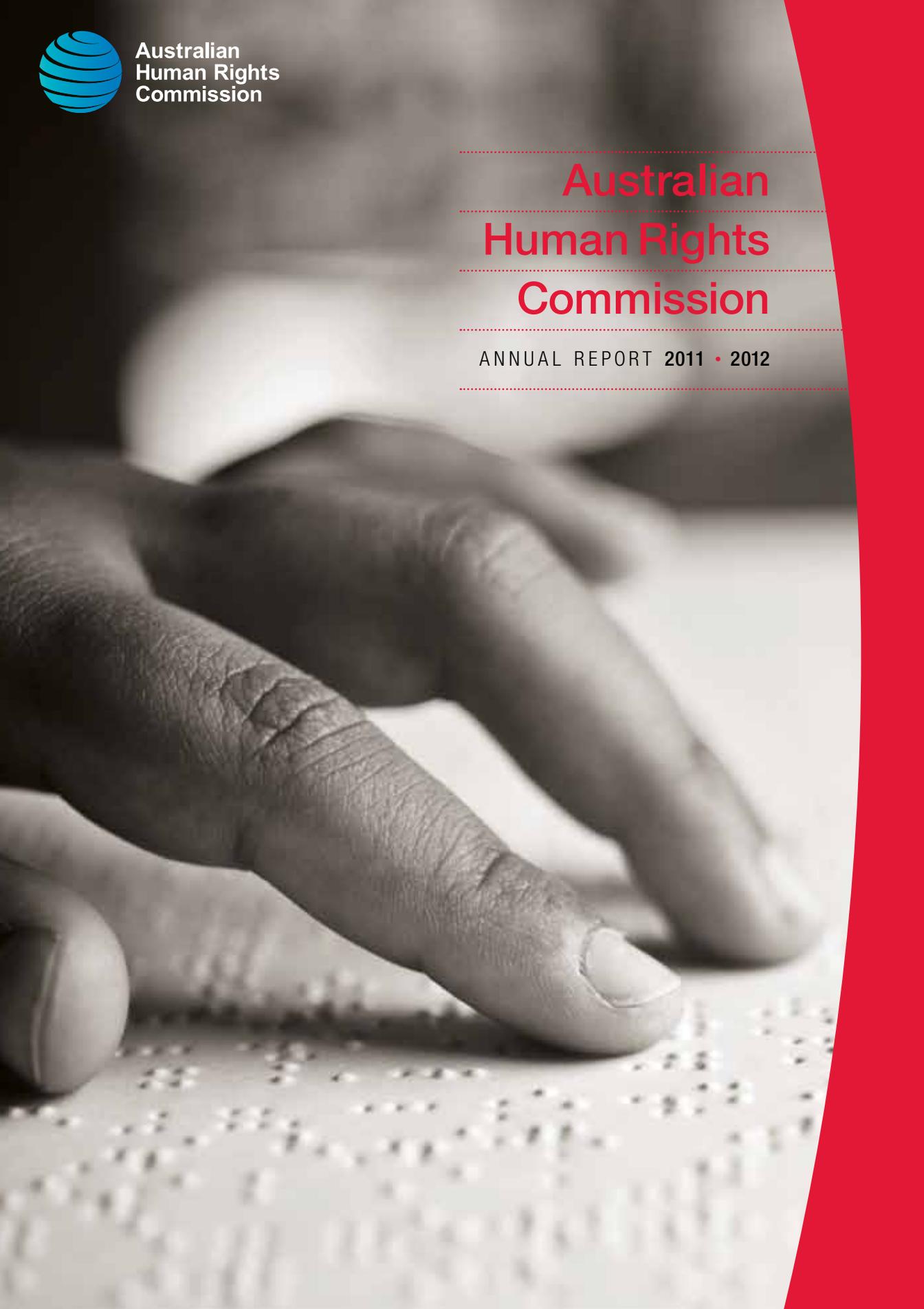




Australian
Human Rights
Commission

Australian Human Rights Commission

ANNUAL REPORT 2011 • 2012



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**Australian
Human Rights
Commission**

28 September 2012

The Hon Nicola Roxon 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 2012. 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,

Professor Gillian Triggs
President, Australian Human Rights Commission

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*.

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 have prioritised work that:

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

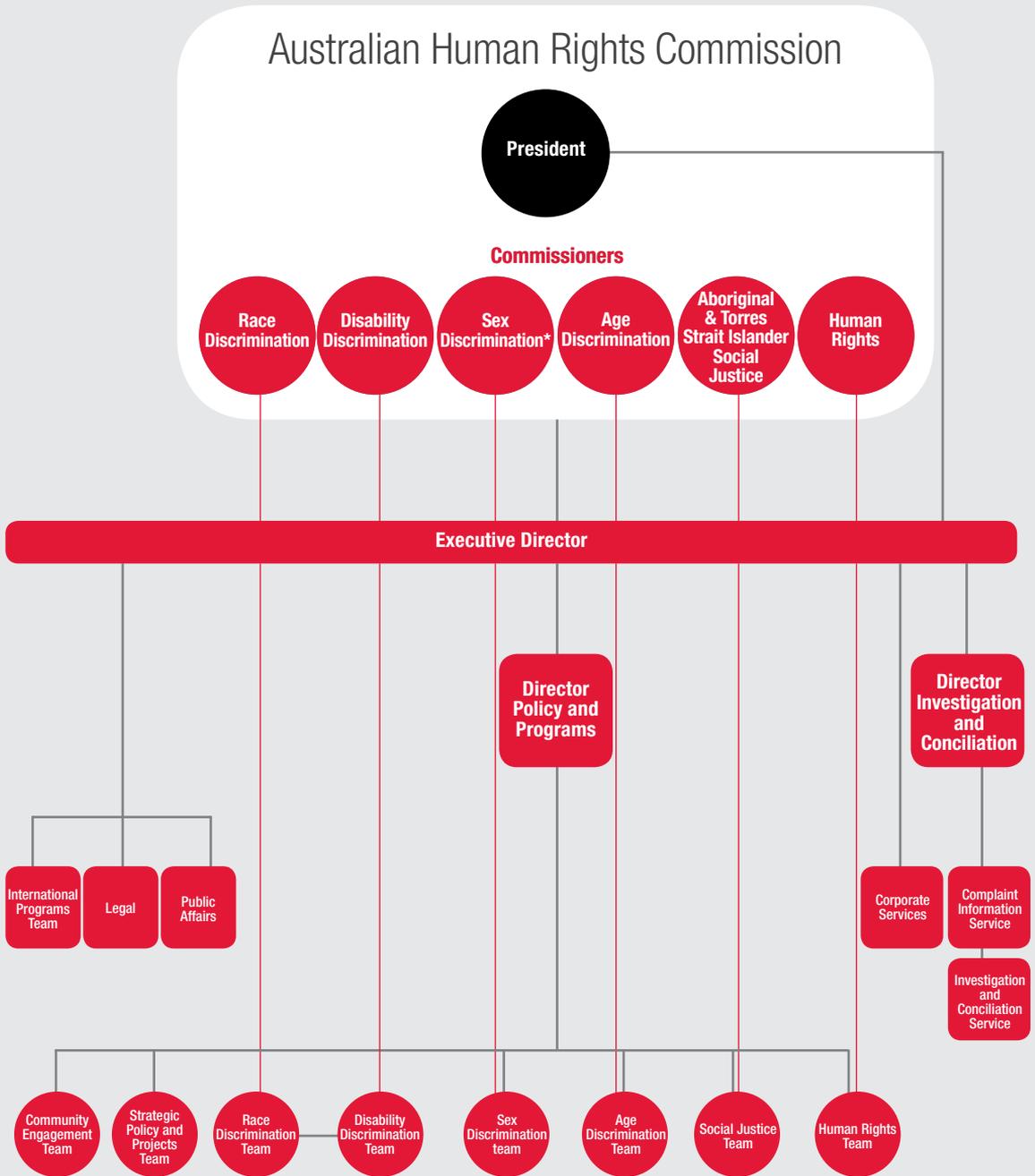
The work we do is guided by four strategic goals

- Building understanding and respect for human rights
- Ensuring human rights are respected and discrimination is addressed
- Leading and influencing advocacy for human rights
- Organisational excellence



Organisational structure

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



*Commissioner carries responsibility for Age Discrimination

Legend:

— Policy Direction

Our Functions

Legislation

The Commission exercises functions under the following Acts.

Australian Human Rights Commission Act

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.*

Racial Discrimination Act

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.

Sex Discrimination Act

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.

Disability Discrimination Act

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.

Age Discrimination Act

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 Nicola Roxon MP, is the Minister in Parliament responsible for the Commission. She 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 her on national policies relating to equality of opportunity and treatment in employment and occupation.

Highlights of the year

Key achievements

Complaints service

During 2011-12, we provided information about the law and the complaint process to 17,047 enquirers. We received 2610 complaints alleging discrimination and violations of human rights and we finalised 2605 complaints. We conciliated 48% of finalised complaints, which means that we assisted over 2500 people and organisations involved in complaints to successfully resolve their dispute. We exceeded all our key performance standards. 95% of those who were surveyed about the service we provided said they were satisfied with the service and 62% rated the service as 'very good' or 'excellent'.

Australian Public Service Human Rights Network

In September 2011, we initiated a series of human rights forums for the Australian Public Service. The forums provide an informal way for APS staff to build their knowledge and understanding about human rights issues. The forums complement more formal training that is being implemented as part of the government's commitment to strengthening human rights in law and practice.

Review into the treatment of women in the Australian Defence Force

In November 2011, we released our report for Phase One of the Review into the treatment of women in the Australian Defence Force. Phase one investigated treatment of women in the Australian Defence Force Academy. Phase Two is examining the effectiveness of cultural change strategies in the ADF and the measures required for increased representations of women in the senior ranks of leadership. We expect to release the Phase Two report in August.

Social Justice and Native Title Reports

In November 2011, the Social Justice and Native Title Reports 2011 were released, focusing on the issue of lateral violence in Aboriginal and Torres Strait Islander communities. The Social Justice Report also acknowledged the political milestones for Aboriginal and Torres Strait Islander peoples represented by the National Congress of Australia's First Peoples and the beginning of a conversation around constitutional recognition.

Inquiry into Australia's treatment of individuals suspected of people smuggling offences who said that they were children

In November 2011, we began an Inquiry into the treatment of individuals suspected of people smuggling offences, who say that they are children. The Inquiry, which concerns the human rights of children, considered all 180 cases where age has been in dispute since September 2008. The Inquiry process prompted an independent review of 28 cases where individuals who had said that they were children were convicted of people smuggling offences. In May and June 2012, the Attorney-General released 15 individuals early on the basis that they may have been children on their arrival in Australia.

Human rights awards

In December 2011, we held our 24th annual Human Rights Awards ceremony at the Wentworth Sofitel Hotel in Sydney. The prestigious Human Rights Medal was awarded to The Hon Ron Merkel QC and the Young People's Human Rights Medal was awarded to Tshibanda Gracia Ngoy. Awards were also presented in eight other categories.

Something in common

In December 2011, we launched two websites aimed at increasing community engagement and understanding and respect for rights. Something In Common and Tell Me Something I Don't Know are designed to make human rights meaningful and accessible, and to provide an online space for people share their stories about every day and extraordinary human rights action.

Improving access for people with disability

In April 2012, we reached an agreement in the AAT with the Australian Subscription Television and Radio Association in regard to the temporary exemption application for captioning levels. This means that people with disabilities will have improved access to television services through the increased use of captioning. On 25 June 2012, we welcomed the passage of the Broadcasting Services Amendment (Improved Access to Television Services) Bill 2012, which will introduce new, and boost, existing requirements for captioning on commercial, national and subscription television broadcasters, including measures to improve the readability, comprehensibility and accuracy of captioning.

BackMeUp

In June 2012, we launched our anti-cyberbullying social marketing campaign, called BackMeUp. The campaign aims to help prevent cyberbullying among young people and emphasizes taking positive action to support friends or peers who are bullied. BackMeUp is a competition in which young people submit a digital story they have created showing the importance of bystanders in a cyberbullying situation.

Working Past Our 60s: Reforming Laws and Policies for the Older Worker.

In June 2012, the Commission released Working Past Our 60s: Reforming Laws and Policies for the Older Worker, a paper that details the restrictions that workers compensation, income insurance and licensing place on people working beyond their 60s. By highlighting how these arrangements that affect older workers, we hope to create impetus for reform, in state and Commonwealth government workers compensation schemes and in the private insurance industry.



The Hon. Catherine Branson, QC

President and

Human Rights Commissioner

Lectrum

President's Statement

By the time that this annual report is published, Professor Gillian Triggs will have succeeded me as President of the Australian Human Rights Commission. I wish her well in her new role and trust that she will gain the enjoyment and satisfaction from leading the work of the Commission that I have done.

Unsurprisingly, the Commission that I leave is different in a number of ways from the Commission that I joined in 2008. Important differences include the increased emphasis being placed on fostering a national culture of respect for human rights generally and the increasing use of new technologies to reach out to the Australian public.

As part of our efforts to foster a national culture of respect for human rights, the Commission has over the past four years adopted a more co-ordinated and collegiate approach to our work. This is most easily seen in our adoption of two key priorities which have informed so many of our activities during this period. As reported in previous years, these priorities are (1) building understanding and respect for rights and (2) tackling violence, harassment and bullying in our community. Information about the work undertaken to advance these priorities during the past year can be found in the body of this report. As that information illustrates, we are making increasing use of new technologies including the internet, Twitter, Facebook, YouTube and Flickr to convey our messages to the public.

The Commission's increasing use of new technologies is perhaps best illustrated by the fact that the internet has become our primary advocacy tool. The Commission's website has been considerably enhanced over the last four years as a source of accessible and engaging information about rights and responsibilities. It includes content relevant to individuals, students, business, the non-government sector and government agencies. The website attracted more than 17 million 'hits' during 2011-2012.

Additionally, on Human Rights Day 2011, I launched the Commission's *Something In Common* project. This project consists of two inter-related websites aimed at building understanding and respect for rights in the community. The *Something In Common* project is designed to provide short facts, interactive content including personal video stories and opportunities to take actions which demonstrate respect for rights. The steadily increasing numbers of visitors to these sites is very pleasing.

Another example of our use of a new technology is the recent YouTube launch by the Commission of a national competition for children between 13–17 years of age to address cyber-bullying. The Commission is delighted to have forged some excellent partnerships with government and private sector organisations to support its innovative *BackMeUp* campaign which is described in more detail in the body of this report.

This increasing use of new technologies does not mean that the Commission has abandoned reliance on more traditional means of education. During the year under review we continued, for example, to engage with the Australian Curriculum, Assessment and Reporting Authority (ACARA) to ensure the inclusion of human rights in school education. We continued to work with the Attorney-General's Department to ensure human rights training for the public sector and to develop a better understanding of what constitutes effective community-based human rights education. Our Investigation and Conciliation Service continued to identify ways of providing education and thereby achieving systemic change through our individual complaints based work. We also completed a pilot program that aims to enhance the human rights understanding of community development workers. This Certificate IV in Human Rights Education and Advocacy has integrated human rights content into the formal curriculum for community cultural development workers working with Muslim women. It has received positive feedback and we plan to expand the project to other audiences and to refine its content over the next 12 months.

Additionally, in September 2011 I launched the Australian Public Sector Human Rights Network. This network is designed to provide public servants who have responsibilities for policy development, law reform and service delivery with collegiate support, opportunities to learn from experts and a forum within which to share experiences in human rights protections. I am delighted that the network has grown rapidly and now has nearly 600 members.

Two new Commissioners joined the Commission during 2011-2012, enhancing our collegiate strength. The Hon Susan Ryan AO joined us as Australia's first Age Discrimination Commissioner on 8 August 2011 and Dr Helen Szoke became Race Discrimination Commissioner on 5 September 2011. Following the arrival of Dr Szoke, each of our specialist Commissioners held only one statutory office. Throughout 2011–2012, I continued to hold both the offices of President and Human Rights Commissioner.

In my capacity as Human Rights Commissioner, I have continued to monitor the human rights impacts of Australia's system of mandatory and indefinite immigration detention, publishing a report about conditions of detention at Curtin Immigration Detention Centre in September 2011. I have welcomed the continuing implementation of the decision of the Minister for Immigration to allow increasing numbers of families, children and other vulnerable individuals to live in the community either through placement into community detention or following the grant of bridging visas. During the first half of 2012, we met with a number of asylum seekers, refugees and stateless people who are living in the community, and with individuals in four immigration detention facilities in Melbourne and Sydney who are facing protracted detention with little prospect of release. A report regarding these visits will be published in late July 2012.

An issue of particular concern in this policy area is the situation of refugees who have been issued with an adverse security assessment and who remain in indefinite immigration detention. People in this situation are not necessarily told the reasons for ASIO's decision nor do they have any substantive opportunity for appeal. This past year, I have strongly advocated for reform of the legal framework governing the conduct of ASIO security assessments.

The Commission has also worked with the Commonwealth Ombudsman and the Attorney-General's Department to develop a set of immigration detention standards, based on international human rights standards, which will be published in the second half of 2012.

On 21 November 2011, as President of the Commission, I announced an Inquiry into Australia's treatment of individuals suspected of people smuggling offences who said that they were children. I did so because of my concern that the human rights of this particularly vulnerable group of young Indonesians were not being respected. This concern focussed particularly on the means being used to assess their ages. My decision followed prolonged correspondence with the then Attorney-General and the government's failure to agree to review the cases of all of the young Indonesians who said that they were children who had been convicted as adults or who were awaiting trial having been charged as adults. The report of this Inquiry will be published in late July 2012.

It has been a privilege for me to hold the offices of President of the Australian Human Rights Commission and Human Rights Commissioner and to have the opportunity to work with my wonderful colleagues on the Commission and our dedicated and hardworking staff. The Commission is Australia's national human rights institution. As the Principles relating to the Status of National Institutions (The Paris Principles) adopted by the UN General Assembly in 1993 reflect, appropriately funded and independent national human rights institutions have an important role to play in ensuring the promotion and protection of human rights within their own countries. Seen in this light, the role of the Commission is to give relevance within Australia to the international human rights instruments by which our government has agreed to be bound. I leave with confidence that, under the leadership of Professor Triggs, the Commission will continue to fulfil this important role.



Catherine Branson, QC
President and Human Rights Commissioner

Mick Gooda

*Aboriginal and Torres Strait
Islander Social Justice Commissioner*



As Social Justice Commissioner, I've outlined an agenda of hope to overcome racism and build respect in the Australian community.

Looking back over the last 12 months, I can genuinely say that we've moved closer to these objectives. But we must move closer still in our efforts to see this agenda of hope realised.

I went out on a limb in my 2011 Social Justice and Native Title Reports by raising the difficult issue of lateral violence. I've spent considerable time and effort since explaining to Aboriginal and Torres Strait Islander peoples, governments and civil society more generally, what lateral violence is and how it impacts on Indigenous communities. Now, we're talking openly about the damage we do by name calling, bullying and harassing each other. And we're finally looking for strategies to minimise the harm it causes.

I've also focussed much energy on reinforcing with Government the importance of Aboriginal and Torres Strait Islander peoples participating in the development of programs and decisions which impact on us. In particular, this was the driving force behind our work with the Government to ensure that the Stronger Futures legislation in the Northern Territory was compliant with the Racial Discrimination Act.

Our comprehensive submission on the legislation, along with our extensive lobbying of both sides of government, argued strongly for the legislation to include as many protections as possible against race-based discrimination.

Stronger Futures will remain a key area of focus for me in the year ahead as I monitor concerns that emerge as the legislation begins to take effect and measures are implemented.

As a member of the Expert Panel on constitutional recognition of Indigenous peoples throughout 2011, I continued to advocate for the need for Constitutional Reform. Since delivering our report to the Prime Minister in January 2012, I, along with thousands of others, am now having constructive conversations about how we progress towards a successful referendum that will hopefully lead to a majority of people in a majority of states agreeing with this need for recognition.

But, despite these inroads, some gaping holes still remain in understanding how we can most effectively use the ready-made roadmap we have in the United Nations Declaration on the Rights of Indigenous Peoples. Formally supported by Australia in 2009, governments have not yet given full effect to the Declaration and, in failing to do so, are arguably paying lip service to the rights of Indigenous people to determine our own futures by participating in decisions that affect us.

Other significant work continued throughout the year – and will continue into the future – including lobbying for improvements to the Native Title Act, promoting justice reinvestment as an alternative to incarceration, protecting and maintaining Indigenous languages, and continuing efforts to Close the Gap in life expectancy between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians.

Mick Gooda

Aboriginal and Torres Strait Islander Social Justice Commissioner

Graeme Innes AM

*Disability and Race
Discrimination Commissioner*



For most of the year in review, I enjoyed the experience of having responsibility for one area of rights at the Commission, as Dr Helen Szoke was appointed as Race Discrimination Commissioner in September. This provided an opportunity to meet with representatives of disability peak organisations throughout Australia, to review progress so far through my term, and to plan for the future.

One of the clear messages from disability organisations related to the different impact of the Disability Discrimination Act (DDA), since its commencement in March 1993, on people with different disabilities. It was clear that we still have much work to do. However, it was also clear that progress for people with physical and sensory disability had been much greater than for those with intellectual, cognitive and psychiatric disability. I therefore determined to concentrate more on those second groups.

During this year, the key issue in the disability sector was the National Disability Insurance Scheme. My involvement in the campaign for the establishment of the scheme – in conjunction with the broad disability sector and its many supporters – played some part in reinforcing the commitment of the government to the commencement of the scheme. The large financial commitment in the budget late in the year was pleasing confirmation of the efforts of all.

Another pleasing development was the passage of legislation moving the regime for captioning to the Australian Communications and Media Authority, and setting levels for captioning for free to air and pay television. This is the culmination of work over many years by the Commission, in conjunction with the deafness sector.

During the year, my policy team and I worked to investigate issues impacting on people with communication disability in their access to the justice system. Many Australians with disability – particularly our First People's – do not receive equal and appropriate access. Investigations, in conjunction with my colleague, the Aboriginal and Torres Strait Islander Social Justice Commissioner, led to our determination to do more work in the current financial year.

