission Act 1986</i>   |
| APF           | Asia Pacific Forum of National Human Rights Institutions – A member-based organisation that supports the establishment and strengthening of independent human rights institutions in the Asia-Pacific region.                            |
| APS           | Australian Public Service  |
| ASTRA         | Australian Subscription Television Association   |
| ASX           | Australain Securities Exchange   |
| ATSIC         | Aboriginal and Torres Strait Islander Commission   |
| AusAID        | Australian Agency for International Development  |
| Action Plan   | A voluntary mechanism for organisations to structure their own compliance efforts.   |
| Amicus curiae | 'Friend of the court' - The role of an <i>amicus curiae</i> is to provide special assistance to the court in resolving issues raised by the case and to draw attention to aspects of the case that might otherwise have been overlooked. |

### B

|                            |   |
|----------------------------|---|
| Braille                    | A tactile form of reading and writing used by people who are blind or vision impaired, invented by Louis Braille in 1829.   |
| Building Code of Australia | Developed by the Australian Building Codes Board on behalf of the Commonwealth, State and Territory Governments, the Building Code of Australia (BCA) provides a nationally accepted and uniform set of technical requirements for all areas of building, from design to construction |

### C

|                      |   |
|----------------------|---|
| CDS                  | Commonwealth Disability Strategy  |
| CEDAW                | <i>Convention on the Elimination of All Forms of Discrimination Against Women</i>   |
| COAG                 | Council of Australian Governments   |
| CSW                  | United Nations Commission on the Status of Women  |
| Commission, the      | The Australian Human Rights Commission  |
| Consultancy contract | A contract that typically defines the nature, purpose and duration of the task to be performed, but not (in any detail) the manner in which the task is to be performed by a consultant. The consultant is usually paid on completion of milestones or in a lump sum. |

## Glossary

|  |   |
|--|---|
| Consultancy service                        | A particular type of service delivered under a contract for services, distinguished from other contracts by the nature of the work performed. Consultancy services involve the application of expert professional skills to: investigate or diagnose a defined issue or problem, carry out defined research, reviews or evaluations; or provide independent advice, information or creative solutions to assist the agency in management decision making. |
| Consultant                                 | An entity (whether an individual, a partnership or a corporation) engaged to provide professional independent and expert advice or services. Consultants are not employees of the department and are not paid wages or other employee entitlements.   |
| Corporate Social Responsibility            | The concept of Corporate Social Responsibility is generally understood to mean that corporations have a degree of responsibility not only for the economic consequences of their activities, but also for the social and environmental implications. This is sometimes referred to as a 'triple bottom line' approach that considers the economic, social and environmental aspects of corporate activity.  |
| <b>D</b>                                   |   |
| DDA  | <i>Disability Discrimination Act 1992</i>   |
| DPO  | Disabled People's Organisations   |
| <b>E</b>                                   |   |
| EL   | Executive Level   |
| EMRIP                                      | Expert Mechanism on the Rights of Indigenous Peoples  |
| Expert Mechanism                           | Expert Mechanism on the Rights of Indigenous Peoples – Composed of five experts (from Congo, Malaysia, Norway, Costa Rica and the Philippines), the Expert Mechanism provides thematic expertise on the rights of indigenous peoples to the Human Rights Council, the main human rights body of the United Nations.   |
| <b>F</b>                                   |   |
| FaHCSIA                                    | Department of Families, Housing, Community Service and Indigenous Affairs   |
| Fair Work Australia                        | Fair Work Australia is the national workplace relations tribunal. It is an independent body with power to carry out a range of functions relating to the safety net of minimum wages and employment conditions; enterprise bargaining; industrial action; dispute resolution; termination of employment; and other workplace matters.   |
| <b>G</b>                                   |   |
| GST  | Goods and Services Tax  |
| General Assembly                           | The United Nations General Assembly – One of the five principal organs of the United Nations and the only one in which all member nations have equal representation. Its powers are to oversee the budget of the United Nations, appoint the non-permanent members to the Security Council, receive reports from other parts of the United Nations and make recommendations in the form of General Assembly Resolutions.                                  |
| <b>H</b>                                   |   |
| Human Rights Technical Cooperation Program | In August 1997, China and Australia initiated a high level dialogue on human rights during the course of which it was agreed that the two countries would undertake a program of technical cooperation. The goal of the Program is to strengthen the administration, promotion and protection of human rights in China.   |

**I**

|       |   |
|-------|---|
| ICCPR | <i>International Covenant on Civil and Political Rights</i> – A multilateral treaty adopted by the United Nations General Assembly on December 16, 1966, and in force from March 23, 1976, which commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. |
| IHRNA | Indigenous Human Rights Network Australia   |
| ILO   | International Labour Organization – The world's only tripartite multilateral agency, which is dedicated to bringing decent work and livelihoods, job-related security and better living standards to the people of both poor and rich countries.  |
| IPO   | Indigenous Peoples Organisations Network of Australia - An association of Aboriginal and Torres Strait Islander organisation promoting and protecting the human rights of the Aboriginal and Torres Strait Islander people in Australia.  |

**K**

|      |   |
|------|---|
| K-12 | A designation for the sum of primary and secondary education. The expression is a shortening of Kindergarten (4-6-year-old) through 12th grade or grade 12 (16-19 years old), the first and last grades of free education in the United States, Australia and English Canada. |
|------|---|

**L**

|      |                             |
|------|-----------------------------|
| LOTE | Language Other Than English |
|------|-----------------------------|