Forced sterilisation of women and girls with disability also continues to be a concern. Surveys conducted during the year confirm that this practice continues to be formally authorised. However, more worrying is the anecdotal information that it occurs much more often informally. Law change, as well as community education, need to be combined to prevent this serious breach of international law.

I referred earlier to the commencement of the DDA. We will celebrate twenty years of operation on 1 March 2013. The Commission will mark the occasion with the launch of our Twenty Years: Twenty Stories project, currently under way. This project will use film to tell twenty stories of how the DDA has changed the lives of Australians with disability. It will recognise and celebrate achievement, and set us on a path for progress in the future.

A handwritten signature in black ink, appearing to read 'G. Innes'.

Graeme Innes, AM
Disability Discrimination Commissioner and
Race Discrimination Commissioner

Elizabeth Broderick

Sex Discrimination Commissioner



I approach the coming year on the cusp of releasing our report into the Treatment of Women in the Australian Defence Force. This will bring phase two of our Review to a close – the phase one report into the Treatment of Women in the Australian Defence Force Academy having been released in November.

Throughout this process, I have been heartened to observe the deep commitment to service of men and women of the ADF, as well as the senior leaders who have demonstrated a strong commitment to reforming those aspects of their culture that negatively impact on women.

Our review was one of six initiated by the government after the so called 'Skype' incident. Though we found that ADFA is a vastly evolved institution from that last examined in the 1990s, we also found significant issues in relation to sexual harassment, equity and diversity, its complaints processes, staff turnover and supervision. Our recommendations required a shift from managing and accommodating women to an attitude of full inclusion, where women are recognised as an essential and vital part of the future capability of the ADF.

Generally, I have observed a willingness on the part of the ADF to embrace change and, in relation to the second phase of the Review, a commitment to engage with us so that we can fulfil our Terms of Reference.

The reality is that these issues, though they can take place in an arena fraught with heightened risk, are issues that can and do occur in all workplaces.

From May 2011 to June 2012, Andrea Durbach – an Associate Professor and Director of the Australian Human Rights Centre in the UNSW Faculty of Law – fulfilled the role of Deputy Sex Discrimination Commissioner. I thank her for her work on the study tour of the visiting UN Special Rapporteur on Violence Against Women and in advocating for

the inclusion of domestic and family violence as a ground under federal anti-discrimination legislation. Additionally, in February at the UN Commission on the Status of Women in New York, we advocated for the rights of women experiencing violence in rural, regional and remote areas.

Our work this year has also included the release of a research paper on bystander approaches to sexual harassment in the workplace, which was released earlier in June and has, I am pleased to report, been well received.

In November, our Male Champions of Change group released their first research paper, concerning best practice in elevating the representation of women at decision making level, a step that augurs well for their future advocacy and action to promote women's leadership.

Our work has also continued in relation to the issue of women's economic security. To this end, we have embarked on research into mechanisms for valuing unpaid caring work to reduce the inequality in women's workforce participation and retirement savings.

A handwritten signature in black ink that reads "E. Broderick". The signature is written in a cursive, slightly slanted style.

Elizabeth Broderick
Sex Discrimination Commissioner

Susan Ryan

Age Discrimination Commissioner



As I approach the conclusion of my first year in the role of Age Discrimination Commissioner, I am pleased to report improved recognition and growing national awareness of the prevalence of age discrimination and the severe economic and social problems it causes.

I am able to point to positive responses from government, business, sector groups and the media.

The weight of evidence led to my focus on improving opportunities for older people to continue in paid employment, on the basis of their capacity and wish to do so. In this regard, I will host a strategy forum on older workers and business growth in September.

My paper Working past our 60s: reforming laws and policies for the older worker set out current age-discriminatory measures in workers compensation, income insurance, professional licencing rules and superannuation. It generated extensive interest and has prompted reform. As a member of the Treasurer's Advisory Panel on Positive Ageing, I will continue the work on these barriers, housing and health.

I was appointed as a part time commissioner to the Australian Law Reform Commission for its inquiry into legal barriers at the Commonwealth level to older people participating in the workforce. The ALRC will report with recommendations for reform in April 2013.

I gave evidence to a parliamentary inquiry into cyber safety for older people, and have started discussions with providers of Internet training for older people, including secondary schools and local councils, and federal MPs. Later this year, I will release a new publication to assist older people to protect their rights in financial dealings, including practical options for avoiding cyber fraud.

The Age Positive website and Facebook page attracts wonderful stories of older people making positive contributions in the community.

The last federal Budget provided funding over four years for the age stereotypes research project. It will produce new research into age stereotypes across all media, a media roundtable and a community education campaign.

Responding to the government's new aged care blueprint Living Longer, Living Better, I published a paper setting out the human rights approach to aged care, Respect and Choice. It is aimed at influencing practice, particularly the training of care workers and professionals. As a member of the government's Aged Care Implementation Council I will continue to advocate for a human rights approach in all services.

My upcoming trip with Commissioner Gooda to the Northern Territory will assist my understanding of needs and services for older Indigenous people.

In consultation with Federation of Ethnic Communities' Councils of Australia, I have planned meetings to explore issues for older people in Culturally and Linguistically Diverse communities.

Over the next year I hope to meet the continuing challenge of persuading the general public as well decision makers that age discrimination is an enormous waste of human capital and a source of great injustice to individuals.

A handwritten signature of Susan Ryan in black ink. The signature is cursive and reads 'Susan Ryan'.

Susan Ryan
Age Discrimination Commissioner

Helen Szoke

Race Discrimination Commissioner



Since September 2011, I have been pleased to take up the position of the first full time Race Discrimination Commissioner in over a decade. This has allowed me time to focus, not only on racism and what appears in our day to day interaction, but also to think about how we work towards achieving racial equality and what I can do in my capacity as Commissioner to assist with this process.

The development of the National Anti-Racism Strategy, arising from the Peoples of Australia Policy, has provided an excellent orientation platform for this to occur. I have spent my time visiting every state and territory, and meeting with community organisations, businesses, local councils, sporting organisations and artistic groups to understand how people experience racism as well as how people are building inclusiveness and cultural diversity into their everyday lives and everyday practices.

I have been pleased to lead a Partnership Forum comprising representatives from a number of federal Government departments, the Federation of Ethnic Communities' Council of Australia, the National Congress of Australia's First Peoples and the Australian Multicultural Council, in developing the strategy.

This has provided me with a good grounding to launch the National Anti-Racism Strategy and the National Anti-Racism Campaign in August of 2012. The strategy aims to build an understanding of what racism is, as the research tells us that it is poorly understood and often denied. The Campaign will provide an opportunity for people to reflect on what racism is and to participate in addressing racism.

The focus of work around the human rights of International Students has also continued, with a view to launching human rights principles and protections in October 2012. The experience of International students is important, not only for our international education bottom line, but to ensure the most positive experience for students coming to Australia, as well as to broaden the prospect of a truly inter-cultural exchange that adds to our own cultural richness as a country.

Work around cyber bullying and cyber racism is also looming as a priority challenge. I was pleased to join the significant work that the Commission has undertaken to develop the BackMeUp Campaign, and to be part of its successful launch and the development of the YouTube competition. This engages young people in identifying the messaging needed to encourage the activism of bystanders who witness cyber bullying and will provide an important resource to combat this into the future.

All this work has also assisted me in formulating an agenda, which I will release early in the new reporting period. This Agenda will set a framework for the duration of my term as Commissioner and will provide an opportunity to report against the priority areas. It will also build on the substantial work that has been undertaken by my predecessors.

A handwritten signature in black ink, appearing to read 'Helen Szoke'. The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Helen Szoke
Race Discrimination Commissioner

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*

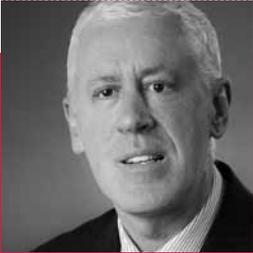
Mick Gooda is a descendent of the Gangulu people of central Queensland. He is a senior executive with 25 years experience and a record of attaining high-level goals and leading multi-million dollar service programs and organisational reform.

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 that 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 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.

During his term as Commissioner, Graeme has significantly 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*

Elizabeth Broderick was appointed for a five year term as Sex Discrimination Commissioner in September 2007. She was also the Commissioner responsible for Age Discrimination from September 2007 until July 2011.

During her term, she has been committed to improving gender equality through her advocacy in preventing violence against women and sexual harassment, improving lifetime economic security for women, balancing paid work and unpaid caring responsibilities, promoting women's representation in leadership and strengthening gender equality laws, monitoring and agencies.

Elizabeth has been a key advocate for Australia's national paid parental leave scheme, and domestic violence reform. She has championed the changes to the ASX Corporate Governance Principles to increase the number of women at decision making level. She has worked with the Australian Government to strengthen gender equality laws and agencies.

Elizabeth represents Australia in the United Nations every year and has facilitated the attendance of marginalized Australian women as key advocates to address issues such as alcohol abuse and domestic violence.

In April 2011, the Government appointed Elizabeth, as Australia's Sex Discrimination Commissioner, to lead the Commission's Review into the Treatment of Women in the Australian Defence Force Academy and the Australian Defence Force. She handed down her Report for Phase One of the Review on 3 November 2011.

Elizabeth is a member of the World Bank's Advisory Council on Gender and Development, 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.

Prior to her appointment, Elizabeth was a partner and board member at Blake Dawson. She 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 is married and has two young children.



Susan Ryan

*Age Discrimination
Commissioner*

Susan Ryan was appointed as Australia's first Age Discrimination Commissioner on 30 July 2011 for a five year term.

Up until her appointment as Commissioner, she had been Women's Ambassador for ActionAid Australia and chaired the Australian Human Rights Group since 2008. She had also chaired the Australian Human Rights Act Campaign Inc. since 2005.

Immediately prior to commencing as Commissioner, Susan was also the Independent Chair of the IAG and NRMA Superannuation Plan and had been President of the Australian Institute of Superannuation Trustees from 2000 to 2007, member of the Australian Council of Superannuation Investors from 2001 to 2007, member of the ASX Corporate Governance Council from 2003 to 2007 and CEO of the Association of Superannuation Funds of Australia from 1993 to 1997.

Susan has also held a number of positions at the University of New South Wales. She was Pro-chancellor and Council member from 1998, Chair of the UNSW Risk Committee from 2002 and Chair of the Advisory Council FASS UNSW since 2010.

From 1975 to 1988, Susan was Senator for the ACT, becoming the first woman to hold a Cabinet post in a federal Labor Government. She served in senior portfolios in the Hawke Government as Minister for Education and Youth Affairs, Minister Assisting the Prime Minister on the Status of Women and Special Minister of State. As Education Minister, Susan saw school retention rates double and universities and TAFEs grow significantly without the charging of tuition fees. She also pioneered extensive anti-discrimination and equal opportunity legislation, including the landmark *Sex Discrimination Act 1984* and the *Affirmative Action Act 1986*.

In 1990, Susan was appointed Officer of the Order of Australia for her contribution to Parliament.

She published her autobiography, *Catching the Waves*, in 1999 and has been a frequent media commentator on her areas of expertise.



Helen Szoke

*Race Discrimination
Commissioner*

Helen Szoke was appointed as Australia's full time Race Discrimination Commissioner on 5th September 2011 for a five year term.

Up until her appointment, Helen Szoke was the Commissioner with the Victorian Equal Opportunity and Human Rights Commission and worked with the Commission from 2004 until August 2011. During this period she managed the expansion of the Commission's functions under the Charter of Human Rights Act and the modernisation of the Equal Opportunity Act in that state.

She is currently Co-Chair of Play by the Rules, a Board Member of Multicultural Arts Victoria and a member of the Advisory Committee for the Centre for International Mental Health, School of Population Health University of Melbourne.

Helen has previously held positions relating to management, community development, organizational development and regulation in the education and health sectors.

She has held various other Statutory and Directors positions including the Adult Migrant Education Services, National Health and Medical Research Licensing Committee, Consumers Health Forum, the Scientific Advisory Committee for the Key Centre for Women's Health, Women's Health Victoria and various community agencies. She also served one term as a local city councillor.

Helen is a Patron of New Beginnings which is an NGO set up to deal with peaceful conflict resolution with a focus on people of African Descent.

She is also Patron of the Australian Arabic Women's Foundation Inc, which aims to empower, encourage and support women from Arabic backgrounds to become independent.

In 2011, Helen was awarded the Law Institute of Victoria Paul Baker Award for contribution to Human Rights.

Elizabeth Broderick

*Sex Discrimination
Commissioner*

Graeme Innes AM

*Disability Discrimination
Commissioner*

Padma Raman

Executive Director

**The Hon.
Catherine Branson, QC**

*President and Human
Rights Commissioner*



Mr Mick Gooda

*Aboriginal and Torres
Strait Islander Social
Justice Commissioner*

Susan Ryan

*Age Discrimination
Commissioner*

Helen Szoke

*Race Discrimination
Commissioner*



The year in review

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Building understanding and respect for human rights

In order for us to realise the Commission's vision of a society where human rights are for everyone, everywhere, every day, we have made building understanding and respect for human rights one of our two key policy priorities. We are seeking to lift the level of consciousness within the Australian community of the importance of human rights to the maintenance of our free, democratic, inclusive and peaceful society.

Building human rights knowledge in communities

Working with the public sector

There are new requirements for all proposed legislation in the federal Parliament to be considered through a human rights lens. This makes it important that the public sector has a comfortable working knowledge of human rights in practice. To this end, we have worked closely with the Attorney-General's Department in the design and development of a range of educational initiatives and resources for the Commonwealth public sector.

In September 2011, Commission President, Catherine Branson, launched the Australian Public Service Human Rights Network, which provides a forum for Australian public servants to come together and discuss how human rights relate to their work.

The Network provides an informal setting for discussion and dialogue about human rights. It uses the priorities set in Australia's Human Rights Framework as a foundation from which to foster human rights awareness in the Commonwealth public sector. After less than 12 months, the network consists of over 600 public servants.



Commission President, Cathy Branson, and Executive Director, Padma Raman, at the Australian Public Service Human Rights Network in Canberra.

Network events have considered how public policy can improve gender equality and women's rights by incorporating a gender-conscious approach into policy development processes, and the critical role of the APS in respecting, protecting and promoting rights of people with disabilities, including through employment in the APS.

Working with educators

The Commission has worked collaboratively with the Australian Curriculum and Assessment Reporting Authority (ACARA) to identify how human rights can be reflected in all learning areas of the national curriculum.

In 2012, we made submissions to ACARA on the draft Geography curriculum and on the Health and Physical Education curriculum. We also participated in national consultation forums on the development of the Civics and Citizenship, and the Economics and Business curricula.

We are continuing to advocate for a greater understanding of human rights principles through formal and informal education channels. In May 2012, we hosted an NGO roundtable on human rights education.

Complaint of disability discrimination by teacher

The complainant is a teacher with the respondent education authority. The complainant has a back injury and said that because of this, he is unable to travel long distances to work. The complainant said that he needed to be placed at a school within a particular travel distance from his home but his employer said they could not accommodate this and so he had been off work for some months.

On being notified of the complaint the respondent authority indicated a willingness to try to resolve the complaint. The matter was resolved with an agreement that the education authority would locate a position for the complainant that met his medical requirements regarding travel. The authority also agreed to provide the complainant with re-training options in other subject areas, provide him with a statement of regret in relation to some aspects of his complaint and pay him \$2,500 in general damages

Working with Aboriginal and Torres Strait Islander communities

We are committed to improving community and government understanding about the *United Nations Declaration on the Rights of Indigenous Peoples*. In 2010, we published a set of resources that provided information about the Declaration. This year we have distributed over 25,000 copies of the posters, community guides and summary guides to educators and communities across Australia.

We have also developed a guide on the Declaration for use by other National Human Rights Institutions (NHRI). This guide was developed in partnership with the Asia Pacific Forum of NHRIs, United Nations Development Program and the Office of the High Commissioner for Human Rights.

The Commission has continued to host the Indigenous Peoples' Organisations Network (IPO). The IPO brings together Aboriginal and Torres Strait Islander organisations nationally and coordinates their engagement in international processes, such as the United Nations Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples. The IPO has an important youth leadership component and has provided international experience and support to many emerging leaders.

‘This course has empowered us to be agents of change in strategic ways and to mobilise our communities through education about rights and responsibilities so that they can make changes in their own lives.’

(Certificate IV participant)



Participants at the Commission's Certificate IV in Human Rights Education and Advocacy course.

Working with Australian Muslim communities

In May 2012, we completed a pilot project developing a Certificate IV in Human Rights Education and Advocacy. The Certificate IV was designed specifically for community development workers who engage with Muslim women, although it has a high level of transferability across the community development sector.

The project was designed and piloted in a partnership with community organisations, including Information and Cultural Exchange and the Bankstown Area Multicultural Network. Certificate level accreditation was provided through Sydney Outreach (TAFE).

A diverse group of fifteen participants completed the 10 week course and were trained in human rights complaints processes, using social and digital media for social change and developing rights based approaches in their workplace and with the communities they work with. The course aimed to train participants to think critically and deeply about human rights and advocacy, as well as to learn how to apply human rights approaches to and in their work.

Working with African Australian communities

Over the past year the Commission delivered workshops on human rights education and advocacy on particular human rights issues facing African Australian communities. Roundtables were held in Western Sydney (July 2011) and Perth (September 2011). A copy of the report on these proceedings is

available on the website at: www.humanrights.gov.au/africanaus/2011_roundtables/index.html

We also contributed to the development to the draft Programme of Action for the International Decade for People of African Descent (2013-2023). In March 2012, we provided a response to a questionnaire circulated by the UN Working Group of Experts on People of African Descent that looked at national initiatives taken with regard to the promotion and protection of the rights of people of African descent. It is available at: www.humanrights.gov.au/africanaus/wgpap_response/index.html

Human rights education in communities

Under the Australian Human Rights Framework, the Australian Government established the Human Rights Education Grants Scheme which funds community organisations to deliver practical, grassroots, human rights education projects.

The Commission has collaborated with the Attorney-General's Department, and community organisations that received grants in 2010 and 2011, to better understand what leads to effective human rights education in community settings.

Many participants in both roundtables also indicated a strong interest to remain in contact with others (particularly new contacts) that they met at the event for seeking ways of addressing issues raised in the Report. In WA, some leaders of African Australian communities committed (verbally) to organise their communities around the issues in the Report for the purpose of advocating for the enjoyment of their human rights as equal citizens in Australia. This was said to be the most viable way to strengthen their partnership with government and service providers. One participant noted that there is:

‘...consensus among all African Australians to lead and be part of the solution in collaboration with service providers’.

(Evaluation of the African Australian Communities Project report – January 2012)

Complaint about sexual harassment and discrimination on the grounds of sex, age, race and religion in employment

The complainant, a young Muslim woman, was employed by the respondent company as a retail assistant. She claimed her manager sexually harassed her by conduct which included touching her in a sexual manner and making sexually explicit and suggestive comments which included such things as lifting her dress and saying “look how hot the slappa looks”. The complainant also claimed her manager discriminated against her because of her age, race and religious beliefs including by calling her a ‘dirty Arab’, making degrading comments about her religion and referring to her as “just a 19 year old girl”. The complainant resigned from her employment before lodging the complaint.

The respondent company said the complainant’s former manager no longer worked for the company and that senior management was unaware of the alleged conduct until advised of the complaint.

The complaint was resolved with an agreement that the company write to the complainant expressing its regret for any distress, sadness or anxiety she felt as a result of the events giving rise to her complaint, pay her \$30,000 as general damages and introduce anti-discrimination and equal opportunity training throughout the company.

Informing and engaging Australians

Using online technology

The Commission uses a range of media platforms and technologies to communicate to different sectors of the community.

In December 2011, we launched two websites aimed at increasing community engagement and understanding and respect for rights. *Something In Common* and its facts-driven microsite *Tell Me Something I Don't Know*, are designed to make human rights meaningful and accessible, and to provide an online space for people share their stories about every day and extraordinary human rights action.

Information posted to these sites is pushed through to Twitter and Facebook. *Something in Common* enables direct engagement with issues, not only by providing information, but by giving users the opportunity to add their own stories and contributions to the site, respond to polls and commit to taking a number of online and offline actions. It is now integrated into our project planning as a means of diversifying the way in which we engage with the community.

In September 2011, we launched the Age Discrimination Commissioner's *Age Positive* microsite on the Commission's website, which aims to challenge the negative stereotypes that exist about older people in the community and, in particular, in the workplace.

Featuring authentic stories submitted by older people themselves, or their family or friends, *Age Positive* is intended to show that older people continue to be dynamic and active contributors in their community regardless of age (www.humanrights.gov.au/age-positive). We have since added an *Age Positive* Facebook page from which we share other stories about positive ageing and age discrimination issues from the media and wider community.



Keep informed about human rights and Commission activities:

- Join our mailing list: [weblink](#)
- Subscribe to our fortnightly PodRights podcasts: www.humanrights.gov.au/podcasts/index.html
- Join the conversation at www.somethingincommon.gov.au
- Follow us on Facebook and Twitter

Our YouTube channel, on which we share video highlights of our major events and projects, has proven successful with over 45,000 video views. We have 28, 984 subscribers for our electronic mailing lists and our online 'Podrights' podcasts, which are released to our website every second Monday, continue to attract strong audiences.

The Commission is also committed to engaging with the community through Web 2.0 technology, using and sharing real stories to raise awareness and communicate with people through social media. We have also begun a significant upgrade of the technical capabilities of our website, which we expect will go live in late 2012. During 2011-2012 our website received 17,854,567 visitors. This represents an increase of 23.7 percent increase in visits over the previous year. A summary of website statistics is provide at Appendix 3.

The media

This year we have expanded our promotional channels for information delivery so that our media releases are linked to Facebook and Twitter. We also began featuring news stories on the front page of our website to promote initiatives, events, publications and other matters of significance to the Commission. We had 19 opinion pieces published in newspapers, journals, magazines and online publications: www.humanrights.gov.au/about/media/op_ed.html.