**N**

|                                      |   |
|--------------------------------------|---|
| NAIDOC                               | National Aboriginal and Islander Day Observance Committee   |
| NDIS                                 | National Disability Insurance Scheme  |
| NES                                  | National Employment Standard  |
| NGO                                  | Non Government Organisation – A legally constituted organization created by natural or legal persons that operates independently from any government. The term is usually applied only to organizations that pursue some wider social aim that has political aspects. |
| NHRI                                 | National Human Rights Institution   |
| NT                                   | Northern Territory  |
| NTER                                 | Northern Territory Emergency Response   |
| National Action Plan                 | National Action Plan to Build on Social Cohesion, Harmony and Security  |
| National Disability Insurance Scheme | A federally funded, non means tested scheme that will offer financial cover for services including for respite care, vehicle modification, accommodation support, therapies and prosthetics.  |
| National Plan                        | National Plan to Reduce Violence Against Women  |

## Glossary

|                          |   |
|--------------------------|---|
| Native title             | A pre-existing property interest, held communally or individually by Aboriginal peoples and Torres Strait Islanders, which is capable of being recognised by Australia's common law. Native title can exist over land and waters where Aboriginal people or Torres Strait Islanders maintain traditional laws and customs that give them a connection to the specified area. Native title rights are not granted by governments or courts. Native title is not an underlying title but rather a bundle of rights that can be extinguished by inconsistent acts of government. |
| <b>O</b>                 |   |
| OPCAT                    | <i>Optional Protocol to the Convention Against Cruel, Inhuman or Degrading Treatment or Punishment</i> – An international agreement which establishes a two-tiered system of inspections of places of detention, with the aim of preventing torture and cruel, inhuman or degrading treatment or punishment.  |
| Operations               | Functions, services and processes performed in pursuing the objectives or discharging the functions of an agency.   |
| Outcomes                 | The results, impacts or consequence of actions by the Commission on the Australian community.   |
| Outputs                  | The goods or services produced by agencies on behalf of government for external organisations or individuals. Outputs include goods and services produced for other areas of government external to an agency.  |
| <b>P</b>                 |   |
| Pacific Disability Forum | The peak non-government organisation in the Pacific representing Pacific Islanders with disabilities, their rights and entitlements. Its purpose is to promote and facilitate Pacific regional cooperation on disability-related concerns for the benefit of people with disabilities.  |
| Permanent Forum          | United Nations Permanent Forum on Indigenous Issues – An advisory body to the United Nations Economic and Social Council with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights.  |
| <b>R</b>                 |   |
| RAP                      | Reconciliation Action Plan – A self-generated plan that helps organisations build positive relationships between Indigenous and non-Indigenous people, through engagement within their sphere of influence, in the national effort to close the gap in life expectancy between Indigenous and other Australians.  |
| RDA                      | <i>Racial Discrimination Act 1975</i>   |
| RMIT                     | Royal Melbourne Institute of Technology University  |
| <b>S</b>                 |   |
| SDA                      | <i>Sex Discrimination Act 1984</i>  |
| SES                      | Senior Executive Service  |
| SMS                      | Short message service – text messaging on a mobile telephone.   |
| Service charter          | Public statements about the service that a department or agency will provide.   |
| Special Rapporteur       | A title given to individuals working on behalf of the United Nations who bear a specific mandate from the UN Human Rights Council to investigate, monitor and recommend solutions to human rights problems. This appointment is made by the UN Secretary General.   |

**T**

|     |  |
|-----|--|
| TTY | Text Telephone – A special device that lets people who are deaf, hearing impaired, or speech-impaired use the telephone to communicate, by allowing them to type messages back and forth to one another, instead of talking and listening. |
|-----|--|

**U**

|                                       |   |
|---------------------------------------|---|
| UN                                    | The United Nations  |
| UNESCO                                | United Nations Educational, Scientific and Cultural Organization – Established on 16 November 1945 and based in Paris, UNESCO is a specialized agency of the United Nations which has 193 Member States and seven Associate Members. Its stated mission is to contribute to the building of peace, the eradication of poverty, sustainable development and intercultural dialogue through education, the sciences, culture, communication and information. UNESCO's two global priorities are Africa and gender equality. |
| UNPFII                                | United Nations Permanent Forum on Indigenous Issues – An advisory body to the Economic and Social Council, with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights.  |
| UPR                                   | Universal Periodic Review – A State-driven process under the auspices of the Human Rights Council which involves a review of the human rights records of all 192 UN Member States once every four years. It provides the opportunity for each State to declare the actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations.  |
| Universal Declaration of Human Rights | Adopted unanimously by the members of the United Nations on 10 December 1948, it is the foundation on which much international law has been based. It sets out the fundamental rights of all people, including the right to life; freedom from slavery, torture and arbitrary arrest; freedom of thought, opinion and religion; the right to a fair trial and equality before the law; the right to work and education; and the right to participate in the social, political and cultural life of one's country.         |

**W**

|                     |   |
|---------------------|---|
| WCAG                | Web Content Accessibility Guidelines  |
| Workplace diversity | The central principle of workplace diversity is the creation of workplaces free from discrimination, harassment and bullying. |

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## Note – Use of the terms ‘Aboriginal and Torres Strait Islander peoples’ and ‘Indigenous peoples’

The Commission recognises the diversity of the cultures, languages, kinship structures and ways of life of Aboriginal and Torres Strait Islander peoples. Aboriginal and Torres Strait Islander peoples are also referred to as ‘Indigenous peoples’ in this document. This is because the term carries a meaning in international law. In particular, the use of ‘peoples’ with an ‘s’ (and not people singular) reflects the human rights instruments that refer to the collective right of self-determination as one enjoyed by ‘peoples’. For a more detailed explanation on the use of terms see: Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2010*, Commonwealth of Australia, Canberra 2011, p iv.

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