The addition of two new full-time Commissioners has meant an increase in the amount of media interaction in which the Commission is involved. During 2011-12, the President and Commissioners received approximately 1005 requests for interviews from print, radio, television and online journalists.

Publications

Every year, we prepare a broad range of materials, from plain-language brochures and community guides to major reports and submissions. These resources are all available on our website in accessible formats and most are also published in hard copy format. With differing audiences in mind, we also produce DVDs and CDs.

During 2011-12, we distributed 31,285 publications and resources in response to 656 requests. In addition, resources were also distributed by Commissioners and staff at community consultations and public events.

Presentations and education

Over the last 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 at www.humanrights.gov.au/about/media/speeches.

Our staff delivered information sessions about current projects, federal human rights laws and the Commission's complaint process to audiences 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, and staff of other relevant organisations. A number of in-house training courses were held in the past 12 months.



Journalists, Matt Moran and Hugh Riminton, from Network Ten News, accept the Television Award from Commissioner Mick Gooda at the 2011 Human Rights Awards.

Recognising Australia's human rights champions

We present the Human Rights Awards every year in celebration of Human Rights Day, 10 December. The awards acknowledge the exceptional work being undertaken in our community, businesses and media in relation to human rights issues.

Our 24th Awards ceremony was held on 9 December 2011. The prestigious Human Rights Medal was awarded to The Hon Ron Merkel QC for his work as a human rights advocate, particularly with Aboriginal communities, and for his human rights work as a legal practitioner, particularly in relation to ensuring access to justice for marginalised people. The Young People's

Human Rights Medal was awarded to Tshibanda Gracia Ngoy, who, through her work with youth from refugee backgrounds, international students and the general community, strives hard to better the lives of people around her.

We are grateful for the support of our major sponsors Rio Tinto, the Department of Immigration and Citizenship, iHR Australia, the Law Council of Australia, The Co-op Bookshop, Vibe Australia, Avant Card, the David Unaipon College of Indigenous Education and Research, Network Printing Studios, On Line Opinion and TrophyLand.

A full list of Award recipients is available at: www.humanrights.gov.au/hrawards/winners/2011.html

‘The Australian Human Rights Medal encourages people that they are on the right track, that their efforts are worthwhile, that what they are doing matters to others, that they are in fact making a real difference. At least, that’s what it did for me. The Australian Human Rights Medal says that, in our country, human rights matter, that they are precious, that they need to be nurtured and expanded and put into effect.’

(Thérèse Rein, reflecting upon winning the 2010 Human Rights Medal)

Complaint of discrimination in employment on the basis of religion

The complainant is Christian and does not work on Sundays for religious reasons. The complainant said she worked for the respondent organisation on an informal understanding that she would not work on Sundays. The complainant claims that after two years of employment the respondent told her it would roster her to work on Sundays. The complainant claimed she was left with no option but to resign.

The respondent denied any discrimination. The respondent claimed it did not actually roster the complainant to work on a Sunday and was in the process of considering a flexible working arrangement with the complainant when she resigned. The complaint was resolved with an agreement that the respondent pay the complainant \$4,000 in compensation for any pain and suffering and write to the complainant to apologise for the distress and upset the complainant experienced as a result of the events giving rise to the complaint.

Tackling violence, harassment and bullying

'BackMeUp gives you the opportunity to stand up, and not sit back, and show how you would support someone who has been cyberbullied'

(Ruby Rose, Campaign Ambassador)



Television personality, Ruby Rose, is an ambassador for the Commission's Back Me Up campaign.

Tackling violence, harassment and bullying is the second of the Commission's two major policy priorities.

We all have a right to feel safe and respected. We all have a right to live our lives free from violence. Violence, harassment and bullying can violate these rights. They can also impact on other rights, such as the right to education and the right to health. Violence, harassment and bullying affect well-being and quality of life.

We have published several research papers on how violence, harassment and bullying affects vulnerable groups including women, Indigenous people, people with a disability and people from culturally and linguistically diverse communities.

A significant amount of our work has focused on cyber bullying and, in particular, the role of bystanders. We have also developed partnerships to work more effectively with these issues.

Countering cyber bullying

As part of our cyberbullying and bystander project, we engaged Edith Cowan University's Child Health Promotion Research Centre to conduct research into the most effective ways to motivate young people to take safe and effective action when they witness cyberbullying. In June 2012 they published a report entitled Research and Insights: Report on Bystanders and Cyberbullying.

The Centre used blogs (409 participants), focus groups (109 participants) and polls (10 341 participants) to generate both qualitative and quantitative data. The research found that the majority of bullying incidents occur in front of bystanders. It also found that a majority of bystanders either feel powerless to act in support of the victim, or they actually encourage the bullying.

The research also provides the springboard for the Commission's most recent social marketing campaign, called BackMeUp. Launched on 15 June 2012, the campaign aims to help prevent cyberbullying among young people and emphasizes taking positive action to support friends or peers who are bullied.

BackMeUp is a competition in which young people submit a digital story they have created showing the importance of bystanders in a cyberbullying situation. The competition prize is a week-long film making course at the National Institute for Dramatic Art. The campaign is supported by a range of project partners across the government, corporate and NGO sectors. Campaign Ambassadors are Ruby Rose and Cody Bell.



Social Justice Report 2011

ABORIGINAL AND TORRES STRAIT ISLANDER
SOCIAL JUSTICE COMMISSIONER



The Social Justice report 2011 focussed on the issue of lateral violence in Aboriginal and Torres Strait Islander communities.

Safeguarding the rights of international students

Australia continues to have a high number of international student enrolments, with a total of 557,425 in 2011.

Despite a number of policy and service reforms and reviews relating to international students, some international students continue to experience challenges that relate to economic insecurity, language and cultural barriers, social isolation and issues related to accessing services and information.

The Commission has continued to work in consultation with international students and their representative bodies, as well as representatives from the international education sector, government and other key stakeholders, to develop a set of principles that aim to promote and protect the human rights of international students living in Australia.

‘Lateral violence is harmful behaviour perpetrated within oppressed communities by members of that community. It can occur within families, between families, between clans and even across entire communities.’

(Commissioner Gooda)

These principles also aim to positively inform the ongoing development of policies and services relating to international students living in Australia. They will be launched later in 2012.

Addressing lateral violence in Aboriginal and Torres Strait Islander communities

The *Social Justice* and *Native Title Reports 2011* focused on the issue of lateral violence in Aboriginal and Torres Strait Islander communities.

The Social Justice Report looked at the historical and contemporary factors in our communities, with a particular focus on Palm Island in North Queensland. It also reported on cyberbullying, young people and bullying in schools, workplace bullying, organisational conflict, social and emotional well-being and involvement in the criminal justice system.

The Native Title Report considered how the native title system provides a platform for lateral violence to be played out within our families, communities and organisations.

Based on strong structural foundations and the principles of the United Nations Declaration on the Rights of Indigenous Peoples, the reports consider options for addressing lateral violence.



Commissioner Broderick and Deputy Sex Discrimination Commissioner, Andrea Durbach, with UN Special Rapporteur on Violence Against Women, Rashida Manjoo.

Working to prevent violence against women

In April 2012, the Commission and the Department of Families, Housing, Community Services and Indigenous Affairs co-hosted a study tour for the UN Special Rapporteur on Violence against Women, Ms Rashida Manjoo.

The study tour was an opportunity for governments, community organisations and individual women across the country to consider the manifestations of violence against women within Australia, and to review the strategies being used to reduce and eliminate all forms of violence against women and its causes. Commissioner Broderick and Deputy Commissioner Durbach accompanied the Special Rapporteur to a range of roundtables, meetings and site visits to hear from Aboriginal and Torres Strait Islander women, migrant and refugee women, women with disability and women of diverse sex, sexuality and/or gender and other women. While not a formal mission, the study tour gave visibility to this pressing human rights crisis within Australia. The study tour was an opportunity to examine the implementation of *Australia's National Action Plan to Reduce Violence Against Women and Their Children* and highlight the range of significant work being undertaken by women and men, NGOs, government departments and various service providers to reduce and eliminate the causes and consequences of violence against women.

Complaint of sexual harassment in employment

The complainant alleged that she was sexually harassed by a co-worker at the aged care facility where she works. The complainant claimed the co-worker made comments about her breasts and on one occasion pushed her on a bed, lay on top of her, grabbed her genitals and breasts and rubbed his genitals against her. The complainant said she made an internal complaint, but this was not taken seriously.

On being notified of the complaint, the co-worker and employer agreed to participate in a conciliation conference. The complainant did not want to continue her employment with the respondent facility and the complaint was resolved with an agreement that the employer would pay her \$50,000 compensation. The individual respondent's employment was terminated and he also agreed to undertake anti-discrimination training.

In February 2012, Commissioner Broderick attended the 56th session of the United Nations Commission on the Status of Women in New York. The focus on this year's forum was 'The empowerment of rural women and their role in poverty and hunger eradication, development and current challenges'.

At the session, the Commission advocated for the rights of women in rural, regional and remote areas experiencing violence, as well as the rights of women with disabilities. We also advocated for addressing unpaid work and multiple disadvantage and for gender responsive policy and continued our advocacy for independent participant status for NHRIs.

Domestic violence intervention

Being an intervenor in legal proceedings provides an important opportunity for the Commission to provide human rights expertise to the courts and coroners.

In late 2011, we were granted leave to intervene in the coronial inquest into the death of Andrea Pickett. Andrea, an Aboriginal woman from Western Australia, was killed by her husband while he was on parole for breaching a violence restraining order.

In this case, we advocated for systemic changes to domestic violence policies and procedures in all Western Australian Government Departments that deal with victims and perpetrators of domestic violence involving Aboriginal or Torres Strait Islander Peoples, as well as in the Western Australia Police Service, Department of Community Corrections and Department of Child Protection.

The inquest was heard in the Western Australian Coroners Court in June 2012, with many of the Commission's recommendations adopted in the final report of the Coroner.

Commissioner Broderick and Deputy Commissioner Durbach have also examined the issue of domestic violence as a workplace issue. In particular, they looked at providing support for victims and survivors through workplace policies and clauses in enterprise agreements that provide access to paid leave or flexibility measures in relation to domestic and family violence. They also examined the possible basis upon which status as an actual or perceived victim of family violence could be included as a protected attribute under Commonwealth anti-discrimination law. Deputy Commissioner Durbach convened a roundtable discussion with representatives from women's NGOs, working women's centres, discrimination law experts, women's legal centres, unions, and other



As part of her study tour, UN Special UN Special Rapporteur on Violence Against Women, Rashida Manjoo, visited the women of Fitzroy Crossing in Western Australia.

stakeholders to discuss the introduction of domestic and family violence as a new ground of discrimination. Consequently, in a submission to the Consolidation of Commonwealth Discrimination Law Inquiry, the Commission called for the introduction of a new ground of discrimination concerning domestic and family violence.

Other activities regarding prevention of violence against women included:

- Ms Joy Ezeilo, the UN Special Rapporteur on Trafficking in Persons, especially women and children, made an official visit in November 2011. We co-hosted a public forum and an NGO roundtable on human rights approaches to trafficking with Anti-Slavery Australia. The Special Rapporteur's report on her Australian mission was tabled at the 20th session of the Human Rights Council, on 23 June 2012. The Commission presented a statement at the Human Rights Council's 20th Session welcoming the Special Rapporteur's report.
- Throughout the Fairfax Speaker Series during October and November 2011, we delivered speeches about domestic violence as a workplace issue.
- We participated in a panel discussion on the International Day to Eliminate Violence Against Women on 25 November. Our male Commissioners are White Ribbon ambassadors.



Commissioner Broderick launches the Report on the Review into the Treatment of Women at the Australian Defence Force Academy.

‘I thank Ms Elizabeth Broderick and her team for their excellent work. This comprehensive report touches on all aspects of life at ADFA in 2011.’

**(Acting Chief of the Defence Force,
Air Marshal Binskin 4 November 2011)**

Reviewing the treatment of women in the Australian Defence Forces

In April 2011, the Commission agreed to 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 panel led by Commissioner Broderick began receiving submissions for Phase One of the Review, about the treatment of women in ADFA and the further initiatives that would be required for cultural change.

Research and consultation for Phase One engaged over 1000 individuals via a ‘World Café’ discussion event, 38 focus groups and 600 survey respondents, in addition to submissions and calls to the Review hotline. This amounted to consultations with over one quarter of the cadet body, ADFA staff, parents of cadets, separated cadets and senior ADF personnel. This phase of the Review was completed with the launch of the *Review of the treatment of women in the Australian Defence Forces* in November 2011.

ADFA has accepted and begun implementation of all 31 of the Review’s recommendations. An evaluation of the implementation of the recommendations twelve months after the release of the report has been agreed upon.

Phase Two of the Review is examining the effectiveness of cultural change strategies in the ADF and the measures and initiatives required to improve pathways for increased representation of women into the senior ranks and leadership.

Extensive consultations have been taking place since the completion of Phase One, with the final report due for release in August 2012.

The terms of reference for both phases of the Review are available on the Commission website: www.humanrights.gov.au/defencereview/terms.html

Working toward stronger protection against sexual harassment

Sexual harassment in the workplace is a persistent and pervasive problem in Australia and elsewhere, demanding new and creative responses.

One significant area that may inform prevention and response strategies is the area of 'bystander approaches'. During the year under review, we commissioned research to explore the potential for bystander approaches to prevent and respond to workplace sexual harassment.

Associate Professor Paula McDonald from QUT and Dr Michael Flood from the University of Wollongong were commissioned to undertake this research. Their report will be released in July 2012.

We also commissioned Roy Morgan Research to conduct the 2012 national sexual harassment prevalence survey on our behalf. The results from this survey will be released in the second half of 2012.

In July 2011, we made a submission to the Inquiry into the Family Law Legislation Amendment (Family Violence and other Measures) Bill 2011. The Commission supported the proposed amendments, ensuring that the *Family Law Act 1975 (Cth)* aligns its provisions with international human rights standards.

Complaint of sexual harassment in employment

The complainant was employed as a tradesman/bricklayer with the respondent construction company. The complainant claimed a male co-worker sexually harassed him during a social gathering at a work campsite. The complainant claimed the co-worker grabbed his chest, stomach, testicles, buttocks and penis. The complainant had not returned to work since the incident.

The respondent company confirmed that an incident occurred on a work campsite between the complainant and his co-worker. The company submitted that it could not determine from its investigations what had happened and whether the complainant was sexually harassed. The company advised that it offered to move the complainant to a different worksite the day after the alleged incident.

The complaint was resolved with an agreement that the parties continue the employment relationship with assurances that the complainant would not have to work with the co-worker who was alleged to have sexually harassed him. The company also agreed to pay the complainant \$20,000 compensation for his hurt and distress.

Ensuring human rights are respected and discrimination is addressed

Consolidating anti-discrimination laws

As a part of the government's commitments under the Australian Human Rights Framework, there have been extensive consultations to discuss how the current anti-discrimination legislation can be consolidated into one piece of legislation.

The Commission has released 2 submissions on options for improving the existing legislative framework, and has also provided advice to the government on technical aspects of the law (based on our experience administering the legislation).

We have also hosted workshops and roundtables with the government and also with NGOs to contribute to the consolidation project.

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 2011-12, we received 17,047 enquiries and 2610 complaints. This is the highest number of complaints received over the past 10 years and represents a 21 percent increase in comparison with the number of complaints received in the previous reporting year.

As in previous years, employment was a major area of complaint: Sex Discrimination Act (85% of all complaints), Age Discrimination Act (65%), Racial Discrimination Act (46%) and Disability Discrimination Act (31%).

Discrimination in the provision of goods and services was the main area of complaint under the Disability Discrimination Act (36%) and the second most common area of complaint under the other anti-discrimination Acts.

A comprehensive set of complaint statistics and demographic data for 2011-12 is available at Appendix 2.

Resolving complaints through conciliation

We attempt to resolve complaints through conciliation. We use an informal, flexible approach and are an impartial third party during the conciliation process. Complaints are resolved on a without-admission-of-liability basis.

Of the 2605 complaints finalised in 2011-12, 48 percent were conciliated. Of those matters where conciliation was attempted, 66 percent were able to be resolved. This represents successful resolution of disputes for over 2300 parties.

An overview of conciliation outcomes is available at Appendix 3.

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

Key performance indicators for our complaint service, as well as our performance during 2011-12, are summarised on page 67.

Reporting on human rights breaches

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

In 2011-12, complaints made under the Australian Human Rights Commission Act rose by 75 percent compared with the previous year. There has been a 220 percent increase in complaints received under the Act over the past five years.

Sixty-six percent of all complaints received under this Act during the year alleged breaches of the *International Covenant on Civil and Political Rights*. There was a continuing increase in complaints alleging a breach of human rights in relation to the length or conditions of immigration detention, as well as complaints that detention or visa decisions constitute an arbitrary interference with the family.

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 2011-12, the President reported on seven complaints, five of which concerned allegations of arbitrary detention against the Department of Immigration and Citizenship.

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.

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 2011-12 we intervened in six cases.

Online newspaper liability for user blogs containing racial vilification

In two recent cases, the Federal Court found that newspaper publishers were liable under the Racial Discrimination Act 1975 (Cth) (RDA), for content published by them that amounted to racial vilification.

Last September, Bromberg J found that The Herald and Weekly Times Pty Ltd (a division of News Limited), which publishes the *Herald Sun* in Melbourne, was liable under s18C of the RDA for publishing two articles by one of its journalists which suggested that certain "fair-skinned Aboriginal people" were not genuinely Aboriginal and had falsely identified as Aboriginal because they were motivated by career opportunities available to Aboriginal people or by political activism.

In March this year, Barker J found that another News Limited company, Nationwide News Pty Ltd, the publisher of *The Sunday Times* newspaper in Perth, was liable under s18C for comments posted by readers underneath articles in the online version of the paper. The Commission was asked to intervene in this case.

This recent case is a reminder that online publishers need to be vigilant that user generated content published by them does not contain material that is reasonably likely to offend on the basis of race.



Commissioner Ryan released the Working Past Our 60s paper in June.

Reviewing federal laws and policies

Part of the Commission's is to review federal laws and policies that raise human rights issues.

Our staff have a high level of expertise in both our federal and international human rights commitments. We use this expertise when we provide submissions to parliamentary bodies, the courts, government departments and law reform bodies. As noted above, recently we have also been making formal submissions to the national curriculum development body ACARA.

During 2011-12 we made 29 submissions on a broad range of topics. These are identified in Appendix 6.

Advocating for reforms to address age inequalities

In July 2011, we welcomed the appointment of Australia's first Age Discrimination Commissioner. The Commissioner is focusing on addressing barriers to equality and participation faced by mature workers, older Australians and young people.

Workforce participation and saving

One of the most significant areas of age discrimination in which we are involved relates to employment and associated insurance and financial services.

In November 2011, we supported the removal of age barriers for superannuation guarantee contributions, ensuring that older workers have the same rights as everyone else in relation to superannuation. The removal of age bars such as these will not only mean that older workers have more super at retirement, but will contribute to increased productivity as older workers are encouraged to continue in employment and to a lower age pension bill for the government.

In February 2012, Commissioner Ryan was appointed to the Australian Law Reform Commission review dealing with age discrimination in employment. *The Review of Commonwealth legislation and policies that create barriers for older people participating in the workforce or other productive work* will contribute to meeting the Government's commitment, within Australia's Human Rights Framework, to review existing legislation for consistency with Australia's human rights obligations.

The Review released an Issues paper in May. Entitled *Grey Areas: Age Barriers to Work in Commonwealth Laws*, the issues paper investigates the legal barriers to mature age (over 45 years of age) participation in the workforce and other productive work.

The Review is considering a range of laws, including superannuation law; family assistance, child support and social security law; employment law; insurance law; compensation laws; and any other relevant Commonwealth legislation exempt under the Age Discrimination Act.

‘As a society, we have been slow to recognise that millions of older Australians are locked out of the workforce by age discrimination. We are only now starting to understand what a terrible waste of human capital this situation represents; a loss to the national economy and to businesses large and small, and a loss to the individual who is pushed out of the workforce prematurely.’

(Commissioner Ryan)

Complaint of age discrimination in provision of insurance

The complainant booked an interstate holiday for himself and his wife through an airline website, and paid an additional amount for travel insurance. Eight weeks before the proposed date of travel the complainant was diagnosed with cancer and was told he would need a long course of treatment. The complainant said that he was too ill to travel but his insurance claim was rejected because he was over 70 years old.

On being notified of the complaint, the respondent company indicated a willingness to try to resolve the matter. The complaint was resolved when the company agreed to pay the complainant approximately \$1,400 compensation for the cost of the flight.

In June, the Commission released *Working Past Our 60s: Reforming Laws and Policies for the Older Worker*. This paper details how age bars in workers compensation, income insurance and licensing block willing and able people from continuing in work through their 60s and beyond. By highlighting how these arrangements affect older workers, we hope to create impetus for reform in state and Commonwealth government workers compensation schemes and in the private insurance industry.

Media and technology

Issues of social inclusion are also central to our work in age discrimination. Attitudes and technology can result in discriminatory practices that exclude older people from full and equal participation in our community.

As part of the 2012 Budget, the government committed funding towards countering negative

age stereotypes in the media. We have developed initial research in this area and will be continuing to develop tools to assist media channels to address negative stereotypes.

We have also made a submission to the federal parliament’s Joint Select Committee on Cyber-Safety’s inquiry into online safety for senior Australians, which is looking at how Australian law, policy and programs can provide best practice cyber-safety for senior Australians. Our submission looked at the prevalence and incidence of cyber scamming and suggested initiatives that could be used to counter it.

In a subsequent supplementary submission, we noted that many older people are not yet online and provided examples of offline media that government departments could use to provide information about cyber-safety to older Australians.

Building human rights into law and practice

Advocating for the rights of children

National Children's Commissioner

On 25 June 2012, the Australian Parliament passed legislation to establish Australia's first National Children's Commissioner. The Commissioner will be a member of the Australian Human Rights Commission.

The National Children's Commissioner will take a broad advocacy role to promote public awareness of issues affecting children. The Commissioner will be required to submit an annual report to the federal Parliament on the status of children's enjoyment of human rights in Australia. The Commissioner will consult directly with children and representative organisations, as well as state children's commissioners, and has functions to conduct research and education programs, and monitor Commonwealth legislation, policies and programs that relate to children's rights, well-being and development.

The new Commissioner is expected to take office by the end of 2012.

United Nations Committee on the Rights of the Child

During 2011-2012, the UN Committee on the Rights of the Child considered Australia's fourth report on its implementation of the *Convention on the Rights of the Child*. Prior to Australia's appearance before the UN Committee in June 2012, the Commission provided information to the UN Committee in late 2011, and again in May 2012.

This material focused on a broad range of key child rights issues including violence, bullying and harassment, inequalities and discrimination faced by Aboriginal and Torres Strait Islander children and children with disabilities, immigration detention and homelessness, among others. The information is available online at: www.humanrights.gov.au/legal/submissions/2011/201108_child_rights.html.

'Our children are our future and if we do not value them, we cannot ever hope to protect them. A National Children's Commissioner will put their needs front and centre.'

(The Hon Nicola Roxon MP
is the Australian Attorney-General.)

Inquiry into the treatment of individuals charged with people smuggling offences who say they are children

In November 2011, the Commission President began an Inquiry into the treatment of individuals suspected of people smuggling offences, who say that they are children. The Inquiry, which concerns the human rights of children, considered all 180 cases where age has been in dispute since September 2008.

The majority of these individuals are Indonesian nationals who worked as crew on boats bringing asylum seekers to Australia.

The Inquiry process prompted an independent review of 28 cases where individuals who had said that they were children were convicted of people smuggling offences. In May and June 2012, the Attorney-General released 15 individuals early on licence on the basis that they may have been children on their arrival in Australia.

The report of the inquiry will be released in July 2012.

Asylum Seekers and immigration detention

Asylum seekers and persons detained in immigration centers are vulnerable individuals with limited capacity to advocate in their own interests. The Commission, for this reason, has long monitored whether Australia is meeting its international human rights obligations in its treatment of them.



Villawood Immigration Detention Facility

Complaint regarding immigration detention

The complainant advised that he is from Afghanistan and had been in immigration detention for 18 months. The complainant claimed that he had not been released into community detention despite his deteriorating health and alleged that his ongoing detention was arbitrary and breached Article 9 of the *International Convention of Civil and Political Rights*.

In response to the complaint, the Commonwealth department indicated the complainant's request for community detention had been escalated. The complaint was subsequently resolved when the complainant was released to reside with his son under community detention.

The Commission contends that those obligations mean that immigration detention should be used only as a last resort, and then only for the shortest practicable time. Asylum-seekers and refugees should always reside in the community unless they pose an unacceptable risk.

Monitoring detention centres

Throughout 2011, we conducted monitoring visits to immigration detention facilities at Villawood in Sydney, Curtin in Western Australia and Inverbrackie in South Australia. Visits involved site inspections, interviews with staff and meetings with detainees. Comprehensive public reports on conditions of detention were published regarding the visits to Villawood and Curtin.

While we acknowledged the Government's progress in moving towards community detention arrangements, particularly for children, our concern remains high for those individuals who are recognized as refugees and have received adverse security assessments.

These people are held in detention without access to a review process in Australia. They will remain in detention until conflict in their home country abates, or until a third country will agree to resettle them. Currently this includes approximately 50 people, some of whom have young children with them.

‘In October 2010, the Government announced its intention to transfer the majority of children in immigration detention into community detention by June 2011 and it has done so. As at 20 June 2012, a total of 4088 people, including 1910 children, had been approved for community detention since the October 2010 announcement. In the previous month there were a total of 635 children in community detention and 281 children in closed detention facilities. In November 2011, the Government announced that eligible asylum seekers who had arrived by boat would be progressively considered for release on bridging visas following satisfactory completion of initial health security and identity checks. As at 20 June 2012, 2614 people had been released from detention on bridging visas since that time.’

(From 20 Years of Mandatory Immigration Detention: the imperative for community-based arrangements for those who seek Australia’s protection. Speech to Australian Refugee Association, Catherine Branson QC, President, Australian Human Rights Commission, Friday 22 June 2012.)

Inquiries on immigration detention related issues

The Commission also participated in several significant public inquiries. We made a substantial submission to the inquiry of the Joint Select Committee on Australia’s Immigration Detention Network and a submission to the Inquiry into Australia’s agreement with Malaysia in relation to asylum seekers, in which we made recommendations in relation to abolishing the excision regime under the Migration Act.

In April 2012, we publically welcomed the release of the report on Australia’s Immigration Detention Network. The report made recommendations that:

- following initial health, identity, character and security checks, asylum seekers be granted a bridging visa or released into community detention.
- people held in immigration detention should be accommodated in metropolitan rather than remote facilities wherever possible.

- the Minister for Immigration be replaced as guardian of unaccompanied minors in immigration detention.
- consistent child protection arrangements be implemented across the detention network
- effective review mechanisms be made available to people who have received adverse security assessments from ASIO, and
- staffing levels within immigration detention be reviewed.

The Commission continues to monitor government progress in relation to this report and to advocate for further reform in the interests of protecting the mental and physical health of asylum seekers and refugees.

Earlier this year in Australia, the Commission President participated in a UNHCR Roundtable on National Security Assessments for Refugees, Asylum Seekers and Stateless Persons.

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)

Article 1: The objective of the present Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty in order to prevent torture and other cruel inhuman or degrading treatment or punishment.

The Australian Government took a significant step toward establishing greater oversight and inspection of its places of detention by signing the OPCAT in 2009.

The next stage in the process is for Australia to prepare for ratification of the treaty. The Commission has been regularly engaging with the government in regard to the practicalities of ratifying OPCAT. In February, we supported the tabling of a national interest analysis and contributed to the inquiries of the Joint Standing Committee on Treaties.

As it is one of the core international human rights treaties, we have been strong advocates for the ratification of OPCAT and have engaged with both the government and the public regularly to demonstrate what this might look like.

One of the challenges of ratification has been making the decision about how a National Preventative Mechanism would be established in a federal system such as ours.

We support the announcement of the approval for ratification by the Joint Standing Committee on Treaties on 21 June this year.

Promoting gender equality in employment

Part of our advocacy work in relation to sex discrimination and gender equality in Australia is devoted to ensuring the economic and financial security of all women.

In 2009, the Commission's *Accumulating Poverty? Women's experiences of inequality over the lifecycle* report examined the gender gap in retirement savings. It identified three strategies to redress women's disadvantage in the current retirement income system, including recognising and rewarding unpaid caring work.

As a means of continuing advocacy for reform in this area, we have engaged the Social Policy Research Centre at the University of NSW to undertake further research.

This significant and innovative research will identify models for reforms that could properly recognise and compensate those who undertake unpaid caring work. It will also inform the evidence-based development of employment and retirement income strategies and provide valuable information for policy and law-makers, academics and others. The project is funded by The Westpac Group and commenced in January 2012.

Our advocacy work contributed to a landmark decision by Fair Work Australia, at the beginning of February 2012, to award more than 200,000 social and community services sector workers pay-rises of between 19 and 41%. In arriving at the decision, Fair Work Australia recognised that gender had been a significant cause of the pay gap.

In September 2011, the Commission supported the Government's agreement to remove gender restrictions in Australian Defence Force combat roles. This will mean women will be able to work in any position in the ADF, including combat roles, provided they have the ability to meet all of the demands of the role.

Complaint of pregnancy discrimination in employment

The complainant was employed as a manager with the respondent consultancy firm. The complainant said that after she announced her pregnancy, she was given negative performance reviews and subsequently told that her employment would be terminated.

On being notified of the complaint the respondent indicated a willingness to try to resolve the matter by conciliation. The complainant did not wish to return to work with the company and the complaint was resolved with an agreement that the company would pay her \$35,000 in compensation for future loss of income and provide her with a statement of service.

Complaint of disability discrimination in sport

The complainant who is deaf, qualified to compete in the respondent's athletic meet. The complainant said that because of his disability he was unable to hear the starting gun and he claimed his request for a visual starting prompt for the upcoming athletic meet had been refused.

The complaint was resolved with an agreement that a visual prompt would be provided at the upcoming athletic meet and all future athletic meets arranged by the respondent. The respondent also agreed to provide a number of other adjustments including a sign language interpreter in the call room to communicate race and safety instructions, permission for the complainant to start races from a standing position, permission for the complainant to use his hearing device during races and to be allocated the lane closest to the starting gun or with the best view of the hand signal.



Commissioner Innes at the launch of the First People's Disability Network in Sydney.

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

The Commission has long advocated for federal legal protection against discrimination on the basis of sexual orientation and sex and/or gender identity.

In September 2011, we called for greater inclusion of people who identify as lesbian, gay, bisexual, transgender, intersex and queer in domestic violence responses.

Also during 2011-12, we were asked to intervene in the *State of WA v AB & AH and Gender Reassignment Board* case in relation to their recognition certificate under the WA legislation. In June, the applicants were successful in their high court appeal.

The Commission was also invited by the Family Court of Australia to intervene in two matters relating to young people who wanted to have medical treatment for gender dysphoria. The court sought the Commission's assistance given its previous intervention in other similar matters.

‘There have been some major achievements on information access. One example is a series of increases in TV captioning which were achieved under the DDA now being wrapped up in legislation ... It lays down a timetable towards 100% captioning within mainstream television regulation.’

(Commissioner Innes)

Improving access for people with disability

The Commission has long advocated for a rise in captioning services for cinema and television, which would take place over a number of years.

In order to encourage this increase, we have on occasion granted temporary exemptions from complaints under the Disability Discrimination Act to free-to-air and subscription broadcasters on the condition that they make certain commitments to improve access and opportunity within a reasonable period.

Television

In April 2012, we reached agreement with the Australian Subscription Television and Radio Association in the Administrative Appeals Tribunal in regards to the temporary exemption application for captioning levels.

In June, we supported passage of the Broadcasting Services Amendment (Improved Access to Television Services) Bill 2012. The amendment will make captioning requirements a license condition and obligation under the *Broadcasting Services Act 1992* for subscription TV and television narrowcasting licensees. This will apply to commercial and national television broadcasters.

Cinema

In 2010, with the assistance of the Commission and the government, a Cinema Access Implementation Plan was agreed upon by the four major cinema chains with disability representatives and advocacy organisations. The agreement provided for 242 accessible screens in 132 cinema complexes across Australia by the end of 2014.

By the end of 2012, cinemas are committed to roll out 145 accessible screens. As 123 screens were already accessible at the end of June, it is anticipated that this target will be exceeded.

The roll-out of accessible technology, as outlined in the Plan and agreed to by the cinema chains, involves the installation of closed captioning and audio description.

Books

We have also lobbied for additional funding to increase the number of accessible publications that can be made available internationally to developing countries.

We joined the President of the World Blind Union in urging the Australian government to actively pursue a treaty that would make an exception to copyright law that would increase the number of books that could be made available in accessible formats to people who are blind or have low vision in developing countries. While only five percent of all books are produced in accessible formats in Australia, only one percent are available in developing countries.

Leading and influencing advocacy on human rights

Informing human rights frameworks

Australian Human Rights Framework

The Australian Government released the Australian Human Rights Framework in April 2010.

The Commission has been working closely with the Attorney-General's Department on all aspects of the Framework. In particular, we have provided input into the development of a National Human Rights Action Plan, human rights education initiatives, improved human rights protections including greater parliamentary scrutiny, and consolidation of federal discrimination laws.

National Human Rights Action Plan

Early in 2012, we welcomed the opportunity to provide consultation on the Exposure Draft National Human Rights Action Plan (NAP). The NAP is significant because it will set out the priority areas and approaches for action by the government.

The Commission had urged the Government to include all accepted recommendations from the Universal Periodic Review process within the NAP. They have publicly committed to do so, which should see greater connection between international commitments and domestic systems for implementation.

Australia's Universal Periodic Review on human rights

In addition to advocating for the inclusion of UPR recommendations in Australia's new National Action Plan on Human Rights, we also emphasized that mid-term reporting on progress should be undertaken to the United Nations.

In March 2012, on behalf of the Australian Council of Human Rights Agencies, the Commission President presented the first of what is envisaged to be an annual implementation report on UPR outcomes to the UN Human Rights Council. The Office of the High Commissioner for Human Rights has since cited Australia's processes, in particular the cooperation and efforts of the Commission and NGOs, as a best practice example of engagement.

Complaint of discrimination in recruitment on the basis of criminal record

The complainant applied for the role of traffic officer with the respondent local government authority through the respondent labour hire company. The complainant claimed his application was not successful because he was convicted of theft more than 20 years ago.

On being advised of the complaint the respondents indicated a willingness to try to resolve the matter through conciliation. The complaint was resolved with an agreement that the local government authority offer the complainant the role for which he applied.

The UPR process has led to a renewed focus by governments on human rights issues that had been neglected for some time, such as the forced sterilisation of women with disabilities.

Stronger human rights scrutiny

On 4 January 2012, the Commission welcomed the enactment of the *Human Rights (Parliamentary Scrutiny) Act 2011*. This legislation requires all new bills and disallowable legislative instruments to be accompanied by a 'Statement of compatibility with human rights'. Statements will assess compatibility against the seven main United Nations human rights treaties to which Australia is a party.

The Act also establishes a Parliamentary Joint Committee on Human Rights – the first Commonwealth Parliamentary Committee dedicated solely to human rights scrutiny, which will be established by a resolution of appointment in the Autumn 2012 Parliamentary sittings.

Under the legislation, the Commission President also becomes an ex-officio member of the Administrative Review Council.

For some time, we have advocated for the establishment of an early assessment framework for legislation. We have also advocated for an independent legal advisor to the Joint Parliamentary Committee on Human Rights who would ensure statements of compatibility and focus on their improvement over time. We have also recommended close working relationships between relevant government departments on these processes.

In May, the Commission executive met with the Joint Committee to discuss these issues. We continue to be involved in research and international exchanges that aim to develop procedural options for stronger human rights scrutiny in Australia.

'A good anti-racism campaign would give the public the opportunity to learn the effects of racism on Aboriginal, refugee and marginalized people, with the opportunity to react appropriately to the situation, rather than with hostility, denial or apathy.'

(Submission to the National Anti-Racism Strategy consultation process)

Building a diverse, harmonious Australia

National Anti-Racism Partnership and Strategy

In February 2011, the Government announced that the Race Discrimination Commissioner would lead the development of a national anti-racism strategy as a key initiative under Australia's new multicultural policy, *The People of Australia*.

The aim of the National Anti-Racism Strategy is to promote a clear understanding in the Australian community of what racism is and how it can be prevented and reduced.

The strategy is being developed through a partnership forum that includes government representatives from the Attorney-General's Department, the Department of Immigration and Citizenship, the Department of Families, Housing Community Services and Indigenous Affairs, the Australian Multicultural Council as well as the Commission. From the community, the Partnership includes the Federation of Ethnic Communities' Councils of Australia and the National Congress of Australia's First Peoples.



The Discussion Paper for the National Anti-Racism Partnership and Strategy was released in March 2012.



Executive Director, Padma Raman, Commissioner Szoke and Commissioner Gooda (front row from left) attend the Race Relations Roundtable in Darwin.

Alleged racial discrimination in the provision of goods and services

Four young Aboriginal women claimed that staff at the respondent supermarket abused them, gestured at them and did not permit them to enter the store because of their race. The complainants claimed staff subsequently accused them of stealing.

The respondent company denied unlawful discrimination and said there may have been a misunderstanding arising from the removal of another individual from the store. The respondent acknowledged there may have been miscommunication about who should be permitted to enter the store, but denied this was based on the complainants' race.

The complaint was resolved with an agreement that the company write to the complainants expressing regret for any humiliation and distress they experienced at the store, conduct a cultural awareness training refresher course at the store and pay the complainants a total of \$12,500.

Consultations for the development of the strategy commenced in March 2012, with a discussion paper, online survey, submission process and national consultations. During this process, 1584 online surveys and 80 submissions were received through the online submission template. The online surveys were anonymous and the online submissions could be made anonymously. In addition, 123 formal submissions were received.

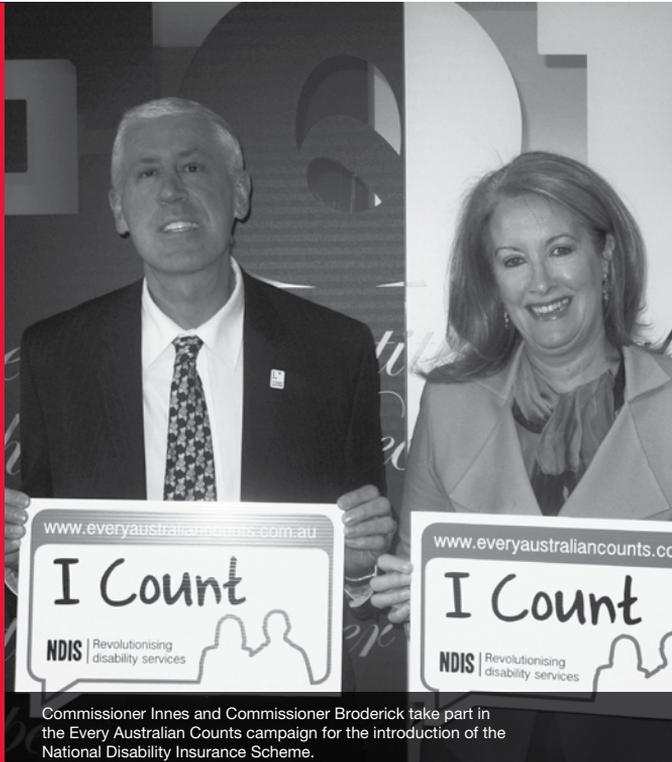
Between March and May, we hosted 23 national community consultations for the strategy, some of which were facilitated by state Anti-Discrimination Commissions.

In April, the biennial Race Relations Roundtable discussed the strategy, recognising that there are different challenges facing each cultural group in Australia.

The strategy will be launched in August 2012 with implementation to occur over three years from 2012-2015.

‘[There are] important areas the DDA doesn’t clearly address. Things like, people with intellectual or psychiatric disability having an inadequate range of choices of services and accommodation options, and being forced to accept choices made for them. Obviously we would hope that the NDIS can make a difference to all that.’

The DDA 20 Years On: Successes, Lessons and Future Directions, 3rd Annual National Disability Summit: Paving a future direction for disability policy reform in Australia. Melbourne 27 June 2012 (Commissioner Innes)



Commissioner Innes and Commissioner Broderick take part in the Every Australian Counts campaign for the introduction of the National Disability Insurance Scheme.

National Disability Strategy

The Commission continues to assist the Council of Australian Governments with implementation of the National Disability Strategy. Through working groups, we have provided input to an implementation plan for the Strategy and have advocated for consultation with the disability sector throughout discussions.

In welcoming the funding approval for the National Disability Insurance Scheme, we highlighted some of the areas where tangible action is required.

These areas include:

- setting measurable employment targets
- the need for independent review mechanisms
- ensuring that accessibility features are built into universally designed goods, services, equipment and facilities
- providing for obligations under the *Convention on the Rights of Persons with Disabilities*
- inclusion of the insurance law principle of subrogation.

Promoting women's leadership

Early in 2011, the ASX Corporate Governance Council implemented a diversity policy that requires all publicly listed companies in Australia to set gender diversity targets.

To assist companies in implementing the diversity recommendations, the Australian Council of Human Rights Agencies, of which the Commission is a member, issued a guide on complying with anti-discrimination legislation for federal, state and territory jurisdictions.

In 2011, the Australian Council of Human Rights Agencies issued guidelines to ASX members for structuring gender diversity measures, as special measures, in compliance with federal and state/territory anti-discrimination laws. Companies are able to utilise the special measures provisions to implement programs for meeting gender diversity targets, which are required to be set under the ASX Corporate Governance Council's diversity-related reforms, introduced in January 2011.

In March 2012, we presented at the Local Government Managers Forum focusing on women in leadership.

In April 2010, the Male Champions of Change initiative commenced, in which the Sex Discrimination Commissioner brought together some of Australia's most influential and diverse male CEOs and Chairpersons to advocate for workplace change in relation to gender equality issues. The group has built significant momentum during 2011-12. In October 2011, the Male Champions of Change launched best practice research entitled *Our experiences of elevating the representation of women in leadership*, which featured case studies from across the Australian corporate sector.



The Male Champions of Change, initiated by Commissioner Broderick, released their first research paper in October.

Respecting the rights of Aboriginal and Torres Strait Islander peoples

Legislative changes

The Commission has continually advocated for greater community consultation in regard to the new stronger futures legislation and funding package that was introduced in June 2012.

The pending lapse of the Northern Territory Emergency Response Intervention legislation in August 2012 provided the opportunity for building a greater awareness of human rights issues among lawmakers.

In February 2012, we made a submission identifying the need for longer timeframes during community consultations with Aboriginal communities, and pointing out that the consultations should be conducted in traditional languages where required.

We have consistently pointed to the values enshrined in the Declaration for the Rights of Indigenous Peoples. The Declaration encourages the use of culturally relevant language where possible, particularly when considering policy and legislation.

In June, we also supported reform of Native Title, including changes to income and capital gains tax implications for Native Title holders.

Complaint of racial discrimination in employment

The complainant, who is Aboriginal, worked as an apprentice with the respondent company. The complainant claimed his supervisor made racially offensive remarks about him including *“speaking of black s**t, here comes one now”*, did not allow him to undertake a training course and did not allocate work to him because of his race. The complainant said that since finishing his apprenticeship, his applications for work with the company had been unsuccessful.

The company advised that it took disciplinary action against the complainant’s supervisor in relation to the alleged comments and this included providing him with a written warning and requiring him to undertake additional equal employment opportunity training. The company said that the complainant was aware of the process to make an internal complaint but did not raise any concerns about allocation of work or other opportunities.

The complaint was resolved with an agreement that the company would provide the complainant with a statement expressing regret for any distress he experienced and pay him \$5,000 general damages. The company also agreed to undertake a formal review of the complaint procedures related to its equal employment opportunity policies.

Social Justice and Native Title reports

The 2011 Social Justice and Native Title Reports of the Aboriginal and Torres Strait Islander Social Justice Commissioner were focused on addressing lateral violence.

The Social Justice Report also acknowledged the political milestones for Aboriginal and Torres Strait Islander peoples represented by the National Congress of Australia’s First Peoples and the beginning of a conversation around constitutional recognition.

Sadly the report also recognizes areas where we haven’t achieved as a nation. Although it has been 20 years since the Report on the Royal Commission into Aboriginal Deaths in Custody, there are more Aboriginal and Torres Strait Islander people in prison today than there was when the Royal Commission reported in 1991.

An evaluation of the Social Justice and Native Title Reports, conducted by the Commission with an external consultant early in 2012, provided strong evidence that the reports were widely used by stakeholders for their own advocacy work. This was supported by stakeholder feedback and the citation of the reports in political and public debate.

‘Constitutional reform would not have been on the agenda if it wasn’t for the work of the Commissioner and the Social Justice Report’

(Social Justice and Native Title Reports Evaluation Project.)



Commissioner Gooda, former Social Justice Commissioner, Tom Calma, and Co-Chair of the National Congress of Australia's First Peoples, Jody Broun, at a Close the Gap steering committee meeting at the Commission in September.

Constitutional Reform

The Commission and the Social Justice Commissioner in particular, have long been advocating for the inclusion of Aboriginal and Torres Strait Islander Peoples in the Australian Constitution. It is an issue that today has bipartisan support.

In 2010, the Australian Government appointed an Expert Panel to report on the options for constitutional change and approaches to a referendum. Commissioner Gooda was a member of the Panel that reported to the Government in January 2012.

The recommendations for constitutional change were:

- to remove the section that allows States to disqualify people from voting on the basis of race
- to change the section that allows the Commonwealth to make laws regarding people of a particular race, so that the Commonwealth can make laws regarding Aboriginal people in the context of acknowledging the continuing relationship to traditional lands and waters and the need to secure the advancement of Aboriginal and Torres Strait Islander peoples
- a new section prohibiting racial discrimination
- a section that recognises Aboriginal and Torres Strait Islander languages as part of our national heritage.
- Recommendations regarding the process of a referendum, included that a single question about a package of amendments should be put to the public

and that the referendum should only proceed when it is likely to be supported by all major political parties and a majority of State governments.

Close the Gap

Since 2006, Australia’s peak Indigenous and non-Indigenous health bodies, NGOs and human rights organisations worked together to achieve health and life expectation equality for Australia’s Aboriginal and Torres Strait Islander peoples. This is known as the Close the Gap Campaign.

The Commission has hosted the secretariat for national Close the Gap initiatives since its inception.

In August 2011, the National Health Leadership Forum (NHLF) became the national representative body for all Aboriginal and Torres Strait Islander health peak bodies. The NHLF emerged out of and now leads the Close the Gap Campaign.

On 3 November 2011, the Ministers for Health and Ageing and Indigenous Health announced a partnership approach for the development of an Aboriginal and Torres Strait Islander Health Equality Plan with the goal of achieving health equality by 2030. The NHLF is central to this partnership approach.

‘I participated in training last year and I did not understand what they were talking about. Now I understand it more and can discuss it more easily. This has been the best thing that has ever happened to us. Yet another said: Other people with disability know about rights but didn’t understand. After training they understand.’

(Disabled Persons Organisation representative, Tonga)

Working internationally

In March 2012, Commission President Catherine Branson joined fellow National Human Rights Institutions, endorsing a statement made to the UN Human Rights Council that addressed discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity.

The statement followed the first ever UN report on the issue, released in December 2011. It revealed that, in many cases, even the perception of homosexuality or transgender identity put people at risk. It also revealed that violations occurring around the globe included killings, torture, arbitrary detention, the denial of rights to assembly, and discrimination in employment, health and education.

During 2011-12, we chaired the Commonwealth Forum of National Human Rights Institutions. In this capacity, in addition to the work identified below, we developed a new website for the Forum to enhance information sharing between members and support their advocacy efforts.

Working with People with Disabilities in Pacific Island countries

We are committed to promoting and protecting the rights of people with disability and supporting efforts, nationally and internationally, to realise the purpose and objectives of the *Convention on the Rights of Persons with Disabilities*.

Central to these efforts is building the capacity of both people with disability and DPOs to:

- promote and protect the rights of people with disability and
- ensure people with disability are actively involved and consulted in the development and implementation of all legislation and policies associated with implementing the Convention.

In previous years, we have been funded to assist governments and DPOs of 11 countries in the region in this regard. This year, we extended training to government and representatives of DPOs of the two additional Pacific Island countries of Palau and the Federated States of Micronesia.

Additionally, as a member and Chair of the Commonwealth Forum of National Human Rights Institutions, we delivered a three day training program in Uganda. The program was dedicated to building the capacity of DPOs and national human rights institutions to work together and promote and protect the rights of people with disability in Burundi, Kenya, Rwanda, South Sudan, Tanzania and Uganda.



Commission President, Cathy Branson, at the Asia Pacific Forum Business and Human Rights Conference in Seoul, South Korea, in October.

Human rights technical cooperation

The Commission works closely with other national human rights institutions to learn and share ideas and experiences, particularly through the Asia Pacific Forum of National Human Rights Institutions.

We also undertake bilateral international activities as part of the Australian Government's development program run by the Australian Agency for International Development (AusAid). The most substantial of these is the Human Rights Technical Assistance Programs in China and Vietnam. The programs are currently under review and being re-negotiated with AusAid.

Other international work

September 2011

- The Commission President travelled to Bangkok for the annual meeting and biennial conference of the Asia Pacific Forum.

October 2011

- The President represented the Commission in South Korea at the Asia Pacific Forum Business and Human Rights Conference.
- The Commission coordinated the communiqué from the Commonwealth Forum of National Human Rights Institutions to the Commonwealth Heads of Government Meeting (CHOGM) held in Perth. The communiqué addressed some important issues for strengthening the protection and promotion of human rights in Commonwealth countries.

February 2012

- The Commission coordinated a submission from the Commonwealth Forum of National Human Rights Institutions to the Australian Government's consultations on a Charter for the Commonwealth. The submission emphasised the importance of human rights as core values of the Commonwealth.
- The Sex Discrimination Commissioner attended the 56th session of the United Nations Commission on the Status of Women in New York and advocated for the rights of women in rural, regional and remote areas experiencing violence, as well as the rights of women with disabilities. We also advocated for addressing unpaid work and multiple disadvantage and for gender responsive policy and continued our advocacy for independent participant status for NHRIs.

March 2012

- A meeting of the Commonwealth Forum of National Human Rights Institutions was held in Bracknell, UK. Australia assumed the Chair of the Forum at this meeting for a two year period.

‘The organisations we visited are committed to protecting disadvantaged groups such as women, people with disability, indigenous people, which made us realise that China still has a lot to do in protecting the rights and benefits of these groups. So our future policy making should pay more attention to this aspect, we should also call on our communities to be involved in order to meet their needs, including legal need, so as to fully protect their rights’.

(Chinese delegate in Australia, to examine the role of NGOs in protecting the rights of vulnerable citizens)

- The President represented the Commission at the meeting of the International Coordinating Committee of NHRIs in Geneva, Switzerland and met with the UN High Commissioner for Human Rights.
- Also in Geneva, the President attended the annual meeting of the Commonwealth Forum of National Human Rights Institutions (held on the margins of the International Coordinating Committee of NHRIs meeting). Topics discussed at the meeting included the role of NHRIs in combatting discrimination on the basis of sexual orientation.

April 2012

- The President and Commission staff travelled to Laos and Vietnam for the 3rd Australia- Laos human rights dialogue and the 9th Australia- Vietnam human rights dialogue respectively. The dialogues discussed women’s rights, minority rights, disability rights, land rights, freedom of expression, legal sector reform and religious freedom.
- The Commission provided training in statutory investigation and conciliation for the staff of the Hong Kong Equal Opportunities Commission on a fee for services basis.

May 2012

- The Disability Discrimination Commissioner travelled to Uganda for a capacity building workshop with other NHRIs and DPOs.
- The Social Justice Commissioner participated in the UN Permanent Forum on Indigenous Issues.

Complaint of disability discrimination in the provision of goods, services and facilities

The complainant, who has a vision impairment, claimed she had difficulty obtaining information about which movies at the respondent cinema were screened with audio description because the cinema’s website was not compatible with or accessible to her screen reading software.

On being advised of the complaint, the respondent indicated a willingness to try to resolve the complaint by conciliation. The complaint was resolved when the respondent agreed to create a separate menu option on its telephone information line to enable customers to obtain information about which sessions are audio described. The respondent also agreed to update its website to ensure that customers using a screen reader are able to easily obtain the required information.

People and performance

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Organisational excellence



Commissioner Gooda meets with his Policy Manager, Katie Kiss.

Over the last year, the Commission has confirmed its strategic focus for the next 3 years. A new Strategic Plan was introduced from 1 July 2011 for the period to 30 June 2014. The 4 strategic goals for the period focus on:

- Understanding and respect for rights
- Human rights are respected and discrimination is addressed
- Leadership and influence
- Organisation excellence.

The plan sets two priority areas for work for the next 3 years: building understanding and respect for rights in the community, and tackling violence, harassment and bullying.

We have also participated in two significant processes to assess our performance as a national human rights institution.

In August 2011, the Commission was re-accredited as an A-status National Human Rights Institution by the International Coordinating Committee of National Human Rights Institutions.

In order to receive A-status, NHRIs must be established and operate in compliance with the *United Nations Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights*, otherwise known as the Paris Principles. 'A status' national institutions have participation rights in the human rights mechanisms at the United Nations (including the UN Human Rights Council).

In re-accrediting the Commission, three recommendations were made about issues that have the potential to impact on the required independence and compliance of the Commission with the Paris Principles, as follows:

- Removal of administrative requirements for the Commission to be bound by government Guidelines on Non-Campaign Recruitment Advertising (July 2010) and approval processes for travel of the President;
- Amendment to the Australian Human Rights Commission Act to clearly provide that the Commission has the mandate to protect and promote economic, social and cultural rights; and
- Provision of adequate funding to enable the Commission to fulfil its mandate effectively, including by addressing the impact of the regular application of an efficiency dividend to the Commission which has the potential to gradually erode its base level of funding and therefore reduce its capacity.

In April / May 2012, we undertook an assessment process to identify the future capacity needs of the organisation to fulfil its mandate as a national human rights institution. The process is a joint activity run by the Asia Pacific Forum of National Human Rights Institutions, the UN Office of the High Commissioner for Human Rights, and United Nations Development Programme. The preliminary results of the assessment were built into the Commission's strategic planning processes for 2012-13, and will inform how we implement our Strategic Plan over the coming years.

Working at the Commission

Workplace philosophy

The Commission has a highly committed and experienced workforce. To ensure that staff have support to achieve a work life balance, we provide access to a wide range of flexible work options. These best practice strategies assist staff of all ages, with various disabilities and external responsibilities to work productively and safely.

Meeting staff training and development

During 2011- 2012, we delivered the following selection of training sessions to staff:

- Issues in record management
- Aboriginal and Torres Strait Islander Cultural Competence
- Social Media
- Managing Challenging Client Interactions
- Microsoft Office Training
- Effective Submissions
- Ergonomic Sessions for Managers.

Providing performance feedback

We formally review staff performance on an annual basis. This review provides the basis for decision-making about professional and personal development activities. All performance planning is undertaken within the framework of the strategic plan, the Commission's key priority areas and good governance requirements.

Encouraging a diverse workplace

The Commission recognised important events throughout the year including Harmony Day, NAIDOC Day, White Ribbon Day and International Day for People with a Disability. Each of these brought staff together to support, acknowledge and celebrate diversity in all its forms. We continue to exceed APS targets for the employment of people with a disability and Aboriginal and Torres Strait Islander peoples and to explore ways to reduce barriers to employment. In 2011-12, we also engaged a Business Administration Trainee using recruitment targeted to attract a person with a disability.

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

Our Reconciliation Action Plan (RAP) was first developed with Reconciliation Australia in 2008 and updated in 2011. The RAP 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.

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.

In 2011-12, several staff road trialed and/or completed the foundation course from the Centre of Cultural Competence Australia (CCCA). This is an on-line accredited TAFE course regarding Indigenous cultural awareness.



The Commission moved into new premises just prior to the reporting period.



All Commission staff participated in capacity training during the year.

Complaint of disability discrimination in the provision of goods and services

The complainant lodged the complaint on behalf of her husband who has epilepsy and is accompanied by a seizure alert dog. The complainant claimed that the respondent shuttle bus company discriminated against her husband by not allowing him to be accompanied by his seizure alert dog on the bus.

The respondent indicated a willingness to try to resolve the complaint immediately when advised of the complaint. The complaint was resolved with an agreement that the respondent would amend its policy to allow seats to be reserved for people travelling with assistance animals. The respondent also provided the complainant with a written apology.

Ensuring our policies, programs and services are accessible

We are committed to implementing best practice in relation to the provision and improvement of access to our services for people with disabilities.

Examples of best practice include our Complaint Handling processes, online access to our services, website and education material, and consultations with disability groups.

In October 2011, we launched our Disability Action Plan 2011-2014. We have committed to developing and promoting a 'disability lens' approach to our work through which we will consider the impact of our work and consult with people with disability in all stages of planning and developing policies and projects.

We are also committed to leading by example. We strive to ensure that all of our work practices support the inclusion of people with disability. For example, our website, correspondence and communication tools are all accessible and the equipment that we purchase meets the 'universal design' principles.

Working to make our workplace environmentally sustainable

We relocated our business premises at the end of June 2011. This relocation enabled the Commission to access a significantly improved energy efficient work environment and to implement environmentally friendly work systems. A '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 harmonisation of Work Health Safety legislation in late 2011 provided an opportunity for us to review all safety related roles, responsibilities, and resources. All staff were provided with expert ergonomic advice and surveyed to establish any knowledge gaps in this area. Staff were also required to complete an on-line training module relating to the new health and safety arrangements, issued by Comcare. The Work Health and Safety Committee met quarterly to identify and address safety related issues. During the year in review, we did not have any compensation claims.

Workplace relations and employment arrangements

In 2011-2012, the Commission negotiated a new Enterprise Agreement with staff and the CPSU, our first under the Fair Work Act. As required under the APS Bargaining Framework, this new Agreement remains in place until June 2014. It encourages workplace flexibility to support a diverse workforce. We have three SES employees, each covered by a section 24(1) Determination. During this period, we had eight non-SES employees on IFA's. We do not provide performance payments.

Our recruitment processes

We meet Public Service Act requirements by conducting merit based selection processes. In 2011-2012, we explored a range of options to broaden the diversity of our workforce and harness new technology to improve recruitment outcomes. Applicant response rates were consistently high for all advertised positions.

Promoting staff ethics

We have an Ethics Contact Officer who is responsible for ethics-related issues in the workplace and to fostering a high performing ethical culture. No issues were raised for investigation or resolution during the year in review.

Our staff

Our average staffing level for the year was 132.6, with a turnover of 8.2% for ongoing staff. We have a diverse workforce mix, which includes:

73% women

3.3% Aboriginal and Torres Strait Islander staff

9% People with a disability

16% NESB staff.

An overview of our staffing profile, as at 30 June 2012, is provided at Appendix 5.

Note: The Commission's staffing profile was amplified in 2011-2012 due to the continuation of the Australian Defence Force Review and the Age Assessment Inquiry.

Management accountability

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 sixth-to-eighth week 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.

Complaint of age discrimination in recruitment

The complainant is 67 years old and applied for several positions through the respondent recruitment company. He claimed that despite his qualifications, the respondent did not invite him for an interview. The complainant said the respondent advertised it offered a 'young and dynamic culture'.

The respondent company denied it unlawfully discriminated against the complainant and claimed there were other better matched or more qualified applicants. The company claimed the phrase 'young and dynamic' was a description of the retail services the client provides.

The complaint was resolved with an agreement that the respondent pay the complainant \$1,000 financial compensation, change and review the wording of its advertisements and policy documents and arrange for the complainant to meet with one of its senior consultants.

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

Key performance indicators and standards for our Investigation and Conciliation Service

We have developed Key Performance Indicators (KPIs) and standards that form the basis for ongoing assessment of the complaint service. These indicators, and our performance in 2011-12 in relation to these indicators, are summarised below. In comparison with the last reporting year, the Service has seen a level of improvement across all KPIs.

- **Timeliness.** Our stated performance standard is for 80% of complaints to be finalised within 12 months of receipt. In 2011-12, we finalised 93% of matters within 12 months. The average time from lodgement to finalisation of a complaint was 5 months.
- **Conciliation rate.** Our stated performance standard is for 30% of finalised complaints to be conciliated. In 2011-12, we achieved a 48% conciliation rate and 66% 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 2011-12, 95% of surveyed parties reported that they were satisfied with the service and 62% 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 2011-12, 157 complainants and 161 respondents agreed to participate in the survey.



Our legal team.

- 92% of complainants and 95% of respondents felt that Commission staff explained things in a way that was easy for them to understand.
- 94% of complainants and 96% of respondents felt that forms and correspondence from the Commission were easy to understand.
- 80% of complainants and 84% of respondents felt that the Commission dealt with the complaint in a timely manner.
- 97% of complainants and 92% 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 service. All complainants are provided with a copy of the Charter when the Commission accepts their complaint. Respondents receive a copy when notified of a complaint. Our Charter of Service was updated during this reporting year and it is available at: www.humanrights.gov.au/complaints_information/charter_of_services/.

In 2011-12 the Commission did not receive any complaints about its service under the formal complaint process provided in the Charter.



Our Communications team.

Complaint of disability discrimination in recruitment

The complainant advised that she has depression. The complainant claimed that the respondent supermarket withdrew an offer of employment after she disclosed her disability at a pre-employment medical assessment.

On being advised of the complaint, the respondent company indicated a willingness to try to resolve the matter through conciliation. The complaint was resolved with an agreement that the complainant would be offered employment in one of the respondent's stores.

Ensuring accountability for our administrative decisions

People who are 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 2011-12, the Commission was a respondent to one matter under the *Administrative Decisions (Judicial Review) Act*, which remains ongoing.

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*.

During the year in review, one matter, which continued from the previous reporting period, was settled with consent orders filed with the AAT.

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 36 requests for access to documents under the Freedom of Information Act. There were a further 3 requests ongoing from the previous reporting year.

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.

Since 1 May 2011 agencies subject to the Freedom of Information Act have been required to publish information to the public as part of the Information Publication Scheme (IPS).

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.

Consultancy services

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

We engage consultants where we lack specialist expertise or when independent research, review or assessment is required. Consultants are typically engaged to investigate or diagnose a defined issue or problem; carry out defined reviews or evaluations; or provide independent advice, information or creative solutions to assist us in our decision making.

Prior to engaging consultants, we take the skills and resources required for the task, the skills available internally, and the cost-effectiveness of engaging external expertise into account. The decision to engage a consultant is made in accordance with the FMA Act and related regulations, including the Commonwealth Procurement Guidelines and relevant internal procurement policies and controls.

During the year under review, thirteen new consultancy arrangements were entered into for a total amount of \$661,764. During the reporting period these contracts involved total actual expenditure, including GST, of \$311,434. There were five 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.

Advertising and market research

The Commission did not enter into any market research contracts during the reporting period. We paid \$8,049 (including GST) on non campaign advertising (recruitment) and \$331,408 (including GST) on non campaign advertising (invitations to make submissions).

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 the Australian Human Rights Commission (Commission) for the year ended 30 June 2012, 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; Administered Schedule of Comprehensive Income; Administered Schedule of Assets and Liabilities; Administered Reconciliation Schedule; Administered Cash Flow Statement; Schedule of Administered Commitments; Schedule of Administered Contingencies; 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 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 is necessary to enable the preparation of the financial statements that give a true and fair view and 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 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 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 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

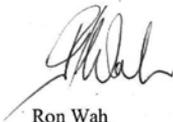
In conducting my audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

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 2012 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

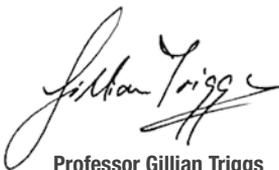
Canberra
20 August 2012

AUSTRALIAN HUMAN RIGHTS COMMISSION

FINANCIAL STATEMENTS
for the period ended 30 June 2012

STATEMENT BY THE CHIEF EXECUTIVE AND CHIEF FINANCE OFFICER

In our opinion, the attached financial statements for the period ended 30 June 2012 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.



Professor Gillian Triggs
President and Chief Executive
20 August 2012



David Richards
Chief Finance Officer
20 August 2012

Statement of Comprehensive Income

for the period ended 30 June 2012

	Notes	2012 \$'000	2011 \$'000
Expenses			
Employee benefits	3A	15,064	12,088
Supplier	3B	8,432	7,594
Depreciation and amortisation	3C	720	358
Finance costs	3D	–	25
Write-down and impairment of assets	3E	25	232
Total expenses		24,241	20,297
Less:			
Own-source income			
Own-source revenue			
Sale of goods and rendering of services	4A	6,087	4,870
Other revenue	4B	841	675
Total own-source revenue		6,929	5,545
Gains			
Other gains	4C	119	98
Total gains		119	98
Total own-source income		7,048	5,643
Net cost of services		(17,194)	(14,654)
Revenue from Government	4D	16,423	14,424
Deficit attributable to the Australian Government		(770)	(230)
Other comprehensive income			
Changes in asset revaluation reserves		–	(422)
Total other comprehensive income		–	(422)
Total comprehensive loss attributable to the Australian Government		(770)	(652)

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

Balance Sheet

as at 30 June 2012

	Notes	2012 \$'000	2011 \$'000
Assets			
Financial Assets			
Cash and cash equivalents	5A	1,681	1,081
Trade and other receivables	5B	6,139	7,804
Total financial assets		7,820	8,885
Non-Financial Assets			
Infrastructure, plant and equipment	6A,B	5,423	5,822
Intangibles	6C,D	907	–
Other non-financial assets	6E	108	45
Total non-financial assets		6,438	5,867
Total assets		14,258	14,752
Liabilities			
Payables			
Suppliers payables	7A	2,048	816
Other payables	7B	3,060	4,327
Total payables		5,108	5,143
Non-interest Bearing Liabilities			
Lease incentives	8A	5,095	5,667
Total non-interest bearing liabilities		5,095	5,667
Provisions			
Employee provisions	9A	2,935	2,302
Other provisions	9B	238	335
Total provisions		3,173	2,637
Total liabilities		13,376	13,447
Net assets		882	1,305
Equity			
Contributed equity		1,788	1,442
Accumulated results		(906)	(137)
Total equity		882	1,305

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

Statement of Changes in Equity

for the period ended 30 June 2012

	Accumulated results		Asset revaluation reserve		Contributed equity/capital		Total equity	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
Opening balance								
Balance carried forward from previous period	(137)	93	-	422	1,442	115	1,305	630
Adjusted opening balance	(137)	93	-	422	1,442	115	1,305	630
Comprehensive income								
Changes in asset revaluation reserves:								
Computer, plant and equipment	-	-	-	(40)	-	-	-	(40)
Leasehold improvements	-	-	-	(382)	-	-	-	(382)
Deficit for the period	(770)	(230)	-	-	-	-	(770)	(230)
Total comprehensive income	(770)	(230)	-	(422)	-	-	(770)	(652)
of which:								
Attributable to the Australian Government	(770)	(230)	-	(422)	-	-	(770)	(652)
Transactions with owners								
Contributions by owners								
Equity Injection – Appropriations	-	-	-	-	-	510	-	510
Departmental Capital Budget	-	-	-	-	346	817	346	817
Sub-total transactions with owners	-	-	-	-	346	1,327	346	1,327
Closing balance attributable to the Australian Government	(906)	(137)	-	-	1,788	1,442	882	1,305

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

Cash Flow Statement

for the period ended 30 June 2012

	Notes	2012 \$'000	2011 \$'000
OPERATING ACTIVITIES			
Cash received			
Goods and services		5,195	7,139
Appropriations		16,153	14,424
Net GST received		94	101
Cash transferred from the Official Public Account		10,893	5,900
Total cash received		32,335	27,564
Cash used			
Employees		(14,327)	(11,826)
Suppliers		(8,029)	(8,755)
Section 31 Receipts transferred to the Official Public Account		(9,315)	(6,325)
Total cash used		(31,671)	(26,906)
Net cash from operating activities	10	664	658
INVESTING ACTIVITIES			
Cash received			
Proceeds from lease incentive		-	5,577
Total cash received		-	5,577
Cash used			
Purchase of infrastructure, plant and equipment		(711)	(5,593)
Purchase of intangibles		(540)	-
Total cash used		(1,251)	(5,593)
Net cash used by investing activities		(1,251)	(16)
FINANCING ACTIVITIES			
Cash received			
Appropriations – Capital Injection		1,187	-
Total cash received		1,187	-
Cash and cash equivalents at the beginning of the reporting period		1,081	642
Net increase in cash held		600	439
Cash and cash equivalents at the end of the reporting period	5A	1,681	1,081

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

Schedule of Commitments

as at 30 June 2012

	2012 \$'000	2011 \$'000
BY TYPE		
Commitments receivable		
Sublease rental income	(10,074)	(10,999)
Other commitments receivable	(5,515)	(2,269)
Net GST recoverable on commitments ¹	(1,602)	(2,122)
Total commitments receivable	(17,191)	(15,390)
Commitments payable		
Capital commitments		
Infrastructure, plant and equipment ²	137	1,157
Total capital commitments	137	1,157
Other commitments		
Operating leases ²	34,360	37,423
Other	316	150
Total other commitments	34,676	37,573
Net commitments by type	17,622	23,340
BY MATURITY		
Commitments receivable		
Operating lease income		
One year or less	(960)	(925)
From one to five years	(5,375)	(5,179)
Over five years	(3,738)	(4,895)
Total operating lease income	(10,074)	(10,999)
Other commitments receivable		
One year or less	(5,808)	(1,974)
From one to five years	(1,309)	(2,417)
Total other commitments receivable	(7,117)	(4,391)
Total commitments receivable	(17,191)	(15,390)
Commitments Payable		
Capital commitments		
One year or less	137	1,157
Total capital commitments	137	1,157
Operating lease commitments		
One year or less	3,575	3,327
From one to five years	18,286	17,731
Over five years	12,499	16,365
Total operating lease commitments	34,360	37,423

Schedule of Commitments

as at 30 June 2012

	2012 \$'000	2011 \$'000
Other Commitments		
One year or less	316	150
Total other commitments	316	150
Total commitments payable	34,813	38,730
Net commitments by maturity	17,622	23,340

Note: Commitments are GST inclusive where relevant.

Nature of Leases/General Description

1. Outstanding payments for leasehold improvements
2. Operating leases included are effectively non-cancellable and comprise:

Leases for office accommodation

Lease payments are subject to fixed annual rental increases. The initial period of accommodation are still current and there are 2 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.

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

Schedule of Contingencies

as at 30 June 2012

	2012 \$'000	2011 \$'000
Contingent assets	-	-
Total contingent assets	-	-
Contingent liabilities		
Make-good costs	79	-
Total contingent liabilities	79	-
Net contingent liabilities	(79)	-

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.

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

Schedule of Contingencies

as at 30 June 2012

Administered Schedule of Comprehensive Income

for the period ended 30 June 2012

	Notes	2012 \$'000	2011 \$'000
EXPENSES			
Suppliers	15	122	–
Total expenses administered on behalf of Government		122	–
Net cost of services		122	–
Deficit		(122)	–

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

Administered Schedule of Assets and Liabilities

as at 30 June 2012

	Notes	2012 \$'000	2011 \$'000
ASSETS			
Financial assets			
Trade and other receivables	16	12	–
Total financial assets		12	–
Total assets administered on behalf of Government		12	–
LIABILITIES			
Payables			
Suppliers	17	1	–
Total liabilities administered on behalf of Government		1	–
Net assets		11	–

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

Schedule of Contingencies

as at 30 June 2012

Administered Reconciliation Schedule

	2012 \$'000	2011 \$'000
Opening administered assets less administered liabilities as at 1 July	-	-
Surplus (deficit) items:		
Less: Administered expenses (non CAC)	(122)	-
Administered transfers to/from Australian Government:		
Appropriation transfers from OPA:		
Annual appropriations for administered expenses (non CAC)	133	-
Closing administered assets less administered liabilities as at 30 June	11	-

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

Administered Cash Flow Statement

for the period ended 30 June 2012

	Notes	2012 \$'000	2011 \$'000
OPERATING ACTIVITIES			
Cash received		-	-
Total cash received		-	-
Cash used			
Suppliers	15	(122)	-
Total cash used		(122)	-
Net cash flows used by operating activities		(122)	-
Cash and cash equivalents at the beginning of the reporting period		-	-
Cash from Official Public Account for:			
- Appropriations		122	-
Cash and cash equivalents at the end of the reporting period		-	-

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

Schedule of Contingencies

as at 30 June 2012

Schedule of Administered Commitments

as at 30 June 2012

	Notes	2012 \$'000	2011 \$'000
BY TYPE			
Commitments receivable		-	-
Total commitments receivable		-	-
Commitments payable		-	-
Total commitments payable		-	-
Net commitments by type		-	-
BY MATURITY			
Commitments receivable		-	-
Total commitments receivable		-	-
Commitments payable		-	-
Total commitments payable		-	-
Net commitments by maturity		-	-

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

Schedule of Administered Contingencies

as at 30 June 2012

	2012 \$'000	2011 \$'000
Administered contingent assets	-	-
Administered contingent liabilities	-	-
Net administered contingent assets/(liabilities)	-	-

Details of each class of contingent liabilities and contingent assets in the above table are disclosed in Note 19, along with information on significant remote contingencies and contingencies that cannot be quantified.

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 2012

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. It is a not-for-profit 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 this outcome are classified as either departmental or administered. Departmental activities involve the use of assets, liabilities, income and expenses controlled or incurred by the Commission in its own right. Administered activities involve the management or oversight by the Commission, on behalf of the Government, of items controlled or incurred by the Government.

The administered activities conducted by the Commission on behalf of the Government relate to the National Anti-racism Partnership Strategy.

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 2011; 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.

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 FMOs 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 2012. 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 infrastructure 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	2012	2011
Computer, plant and equipment	4 to 10 years	4 to 10 years
Leasehold improvements	Lease term	Lease term

Note 1: Summary of Significant Accounting Policies (continued)

Impairment

All assets were assessed for impairment at 30 June 2012. 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 and/or customised 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 (2010-11: 2 to 5 years).

All software assets were assessed for indications of impairment as at 30 June 2012.

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.

1.18 Reporting of Administered Activities

Administered revenues, expenses, assets, liabilities and cash flows are disclosed in the administered schedules and related notes.

Except where otherwise stated below, administered items are accounted for on the same basis and using the same policies as for departmental items, including the application of Australian Accounting Standards.

Administered Cash Transfers to and from the Official Public Account

Revenue collected by the entity for use by the Government rather than the entity is administered revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance and Deregulation. Conversely, cash is drawn from the OPA to make payments under Parliamentary appropriation on behalf of Government. These transfers to and from the OPA are adjustments to the administered cash held by the entity on behalf of the Government and reported as such in the schedule of administered cash flows and in the administered reconciliation schedule.

Notes to and forming part of the financial statements
for the period ended 30 June 2012

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.

Reporting of Administered Activities

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

Note 3: Expenses

	2012 \$'000	2011 \$'000
Note 3A: Employee Benefits		
Wages and salaries	11,690	9,523
Superannuation:		
Defined contribution plans	1,038	749
Defined benefit plans	760	761
Leave and other entitlements	1,279	813
Separation and redundancies	220	173
Other employee expenses	77	69
Total employee benefits	15,064	12,088

Note 3B: Supplier

Goods and services

General property operating expenses	783	654
Insurance	45	38
Office consumables	124	112
Official travel	1,111	1,309
Postage and freight	45	51
Printing and publications	199	213
Professional services and fees	2,317	2,001
Reference materials, subscriptions and licences	341	260
Staff training	100	131
Telecommunications	289	277
Other	565	309
Total goods and services	5,920	5,355

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 3: Expenses (continued)

	2012 \$'000	2011 \$'000
Note 3B: Supplier (continued)		
Goods and services are made up of:		
Provision of goods – related entities	4	66
Provision of goods – external parties	862	617
Rendering of services – related entities	399	537
Rendering of services – external parties	4,655	4,135
Total goods and services	5,920	5,355

Other supplier expenses

Operating lease rentals – related entities:

Minimum lease payments	2,473	2,206
Workers compensation expenses	39	33
Total other supplier expenses	2,512	2,239
Total supplier expenses	8,432	7,594

Note 3C: Depreciation and Amortisation

Depreciation:

Infrastructure, plant and equipment:		
Computer, plant and equipment	118	283
Total depreciation	118	283

Amortisation:

Infrastructure, plant and equipment:		
Deferred costs – make good	–	56
Amortisation leasehold Improvements	559	–
Intangibles:		
Computer software	43	19
Total amortisation	602	75
Total depreciation and amortisation	720	358

Note 3D: Finance Costs

Unwinding of discount	–	25
Total finance costs	–	25

Note 3E: Write-Down and Impairment of Assets

Asset write-downs and impairments from:

Infrastructure, plant and equipment – written off	5	232
Financial assets – written off	1	–
Bad debts – written off	19	–
Total write-down and impairment of assets	25	232

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 4: Income

	2012 \$'000	2011 \$'000
OWN-SOURCE REVENUE		
Note 4A: Sale of Goods and Rendering of Services		
Provision of goods – external parties	2	2
Rendering of services – related entities	5,581	4,269
Rendering of services – external parties	504	599
Total sale of goods and rendering of services	6,087	4,870
Note 4B: Other Revenue		
Rental Income		
Operating lease:		
Sub lease rental income	841	675
Total rental income	841	675
GAINS		
Note 4C: Other Gains		
Resources received free of charge	50	50
Gain on reduction of prior year provisions	69	48
Total other gains	119	98
REVENUE FROM GOVERNMENT		
Note 4D: Revenue from Government		
Appropriations:		
Departmental Appropriations	16,423	14,424
Total revenue from Government	16,423	14,424

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 5: Financial Assets

	2012 \$'000	2011 \$'000
Note 5A: Cash and Cash Equivalents		
Cash on hand or on deposit	1,681	1,081
Total cash and cash equivalents	1,681	1,081
Note 5B: Trade and Other Receivables		
Goods and Services:		
Goods and services – related entities	1,510	1,189
Goods and services – external parties	172	100
Total receivables for goods and services	1,682	1,289
Appropriations receivable:		
For existing programs	4,353	6,502
Total appropriations receivable	4,353	6,502
Other Receivables		
GST receivable from the Australian Taxation Office	123	–
Other	–	13
Total other receivables	123	13
Total trade and other receivables (gross)	6,158	7,804
Less impairment allowance account:		
Goods and services	(19)	–
Total impairment allowance account	(19)	–
Total trade and other receivables (net)	6,139	7,804
Receivables are expected to be recovered in:		
No more than 12 months	6,139	7,804
Total trade and other receivables (net)	6,139	7,804
Receivables are aged as follows:		
Not overdue	4,477	7,699
Overdue by:		
0 to 30 days	1,634	65
31 to 60 days	26	6
61 to 90 days	–	–
More than 90 days	21	34
Total receivables (gross)	6,158	7,804

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 5: Financial Assets (continued)

	2012 \$'000	2011 \$'000
Note 5B: Trade and Other Receivables (continued)		
The impairment allowance account is aged as follows:		
Overdue by:		
0 to 30 days	-	-
31 to 60 days	-	-
61 to 90 days	-	-
More than 90 days	(19)	-
Total impairment allowance account	(19)	-

Reconciliation of the Impairment Allowance Account:

Movements in relation to 2011-12

	Goods and services \$'000	Total \$'000
Opening balance	-	-
Amounts written off	(19)	(19)
Closing balance	(19)	(19)

Note 6: Non-Financial Assets

	2012 \$'000	2011 \$'000
Note 6A: Infrastructure, Plant and Equipment		
Computer, plant and equipment:		
Gross carrying value (at fair value)	606	368
Accumulated depreciation	(201)	(123)
Total computer, plant and equipment	405	245
Leasehold improvements:		
Gross carrying value (at fair value)	5,578	5,984
Accumulated amortisation	(559)	(407)
Deferred costs – make good	-	388
Accumulated amortisation	-	(388)
Total leasehold improvements	5,018	5,577
Total infrastructure, plant and equipment	5,423	5,822

No revaluations were conducted as at 30 June 2012.

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

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 6: Non-Financial Assets (continued)

Note 6B: Reconciliation of the Opening and Closing Balances
of Infrastructure, Plant and Equipment 2011-12

	Computer, plant & equipment \$'000	Leasehold Improvements \$'000	Total \$'000
As at 1 July 2011			
Gross book value	368	5,984	6,352
Accumulated depreciation and impairment	(123)	(407)	(530)
Net book value 1 July 2011	245	5,577	5,822
Additions:			
By purchase	238	–	238
Depreciation/Amortisation expense	(118)	(559)	(677)
Disposals:			
Other	40	–	40
Net book value 30 June 2012	405	5,018	5,423
Net book value as of 30 June 2012 represented by:			
Gross book value	606	5,577	6,183
Accumulated depreciation and impairment	(201)	(559)	(760)
	405	5,018	5,423

Note 6B: Reconciliation of the Opening and Closing Balances
of Infrastructure, Plant and Equipment 2010-11

	Computer, plant & equipment \$'000	Leasehold Improvements \$'000	Total \$'000
As at 1 July 2010			
Gross book value	784	789	1,573
Accumulated depreciation and impairment	–	(351)	(351)
Net Book Value 1 July 2010	784	438	1,222
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)
Net Book Value 30 June 2011	245	5,577	5,822
Net book value as of 30 June 2011 represented by:			
Gross book value	368	5,984	6,352
Accumulated depreciation and impairment	(123)	(407)	(530)
	245	5,577	5,822

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 6: Non-Financial Assets (continued)

	2012 \$'000	2011 \$'000
Note 6C: Intangibles		
Computer software:		
Internally customised – in progress	166	–
Internally customised – in use	–	31
Internally developed – in use	784	440
Total computer software (gross)	950	471
Accumulated amortisation	(43)	(471)
Total computer software (net)	907	–
Total intangibles	907	–

No indicators of impairment were found for intangible assets.

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

Note 6D: Reconciliation of the Opening and Closing Balances of Intangibles 2011-12

	Computer software internally customised – in progress \$'000	Computer software internally customised – in use \$'000	Computer software internally developed in use \$'000	Total \$'000
As at 1 July 2011				
Gross book value	–	31	440	471
Accumulated amortisation and impairment	–	(31)	(440)	(471)
Net book value 1 July 2011	–	–	–	–
Additions:				
By purchase or internally customised	166	–	784	950
Amortisation	–	–	(43)	(43)
Net book value 30 June 2012	166	–	741	907
Net book value as of 30 June 2012 represented by:				
Gross book value	166	–	784	950
Accumulated amortisation and impairment	–	–	(43)	(43)
	166	–	741	907

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 6: Non-Financial Assets (continued)

Note 6D: Reconciliation of the Opening and Closing Balances of Intangibles 2010-11

	Computer software internally customised – in progress \$'000	Computer software internally customised – in use \$'000	Computer software internally developed in use \$'000	Total \$'000
As at 1 July 2010				
Gross book value	–	31	440	31
Accumulated amortisation and impairment	–	(23)	(429)	(23)
Net book value 1 July 2010	–	8	11	8
Amortisation	–	(8)	(11)	(8)
Net book value 30 June 2011	–	–	–	–
Net book value as of 30 June 2011 represented by:				
Gross book value	–	31	440	31
Accumulated amortisation and impairment	–	(31)	(440)	(31)
	–	–	–	–
		2012 \$'000		2011 \$'000

Note 6E: Other Non-Financial Assets

Prepayments	108	45
Total other non-financial assets	108	45
Total other non-financial assets – are expected to be recovered in:		
No more than 12 months	101	41
More than 12 months	7	4
Total other non-financial assets	108	45

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

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 7: Payables

	2012 \$'000	2011 \$'000
Note 7A: Suppliers		
Trade creditors and accruals	1,616	816
Rent payable	432	–
Total suppliers payables	2,048	816
Suppliers payables expected to be settled within 12 months:		
Related entities	360	132
External parties	1,688	684
Total	2,048	816

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

Note 7B: Other Payables

Salaries and wages	349	260
Superannuation	54	38
Other employee expenses	9	8
Revenue received in advance	2,640	3,964
Administered GST Payable	8	57
Total other payables	3,060	4,327

Total other payables are expected to be settled in:

No more than 12 months	2,595	3,087
More than 12 months	465	1,240
Total other payables	3,060	4,327

Note 8: Non-interest Bearing Liabilities

	2012 \$'000	2011 \$'000
Note 8A: Non-interest Bearing Liabilities		
Lease incentives ⁱ	5,095	5,667
Total non-interest bearing liabilities	5,095	5,667
Payable:		
Within one year	566	568
In one to five years	2,833	3,391
In more than five years	1,696	1,708
Total non-interest bearing liabilities	5,095	5,667

i. Lease incentive included in property operating lease.

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 9: Provisions

	2012 \$'000	2011 \$'000
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Note 9A: Employee Provisions

Leave	2,850	2,302
Separation and redundancies	84	–
Total employee provisions	2,935	2,302

Employee provisions are expected to be settled in:

No more than 12 months	2,215	1,856
More than 12 months	720	446
Total employee provisions	2,935	2,302

Note 9B: Other Provisions

Provision for contract obligations	159	256
Provision for restoration obligations	79	79
Total other provisions	238	335

Other provisions are expected to be settled in:

No more than 12 months	159	335
More than 12 months	79	–
Total other provisions	238	335

	Provision for contract obligations \$'000	Provision for restoration obligations \$'000	Total \$'000
Carrying amount 1 July 2011	256	79	335
Additional provisions made	88	–	88
Amounts used	(185)	–	(185)
Closing balance 2012	159	79	238

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 10: Cash Flow Reconciliation

	2012 \$'000	2011 \$'000
Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement		
Cash and cash equivalents as per:		
Cash flow statement	1,681	1,081
Balance sheet	1,681	1,081
Difference	-	-
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	(17,194)	(14,654)
Add revenue from Government	16,423	14,424
Adjustments for non-cash items		
Depreciation/amortisation	720	358
Finance costs and restoration obligations	-	25
Net write down of financial assets	19	-
Net write down of non-financial assets	5	232
Unwinding of leasehold fitout incentive	(572)	-
Changes in assets / liabilities		
(Increase) / decrease in net receivables	773	(467)
(Increase) / decrease in other non-financial assets	(63)	41
Increase / (decrease) in employee provisions	736	205
Increase / (decrease) in supplier payables	1,232	(209)
Increase / (decrease) in other payables	(1,319)	1,176
Increase / (decrease) in other provisions	(97)	(515)
Increase / (decrease) in non-interest bearing liabilities	-	42
Net cash from operating activities	664	658

Note 11: Contingent Assets and Liabilities

Unquantifiable Contingencies

At 30 June 2012, the Commission (or officers of the Commission) was named as a respondent in one application before the Administrative Decisions Judicial Review (ADJR).

The Commission is also appearing as an intervener in three matters before the Family Court of 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

	2012 \$	2011 \$
Note 12A: Senior Executive Remuneration Expenses for the Reporting Period		
Short-term employee benefits:		
Salary	2,002,310	1,345,811
Annual leave accrued	73,862	9,866
Other	58,203	31,564
Total short-term employee benefits	2,134,375	1,387,241
Post-employment benefits:		
Superannuation	197,663	137,935
Total post-employment benefits	197,663	137,935
Other long-term benefits:		
Long-service leave	48,047	26,320
Total other long-term benefits	48,047	26,320
Termination benefits		
Total employment benefits	2,380,085	1,551,496

Notes:

- Note 12A is prepared on an accrual basis (therefore the performance bonus expenses disclosed above may differ from the cash 'Bonus paid' in Note 12B).
- Note 12A excludes acting arrangements and part-year service where total remuneration expensed for a senior executive was less than \$150,000.

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 12: Senior Executive Remuneration (continued)

Note 12B: Average Annual Reportable Remuneration Paid to Substantive Senior Executives During the Reporting Period

2012						
Average annual reportable remuneration ¹	Senior Executives No.	Reportable salary ² \$	Contributed superannuation ³ \$	Reportable allowances ⁴ \$	Bonus paid ⁵ \$	Total
Total remuneration (including part-time arrangements):						
\$180,000 to \$209,999	2	171,821	26,322	–	–	198,142
\$210,000 to \$239,999	1	211,185	26,085	–	–	237,270
\$270,000 to \$299,999	6	220,804	40,266	9,701	–	270,770
Total	9					

2011						
Average annual reportable remuneration ¹	Senior Executives No.	Reportable salary ² \$	Contributed superannuation ³ \$	Reportable allowances ⁴ \$	Bonus paid ⁵ \$	Total
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
\$180,000 to \$209,999	4	191,120	–	–	–	191,120
Total	6					

Notes:

1. This table reports substantive senior executives who received remuneration during the reporting period. Each row is an averaged figure based on headcount for individuals in the band.
2. 'Reportable salary' includes the following:
 - a) gross payments (less any bonuses paid, which are separated out and disclosed in the 'bonus paid' column);
 - b) reportable fringe benefits (at the net amount prior to 'grossing up' to account for tax benefits); and
 - c) exempt foreign employment income.
3. The 'contributed superannuation' amount is the average actual superannuation contributions paid to senior executives in that reportable remuneration band during the reporting period, including any salary sacrificed amounts payslips.
4. 'Reportable allowances' are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.
5. 'Bonus paid' represents average actual bonuses paid during the reporting period in that reportable remuneration band. The 'bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the entity during the financial year. There were no performance bonuses paid during the financial year.
6. Various salary sacrifice arrangements were available to senior executives including superannuation, motor vehicle and expense payment fringe benefits. Salary sacrifice benefits are reported in the 'reportable salary' column, excluding salary sacrificed superannuation, which is reported in the 'contributed superannuation' column.

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 12: Senior Executive Remuneration (continued)

Note 12C: Other Highly Paid Staff

							2012	
Average annual reportable remuneration ¹	Staff No.	Reportable salary ² \$	Contributed superannuation ³ \$	Reportable allowances ⁴ \$	Bonus paid ⁵ \$	Total		
Total remuneration (including part-time arrangements):								
\$150,000 to \$179,999	2	110,131	44,602	-	-	154,733		
Total	2							

							2011	
Average annual reportable remuneration ¹	Staff No.	Reportable salary ² \$	Contributed superannuation ³ \$	Reportable allowances ⁴ \$	Bonus paid ⁵ \$	Total		
Total remuneration (including part-time arrangements):								
\$150,000 to \$179,999	-	-	-	-	-	-		
Total	-							

Notes:

1. This table reports staff:

- a) who were employed by the entity during the reporting period;
- b) whose reportable remuneration was \$150,000 or more for the financial period; and
- c) were not required to be disclosed in Tables A, B or director disclosures.

Each row is an averaged figure based on headcount for individuals in the band.

2. 'Reportable salary' includes the following:

- a) gross payments (less any bonuses paid, which are separated out and disclosed in the 'bonus paid' column);
- b) reportable fringe benefits (at the net amount prior to 'grossing up' to account for tax benefits); and
- c) exempt foreign employment income.

3. The 'contributed superannuation' amount is the average actual superannuation contributions paid to staff in that reportable remuneration band during the reporting period, including any salary sacrificed amounts.

4. 'Reportable allowances' are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.

5. There were no bonuses paid to other highly paid staff during the financial year.

6. Various salary sacrifice arrangements were available to other highly paid staff including superannuation, motor vehicle and expense payment fringe benefits. Salary sacrifice benefits are reported in the 'reportable salary' column, excluding salary sacrificed superannuation, which is reported in the 'contributed superannuation' column.

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 13: Remuneration of Auditors

	2012	2011
	\$'000	\$'000
Financial statement audit services were provided free of charge to the Commission by the Australian National Audit Office (ANAO).		
Fair value of the services provided		
Financial statement audit services	50	50
Total	50	50

No other services were provided by the ANAO.

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 14: Financial Instruments

	2012 \$'000	2011 \$'000
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Note 14A: Categories of Financial Instruments

Financial Assets

Loans and receivables:

Cash and cash equivalents	1,681	1,081
Trade and other receivables	1,663	1,302
Appropriation receivable	4,353	6,502
GST receivable from the Australian Taxation Office (ATO)	125	-
Carrying amount of financial assets	7,822	8,885

Financial Liabilities

Other liabilities:

Trade creditors and accruals	2,048	816
Lease incentives	5,095	5,667
Revenue received in advance	2,640	3,964
GST payable to the Australian Taxation Office (ATO)	8	57
Carrying amount of financial liabilities	9,791	10,504

	Carrying amount 2012 \$'000	Fair value 2012 \$'000	Carrying amount 2011 \$'000	Fair value 2011 \$'000
--	--------------------------------------	---------------------------------	--------------------------------------	---------------------------------

Note 14B: Fair Value of Financial Instruments

Financial Assets

Cash and cash equivalents	1,681	1,681	1,081	1,081
Trade and other receivables	1,663	1,663	1,197	1,302
Appropriation receivable	4,353	4,353	6,502	6,502
GST receivable from the ATO	125	125	-	-
Total	7,822	7,822	8,780	8,885

Financial Liabilities

Trade creditors and accruals	2,048	2,048	816	816
Lease incentives	5,095	5,095	5,667	5,667
Revenue received in advance	2,640	2,640	3,964	3,964
GST Payable to the ATO	8	8	57	57
Total	9,791	9,791	10,504	10,504

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 14: Financial Instruments (continued)

Note 14C: 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 nor impaired 2012 \$'000	Not past due nor impaired 2011 \$'000	Past due or impaired 2012 \$'000	Past due or impaired 2011 \$'000
--	--	--	---	---

Loans and receivables

Cash and cash equivalents	1,681	1,081	-	-
Trade and other receivables	1,616	1,197	47	105
Appropriation receivable	4,353	6,502	-	-
GST receivable from the ATO	125	-	-	-
Total	7,775	8,780	47	105

Ageing of financial assets that were past due but not impaired for 2012:

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Trade and other receivables	26	-	-	21	47
Total	26	-	-	21	47

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

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Trade and other receivables	65	6	-	34	105
Total	65	6	-	34	105

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 14: Financial Instruments (continued)

Note 14D: 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 2012

	On demand \$'000	within 1 year \$'000	1 to 2 years \$'000	2 to 5 years \$'000	> 5 years \$'000	Total \$'000
Trade creditors and accruals	-	2,048	-	-	-	2,048
Lease incentives	-	566	1,133	1,700	1,696	5,095
Revenue received in advance	-	2,640	-	-	-	2,640
GST Payable to the ATO	-	8	-	-	-	8
Total	-	5,262	1,133	1,700	1,696	9,791

Maturities for non-derivative financial liabilities 2011

	On demand \$'000	within 1 year \$'000	1 to 2 years \$'000	2 to 5 years \$'000	> 5 years \$'000	Total \$'000
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
Total	-	5,405	566	1,700	2,833	10,504

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

Note 14E: 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 2012

Note 15: Administered – Expenses

	2012 \$'000	2011 \$'000
Note 15A: Suppliers		
Goods and Services		
Advertising	24	–
Contractors	80	–
Travel	12	–
Other	6	–
Total goods and services	122	–
Goods and services are made up of:		
Rendering of services – related entities	9	–
Rendering of services – external parties	113	–
Total goods and services	122	–

Note 16: Administered – Financial Assets

	2012 \$'000	2011 \$'000
Note 16A: Trade and Other Receivables		
Other receivables:		
GST receivable from Australian Taxation Office	12	–
Total other receivables	12	–
Total trade and other receivables (gross)	12	–
Total trade and other receivables (net)	12	–
Receivables are expected to be recovered in:		
No more than 12 months	12	–
Total trade and other receivables (net)	12	–
Receivables were aged as follows:		
Not overdue	12	–
Overdue by:	–	–
0 to 30 days	–	–
31 to 60 days	–	–
61 to 90 days	–	–
More than 90 days	–	–
Total receivables (gross)	12	–

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 17: Administered – Payables

	2012 \$'000	2011 \$'000
Note 17A: Suppliers		
Trade creditors and accruals	1	–
Total suppliers	1	–
Supplier payables expected to be settled within 12 months:		
External parties	1	–
Total supplier payables	1	–

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

Note 18: Administered – Cash Flow Reconciliation

	2012 \$'000	2011 \$'000
Reconciliation of cash and cash equivalents as per Administered Schedule of Assets and Liabilities to Administered Cash Flow Statement		
Cash and cash equivalents as per:		
Schedule of administered cash flows	–	–
Schedule of administered assets and liabilities	–	–
Difference	–	–
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	(122)	–
Changes in assets / liabilities	–	–
Net cash from operating activities	(122)	–

Note 19: Administered – Contingent Assets and Liabilities

The Commission has no administered contingent assets or liabilities.

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 20: Administered – Financial Instruments

	2012 \$'000	2011 \$'000
--	----------------	----------------

Note 20A: Categories of Financial Instruments

Financial Assets

Loans and receivables:

GST receivable from the Australian Taxation Office (ATO)	12	–
Carrying amount of financial assets	12	–

Financial Liabilities

Other liabilities

Accruals	1	–
Carrying amount of financial liabilities	1	–

	Carrying amount 2012 \$'000	Fair value 2012 \$'000	Carrying amount 2011 \$'000	Fair value 2011 \$'000
--	--------------------------------------	---------------------------------	--------------------------------------	---------------------------------

Note 20B: Fair Value of Financial Instruments

Financial Assets

GST receivable from the ATO	12	12	–	–
Total	12	12	–	–

Financial liabilities

Accruals	1	1	–	–
Total	1	1	–	–

Note 20C: Credit Risk

The following table illustrates the Commission's gross exposure to credit risk, excluding any collateral or credit enhancements.

	2012 \$'000	2011 \$'000
--	----------------	----------------

Financial assets

GST Receivable from the ATO	12	–
Total	12	–

Financial liabilities

Accruals	1	–
Total	1	–

In relation to the Commission's gross credit risk the following collateral is held: nil (2011: nil)

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 20: Administered – Financial Instruments (continued)

Note 20C: Credit Risk (continued)

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

	Not Past Due Nor Impaired 2012 \$'000	Not Past Due Nor Impaired 2011 \$'000	Past due or impaired 2012 \$'000	Past due or impaired 2011 \$'000
GST Receivable from the ATO	12	–	–	–
Total	12	–	–	–

Ageing of financial assets that were past due but not impaired for 2012

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
GST Receivable from the ATO	12	–	–	–	12
Total	12	–	–	–	12

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

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
GST Receivable from the ATO	–	–	–	–	–
Total	–	–	–	–	–

Note 20D: Liquidity Risk

Maturities for non-derivative financial liabilities 2012

	On demand \$'000	within 1 year \$'000	1 to 2 years \$'000	2 to 5 years \$'000	> 5 years \$'000	Total \$'000
Accruals	–	1	–	–	–	–
Total	–	1	–	–	–	–

Maturities for non-derivative financial liabilities 2011

	On demand \$'000	within 1 year \$'000	1 to 2 years \$'000	2 to 5 years \$'000	> 5 years \$'000	Total \$'000
Accruals	–	–	–	–	–	–
Total	–	–	–	–	–	–

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

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 21: Administered Financial Assets Reconciliation

	Notes	2012 \$'000	2011 \$'000
Financial assets			
Total financial assets as per schedule of administered assets and liabilities		12	-
Less: non-financial instrument components		-	-
Total non-financial instrument components		12	-
Total financial assets as per financial instruments note		12	-

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 22: Appropriations

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

	2012 Appropriations							Appropriation applied in 2012 (current and prior years)	Variance ^(a) \$'000
	Annual Appropriation \$'000	Appropriation Act Appropriations reduced \$'000	AFM \$'000	FMA Act			Total appropriation \$'000		
			Section 30 \$'000	Section 31 \$'000	Section 32 \$'000				
DEPARTMENTAL									
Ordinary annual services	16,153	-	-	4,209	270		20,632	22,313	1,681
Other services	-	-	-		-		-	(510)	(510)
Equity	-	-	-		-		-	-	-
Loans	-	-	-		-		-	-	-
Total departmental	16,153	-	-	4,209	270		20,632	(22,823)	(2,191)
ADMINISTERED									
Ordinary annual services	-	-	-						
Administered items	-	-	-		140		140	122	18
Total administered	-	-	-	-	140		140	122	18

Notes:

(a) variances represent the agency's 30 June 2012 cash balance (refer note 5A) and rephased 2011 equity injection applied in 2012.

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 22: Appropriations (continued)

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

	2011 Appropriations							Appropriation applied in 2011 (current and prior years)	Variance ^(a) \$'000
	Annual Appropriation \$'000	Appropriations reduced \$'000	AFM \$'000	FIMA Act			Total appropriation \$'000		
				Section 30 \$'000	Section 31 \$'000	Section 32 \$'000			
DEPARTMENTAL									
Ordinary annual services	14,424	—	—	—	6,643	—	21,067	(19,986)	
Other services	510	—	—	—	—	—	510	—	
Equity	—	—	—	—	—	—	—	—	
Loans	—	—	—	—	—	—	—	—	
Total departmental	14,934	—	—	—	6,643	—	21,577	1,591	
ADMINISTERED									
Ordinary annual services	—	—	—	—	—	—	—	—	
Administered items	—	—	—	—	—	—	—	—	
Total administered	—	—	—	—	—	—	—	—	

Notes:

(a) variances represent the agency's 30 June 2011 cash balance (refer note 5A) and undrawn equity injection.

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 22: Appropriations (continued)

Table B: Departmental and Administered Capital Budgets ('Recoverable GST exclusive')

	2012 Capital Budget Appropriations			Capital Budget Appropriations applied in 2012 (current and prior years)				
	Annual Capital Budget \$'000	Appropriation Act	FIMA Act	Total Capital Budget Appropriations \$'000	Payments for non-financial assets ³ \$'000	Payments for other purposes \$'000	Total payments \$'000	Variance ⁴ \$'000
		Appropriations reduced ¹ \$'000	Section 32 \$'000					
DEPARTMENTAL Ordinary annual services – Departmental Capital Budget ¹	346	–	–	346	(677)	–	(677)	(331)

Notes:

1. Departmental and Administered Capital Budgets are appropriated through Appropriation Acts (No.1,3,5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts. For more information on ordinary annual services appropriations, please see Table A: Annual appropriations.
2. Appropriations reduced under Appropriation Acts (No.1,3,5) 2011-12: sections 10, 11, 12 and 15 or via a determination by the Finance Minister.
3. Payments made on non-financial assets include purchases of assets, expenditure on assets which has been capitalised, costs incurred to make good an asset to its original condition.
4. Variance represents the balance of undrawn and unspent capital budget appropriation from current and previous financial period.

	2011 Capital Budget Appropriations			Capital Budget Appropriations applied in 2011 (current and prior years)				
	Annual Capital Budget \$'000	Appropriation Act	FIMA Act	Total Capital Budget Appropriations \$'000	Payments for non-financial assets ³ \$'000	Payments for other purposes \$'000	Total payments \$'000	Variance ⁴ \$'000
		Appropriations reduced ¹ \$'000	Section 32 \$'000					
DEPARTMENTAL Ordinary annual services – Departmental Capital Budget ¹	817	–	–	817	–	–	–	817

Notes:

1. Departmental and Administered Capital Budgets are appropriated through Appropriation Acts (No.1,3,5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts. For more information on ordinary annual services appropriations, please see Table A: Annual appropriations.
2. Appropriations reduced under Appropriation Acts (No.1,3,5) 2010-11: sections 10, 11, 12 and 15 or via a determination by the Finance Minister.
3. Payments made on non-financial assets include purchases of assets, expenditure on assets which has been capitalised, costs incurred to make good an asset to its original condition.
4. Variance represents undrawn departmental capital budget (DCB) appropriation.

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 22: Appropriations (continued)

Table C: Unspent Annual Appropriations ('Recoverable GST exclusive')

Authority	2012 \$'000	2011 \$'000
DEPARTMENTAL		
Appropriation Act (No.1) 2006-2007	–	1,523
Appropriation Act (No.1) 2007-2008	–	1,500
Appropriation Act (No.1) 2008-2009	–	462
Appropriation Act (No.1) 2009-2010	–	565
Appropriation Act (No.1) 2010-2011	–	1,125
Appropriation Act (No.1) 2011-2012	3,867	–
Appropriation Act (No.2) 2010-2011	–	510
Capital Budget Bill 1 (DCB) 2010-2011	167	817
Capital Budget Bill 1 (DCB) 2011-2012	319	–
Total	4,353	6,502

ADMINISTERED

Appropriation Act (No.1) 2011-2012	18	–
Total	18	–

Table D: Reduction in Administered Items ('Recoverable GST exclusive')

2012	Amount required ³ – by Appropriation Act			Total amount required ³	Total amount appropriated ⁴	Total reduction ⁵
	Act (No.1)	Act (No.3)	Act (No.5)			
Ordinary Annual Services						
Outcome 1	121,586.36	–	–	121,586.36	140,000.00	(18,413.64)

Notes:

- Numbers in this section of the table must be disclosed to the cent.
- Administered items for 2012 were reduced to these amounts when these financial statements were tabled in Parliament as part of the entity's 2012 annual report. This reduction was effective in 2013, but the amounts were reflected in Table A in the 2012 financial statements in the column 'Appropriations reduced' as they were adjustments to 2012 appropriations.
- Amount required as per Appropriation Act (Act 1 s. 11; Act 2 s. 12).
- Total amount transferred under s32 of the *Financial Management and Accountability Act 1997* in 2012.
- Total reduction effective in 2013.

2011	Amount required ³ – by Appropriation Act			Total amount required ³	Total amount appropriated ⁴	Total reduction ⁵
	Act (No.1)	Act (No.3)	Act (No.5)			
Ordinary Annual Services						
Outcome 1	–	–	–	–	–	–

Notes:

- Numbers in this section of the table must be disclosed to the cent.
- Administered items for 2011 were reduced to these amounts when these financial statements were tabled in Parliament as part of the entity's 2011 annual report. This reduction was effective in 2012, but the amounts were reflected in Table A in the 2011 financial statements in the column 'Appropriations reduced' as they were adjustments to 2011 appropriations.
- Amount required as per Appropriation Act (Act 1 s. 11; Act 2 s. 12).
- Total amount appropriated in 2011.
- Total reduction effective in 2012.

Notes to and forming part of the financial statements for the period ended 30 June 2012

Note 23: Special Accounts

The Commission had an 'Other Trust Moneys' special account. The account was established under *Section 20 of the Financial Management and Accountability Act 1997 (FMA Act)*. The year ended 30 June 2012 the account had a nil opening balance and there were no transactions debited or credited to it in the 2011-2012 financial year.

The purpose of the 'Other Trust Moneys' special account was for the expenditure of monies temporarily held on trust or otherwise for the benefit of a person other than the Commonwealth. Any money held in this account is special public money under section 16 of the FMA Act. On 26 June 2012 the 'Other Trust Moneys' special account was abolished under the *Financial Management and Accountability (Abolition of 24 Special Accounts) Determination 2012-02*.

On 26 June 2012 the Commission established a 'Services for Other Entities and Trust Moneys' special account. The account was established under *Section 20 of the Financial Management and Accountability Act 1997 (FMA Act) by the Financial Management and Accountability (Establishment of SOETM Special Account – AHRC) Determination 2012-05*. The year ended 30 June 2012 the account had a nil opening balance and there were no transactions debited or credited to it in the 2011-2012 financial year.

Special Accounts – Administered

The Commission has no administered special accounts.

Note 24: Compensation and Debt Relief

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

Compensation and Debt Relief – Administered

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

Note 25: Reporting of Outcomes

	Outcome 1		Total	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000

Note 25A: Net Cost of Outcome Delivery

DEPARTMENTAL

Expenses	24,241	20,297	24,241	20,297
Own-source income	7,048	5,643	7,048	5,643

ADMINISTERED

Expenses	122	–	122	–
Net cost of outcome delivery	(17,316)	(14,654)	(17,316)	(14,654)

Net costs shown include intra-government costs that are eliminated in calculating the actual Budget Outcome. Refer to the Outcome Resourcing Table on page 125 of this Annual Report.

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 25: Reporting of Outcomes (continued)

Note 25B: Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcome

	Outcome 1		Total	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
Expenses				
Employee benefits	15,064	12,088	15,064	12,088
Supplier	8,432	7,594	8,432	7,594
Depreciation and Amortisation	720	358	720	358
Finance costs	–	25	–	25
Other expenses	25	232	25	232
Total	24,241	20,297	24,241	20,297
Income				
Sale of goods and services	6,087	4,870	6,087	4,870
Revenue from Government	16,423	14,424	16,423	14,424
Rental income (sub-lease)	841	675	841	675
Other gains	119	98	119	98
Total	23,470	20,067	23,470	20,067
Assets				
Cash and equivalents	1,681	1,081	1,681	1,081
Trade and other receivables	6,139	7,804	6,139	7,804
Infrastructure, plant and equipment	5,423	5,822	5,423	5,822
Intangibles	907	–	907	–
Other non-financial assets	108	45	108	45
Total	14,258	14,752	14,258	14,752
Liabilities				
Suppliers	2,048	816	2,048	816
Lease incentives	5,095	5,667	5,095	5,667
Employee provisions	2,935	2,302	2,935	2,302
Other provisions and payables	3,298	4,662	3,298	4,662
Total	13,375	13,447	13,375	13,447

Notes to and forming part of the financial statements
for the period ended 30 June 2012

Note 25: Reporting of Outcomes (continued)

Note 25C: Major Classes of Administered Expenses, Income, Assets and Liabilities by Outcome

	Outcome 1		Total	
	2012 \$'000	2011 \$'000	2012 \$'000	2011 \$'000
Expenses				
Supplier	122	–	122	–
Total	122	–	122	–
Income				
Revenue from Government:				
Administered	122	–	122	–
Total	122	–	122	–
Assets				
GST receivable from the Australian Taxation Office	12	–	12	–
Total	12	–	12	–
Liabilities				
Suppliers	1	–	1	–
Total	1	–	1	–

Note 26: Net Cash Appropriation Arrangements

	2012 \$'000	2011 \$'000
Total comprehensive loss less depreciation/amortisation expenses previously funded through revenue appropriations¹	(50)	(294)
Plus: depreciation/amortisation expenses previously funded through revenue appropriation	(720)	(358)
Total comprehensive loss – as per the Statement of Comprehensive Income	(770)	(652)

1. As per the Statement of Comprehensive Income.

Appendices

- Appendix 1: Agency resources statement
- Appendix 2: Expense for our outcome
- Appendix 3: Complaints statistics
- Appendix 4: Website statistics
- Appendix 5: Staffing statistics
- Appendix 6: Submissions



Appendix 1: Agency resource statement

Table 1: Agency resource statement 2011-12

		Actual available appropriation for 2011-12 \$'000	Payments made 2011-12 \$'000	Balance remaining 2011-12 \$'000
		(a)	(b)	(a)-(b)
Ordinary Annual Services¹				
Departmental appropriation ²		26,700	22,720	3,980
Section 32 transfers		270	270	0
Total		26,970	22,990	3,980
Administered expenses				
Outcome 1 ³		140	122	
Total		140	122	
Total ordinary annual services	A	27,110*	23,112	
Other Services				
Departmental non-operating				
Equity injections ⁴		510	510	0
Total		510	510	0
Total other services	B	510*	510	
Total Available Annual Appropriations and payments		27,620	23,622	
Special accounts				
Opening balance		0		
Receipts		0		
Payments made			0	
Total Special Accounts	C	0	0	0
Total resourcing and payments				
A+B+C		27,620	23,622	
Total net resourcing and payments for Australian Human Rights Commission		27,620	23,622	

* Full year budget, including any subsequent adjustment made to the 2011-12 Budget.

1 Appropriation Bill (No.1) 2011-12 and Appropriation Bill (No.3) 2011-12. This may also include Prior Year departmental appropriation and S.31 relevant agency receipts.

2 Includes an amount of \$0.346m in 2011-12 for the Departmental Capital Budget. For accounting purposes this amount has been designated as 'contributions by owners'.

3 Section 32 transfer.

4 Appropriation Bill (No.2) 2010-11 (rephrased).

Appendix 2: Expense for our outcome

Table 2: Expenses for Outcome 1

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* 2011-12 \$'000	Actual Expenses 2011-12 \$'000	Variation 2011-12 \$'000
	(a)	(b)	(a)-(b)
Program 1.1: Australians have access to independent human rights complaint handling and public inquiries processes and benefit from human rights education, promotion and monitoring, and reporting on human rights			
Administered expenses			
Ordinary Annual Services (Appropriation Bill No. 1) ¹	140	122	18
Departmental expenses			
Departmental appropriation ²	21,198	23,446	(2,248)
Expenses not requiring appropriation in the Budget year	390	795	(405)
Total for Program 1.1	21,588	24,401	(2,653)
Outcome 1 Totals by appropriation type			
Administered Expenses			
Ordinary annual services (Appropriation Bill No. 1) ¹	140	122	18
Departmental expenses			
Departmental appropriation ²	21,198	23,446	(2,248)
Expenses not requiring appropriation in the Budget year	390	795	(405)
Total expenses for Outcome 1	21,588	24,401	(2,653)
		2010-11	2011-12
Average staffing level (number)		113	128

* Full year budget, including any subsequent adjustment made to the 2011-12 Budget.

1 Section 32 transfer.

2 Departmental Appropriation combines "Ordinary annual services (Appropriation Bill No. 1)" and "Revenue from independent sources (s31)".

Appendix 3: Complaint Statistics

Enquiries and complaints received

In 2011–12 the Commission received 17 047 enquiries and 2 610 complaints. This is the highest number of complaints received over the past 10 years and 21% higher than the number of complaints received in the previous reporting year.

- 37% of complaints were lodged under the Disability Discrimination Act
- 19% of complaints were lodged under the Sex Discrimination Act
- 18% of complaints were lodged under the Racial Discrimination Act
- 18% 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 2011–12, 48% were conciliated. Of those matters where conciliation was attempted, 66% were able to be resolved.

Complaints under the Australian Human Rights Commission Act had the highest conciliation rate (54%) and the highest conciliation success rate (88%).

Complaints under the Age Discrimination Act had a conciliation rate of 48% and a conciliation success rate of 69%.

Complaints under the Racial Discrimination Act had a 48% conciliation rate and a conciliation success rate of 63%.

Complaints under the Disability Discrimination Act had a 48% conciliation rate and a conciliation success rate of 62%.

Complaints under the Sex Discrimination Act had a conciliation rate of 43% and a conciliation success rate of 60%.

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 53% of complaints were lodged by individual males, 45% by individual females and 2% by other categories. Other categories include intersex, sex not specified, joint/multiple complainants and organisations on behalf of others.

Where referral source was identified, 61% of complainants reported that they knew about the Commission prior to lodging their complaint. The other main identified referral sources were the internet (9%), family members or friends (8%), a government agency (5%) and specialist advocacy agencies such as advocacy agencies for people with disabilities, women or Indigenous Australians (4%).

The majority of complainants (65%) indicated that their main source of income at the time of the alleged act was from a form of employment. Of this group, 79% indicated they were in full or part time permanent employment, 17% were engaged in casual, contract or outwork and 4% were self employed.

Approximately 33% of complainants said they were represented at the beginning of the complaint process and 40% of these complainants 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 (21%), community legal centres, such as Indigenous or disability legal services (16%), family members or friends (16%) and trade unions or professional associations (6%).

In 2010–11, the main respondent organisations to complaints were private enterprise (48%), Commonwealth departments/statutory authorities (22%) and State departments/statutory authorities (16%). These have been the main respondent organisation categories for a number of years. There has been a significant increase in complaints against the Commonwealth which is indicative of the increased number of complaints received this year relating to immigration and immigration detention.

Complaint Information Service

Table 3: Website enquiries

Complaint information webpage views	328 343
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Table 4: Telephone, TTY, Email, in-person and written enquiries received

Enquiry type	Total
Telephone	12 668
TTY	8
Email	3 643
In-person	106
Written	622
Total	17 047

Table 5: Enquiries received by issue

Issue	Total
Race	1 705
Race – racial hatred	582
Sex	747
Sexual harassment	882
Sex – marital status, family responsibilities, parental status, carers responsibilities, breastfeeding	389
Sex – pregnancy	423
Transgender, intersex	11
Sexual preference	160
Disability	2 437
Disability – HIV/AIDS/hepatitis	27
Disability – workers compensation	198
Disability – mental health	722
Disability – intellectual/learning disability	261
Disability – maltreatment/negligence	33
Disability – physical feature	595
Age	97
Age – too young	133
Age – too old	786
Age – compulsory retirement	7
Criminal record/conviction	290
Political opinion	21

Table 6: Enquiries received by issue (continued)

Issue	Total
Religion	224
Employment – bullying and harassment	1 311
Employment – dismissal	1 710
Employment – personality conflict/favouritism	162
Employment – union activity	79
Employment – work conditions	324
Human rights – children	111
Human rights – civil, political, economic, social	786
Immigration – detention centres	802
Immigration – visas	520
Human rights – other	156
Prisons/prisoners	179
Police	292
Court/tribunal proceedings	366
Privacy	99
Neighbourhood disputes	69
Advertising	24
Local government	99
State government	653
Federal government	902
Other	3 498
Total*	22 872

* One enquiry may have multiple issues

Table 7: Enquiries received by State/Territory of origin

State of origin	Total	%
New South Wales	4 537	27
Victoria	2 245	13
South Australia	725	4
Western Australia	1 134	7
Queensland	1 669	10
Australian Capital Territory	365	2
Tasmania	233	1
Northern Territory	308	2
Unknown/overseas	5 831	34
Total	17 047	100

Complaints overview

Table 8: Complaints received and finalised over the past five years

	2007–08	2008–09	2009–10	2010–11	2011–12
Received	2 077	2 253	2 517	2 152	2 610
Finalised	1 883	2 354	2 426	2 266	2 605

Table 9: Outcomes of complaints finalised over the past five years

	2007–08 (%)	2008–09 (%)	2009–10 (%)	2010–11 (%)	2011–12 (%)
Terminated/ declined	39	34	32	35	31
Conciliated	48	48	50	47	48
Withdrawn	13	18	13	11	12
Discontinued*	–	–	5	6	8
Reported (AHRCA only)	–	–	–	1	1

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

Table 10: Complaints received by State/Territory of complainant

State of origin	Total	%
New South Wales	950	36
Victoria	535	21
South Australia	171	7
Western Australia	265	10
Queensland	440	17
Australian Capital Territory	77	3
Tasmania	34	1
Northern Territory	103	4
Unknown/overseas	35	1
Total	2 610	100

Table 11: Complaints received and finalised by Act

Act	Received	Finalised
Racial Discrimination Act (RDA)	477	502
Sex Discrimination Act (SDA)	505	487
Disability Discrimination Act (DDA)	955	976
Age Discrimination Act (ADA)	196	218
Australian Human Rights Commission Act (AHRCA)	477	422
Total	2 610	2 605

Chart 1: Complaints received by Act

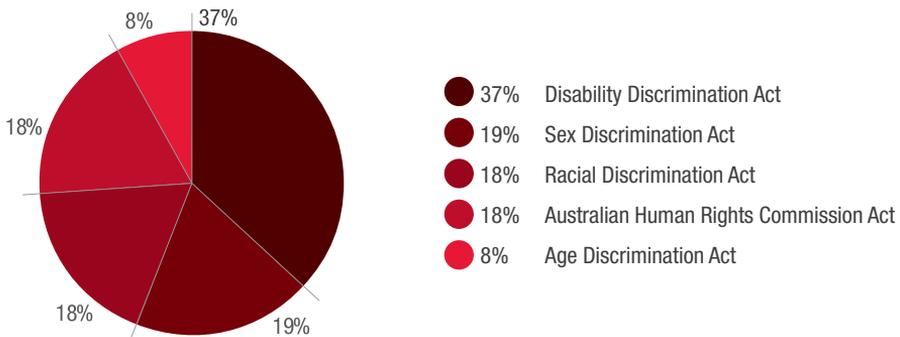


Table 12: Complaints received by Act over the past five years

	2007-08	2008-09	2009-10	2010-11	2011-12
Racial Discrimination Act	376	396	550	422	477
Sex Discrimination Act	438	547	532	459	505
Disability Discrimination Act	988	980	1 057	823	955
Age Discrimination Act	126	151	174	175	196
Australian Human Rights Commission Act	149	179	204	273	477
Total	2 077	2 253	2 517	2 152	2610

Table 13: Country of birth – complainants

	RDA (%)	SDA (%)	DDA (%)	ADA (%)	AHRCA (%)	Total (%)
Born in Australia	47	60	60	50	24	50
Born outside of Australia	41	12	12	17	57	26
Unknown/unspecified	12	28	28	33	19	24

Table 14: Indigenous status – complainants

	RDA (%)	SDA (%)	DDA (%)	ADA (%)	AHRCA (%)	Total (%)
Aboriginal	35	3	2	2	3	9
Torres Strait Islander	1	–	–	–	–	–
None of the above/ Unknown	64	97	98	98	97	91

Table 15: Time from receipt to finalisation for finalised complaints

	RDA (%)	SDA (%)	DDA (%)	ADA (%)	AHRCA (%)	Cumulative Total (%)
0 – 6 months	79	68	64	68	56	66
6 – 9 months	92	88	85	89	74	85
9 – 12 months	96	95	93	95	90	93
More than 12 months	100	100	100	100	100	100

Racial Discrimination Act

Table 16: Racial Discrimination Act — complaints received and finalised

	Total
Received	477
Finalised	502

Table 17: Racial Discrimination Act — complaints received by ground

Racial Discrimination Act	Total	%
Colour	92	11
National origin/extraction	75	9
Ethnic origin	107	13
Descent	9	1
Race	389	46
Racial hatred	121	14
Immigrant status	26	3
Association	3	—
Victimisation	20	3
Incite unlawful act	2	—
Total*	844	100

* One complaint may have multiple grounds.

Table 18: Racial Discrimination Act — complaints received by area

Racial Discrimination Act	Total	%
Rights to equality before the law	—	—
Access to places and facilities	2	—
Land, housing, other accommodation	8	2
Provision of goods and services	147	28
Right to join trade unions	—	—
Employment	243	46
Advertisements	1	—
Education	8	2
Other – section 9	22	4
Racial hatred	95	18
Total*	526	100

* One complaint may have multiple areas

Table 19: Racial hatred complaints received by sub-area

Racial Discrimination Act	Total	%
Media – press/TV/radio	12	9
Disputes between neighbours	16	13
Personal conflict	7	6
Employment	31	24
Racist propaganda	1	1
Internet – e-mail/webpage/chat room	22	17
Entertainment	–	–
Sport	–	–
Public debate	–	–
Provision of goods and services	36	28
Other	3	2
Total	128	100

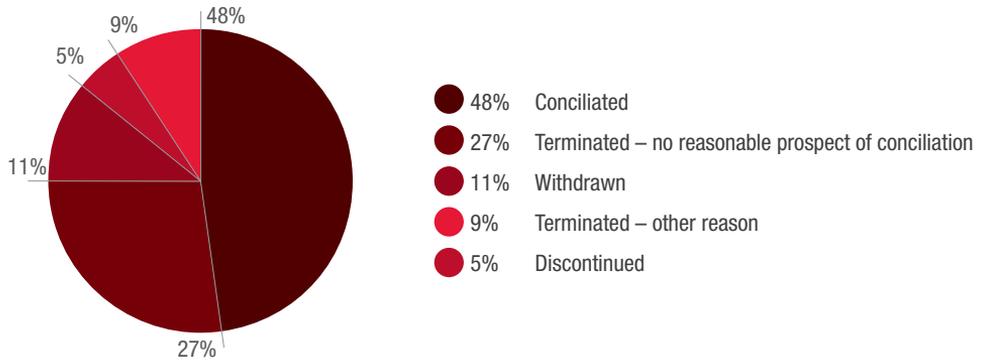
Table 20: Racial Discrimination Act – outcomes of finalised complaints

Racial Discrimination Act	Total
Terminated	173
At complainants request – s.46PE	–
Not unlawful	1
More than 12 months old	17
Trivial, vexatious, frivolous, misconceived, lacking in substance	25
Adequately dealt with already	–
More appropriate remedy available	–
Subject matter of public importance	–
No reasonable prospect of conciliation	130
Discontinued*	25
Withdrawn	52
Conciliated	226
Administrative closure**	26
Total	502

* 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 21: Sex Discrimination Act – complaints received and finalised

Sex Discrimination Act	Total
Received	505
Finalised	487

Table 22: Sex Discrimination Act – complaints received by sex of complainant

Sex Discrimination Act	Total	%
Female	422	84
Male	73	14
Other category*	10	2
Total	505	100

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

Table 23: Sex Discrimination Act – complaints received by ground

Sex Discrimination Act	Total	%
Sex discrimination	431	41
Marital status	24	2
Pregnancy	160	15
Sexual harassment	262	25
Family responsibilities	63	6
Breastfeeding	2	–
Victimisation	87	9
Causes, instructs, induces, aids or permits an unlawful act	17	2
Total*	1 046	100

* One complaint may have multiple grounds.

Table 24: Sex Discrimination Act – complaints received by area

Sex Discrimination Act	Total	%
Employment	446	85
Goods, services and facilities	56	11
Land	–	–
Accommodation	4	1
Superannuation	1	–
Education	5	1
Clubs	3	1
Administration of Commonwealth laws and programs	7	1
Requests for information	–	–
Registered organisations	–	–
Qualifying bodies	–	–
Total*	522	100

* One complaint may have multiple areas.

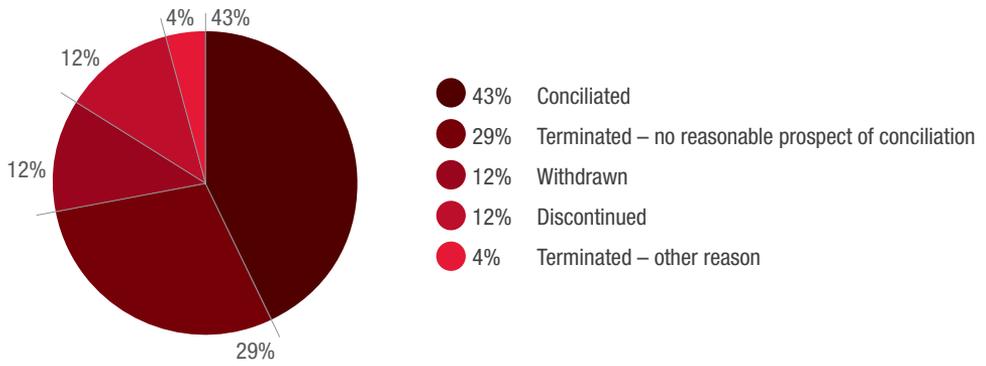
Table 25: Sex Discrimination Act – outcomes of finalised complaints

Sex Discrimination Act	Total
Terminated	143
At complainants request – s.46PE	1
Not unlawful	1
More than 12 months old	11
Trivial, vexatious, frivolous, misconceived, lacking in substance	6
Adequately dealt with already	–
More appropriate remedy available	–
Subject matter of public importance	–
No reasonable prospect of conciliation	124
Discontinued*	54
Withdrawn	51
Conciliated	189
Administrative closure**	50
Total	487

* 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 26: Disability Discrimination Act – complaints received and finalised

Disability Discrimination Act	Total
Received	955
Finalised	976

Table 27: Nature of complainant's disability

Disability Discrimination Act	Total	%
Physical disability	202	17
A mobility aid is used (e.g. walking frame or wheelchair)	115	10
Physical disfigurement	12	1
Presence in the body of organisms causing disease (e.g. HIV/AIDS)	11	1
Presence in the body of organisms causing disease (other)	9	1
Psychiatric disability	208	18
Neurological disability (e.g. epilepsy)	64	5
Intellectual disability	28	2
Learning disability	43	4
Sensory disability (hearing impaired)	43	4
Sensory disability (deaf)	44	4
Sensory disability (vision impaired)	47	4
Sensory disability (blind)	72	6
Work-related injury	78	7
Medical condition (e.g. diabetes)	102	9
Other	89	7
Total*	1 167	100

* One complainant may have multiple disabilities.

Table 28: Disability Discrimination Act – complaints received by ground

Disability Discrimination Act	Total	%
Disability of person(s) aggrieved	1 717	89
Associate	68	4
Disability – person assisted by trained animal	37	2
Disability – accompanied by carer or assistant	4	–
Disability – aid	22	1
Harassment	19	1
Victimisation	29	1
Causes, instructs, induces, aids or permits an unlawful act	30	2
Incites unlawful act	–	–
Unlawful to contravene disability standard	8	–
Total*	1 934	100

* One complaint may have multiple grounds.

Table 29: Disability Discrimination Act – complaints received by area

Disability Discrimination Act	Total	%
Employment	389	31
Goods, services and facilities	448	36
Access to premises	48	4
Land	–	–
Accommodation	34	3
Advertisements	–	–
Superannuation, insurance	7	1
Education	106	8
Clubs, incorporated associations	24	2
Administration of Commonwealth laws and programs	39	3
Sport	1	–
Requests for information	1	–
Qualifying bodies	–	–
Registered organisations	1	–
Unlawful to contravene disability standards	149	12
Victimisation	2	–
Total*	1 249	100

* One complaint may have multiple areas.

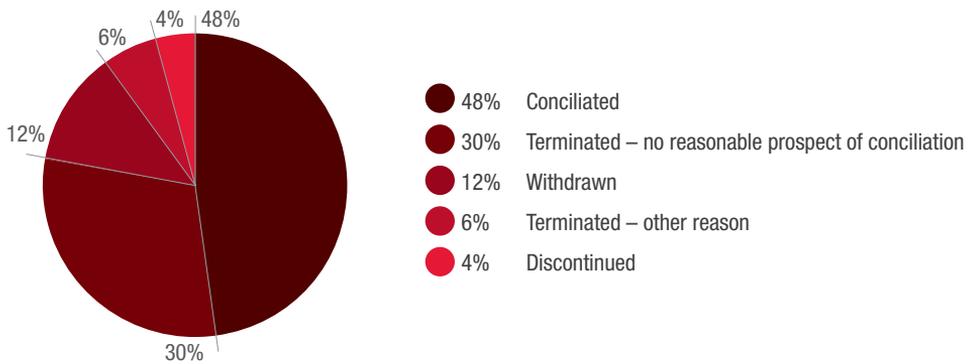
Table 30: Disability Discrimination Act — outcomes of finalised complaints

Disability Discrimination Act	Total
Terminated	334
At complainants request – s.46PE	–
Not unlawful	2
More than 12 months old	21
Trivial, vexatious, frivolous, misconceived, lacking in substance	30
Adequately dealt with already	3
More appropriate remedy available	1
Subject matter of public importance	–
No reasonable prospect of conciliation	277
Discontinued*	37
Withdrawn	115
Conciliated	451
Administrative closure**	39
Total	976

* 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 31: Age Discrimination Act – complaints received and finalised

Age Discrimination Act	Total
Received	196
Finalised	218

Table 32: Age Discrimination Act – complaints received by ground

Age Discrimination Act	Total	Percentage
Age – direct	192	57
Age – indirect	138	41
Causes, instructs, induces, aids or permits an unlawful act	3	1
Victimisation	4	1
Total*	337	100

* One complaint may have multiple grounds.

Table 33: Age Discrimination Act – age group of complainant

Age Discrimination Act	Total	%
0 – 12 years	–	–
13 – 17 years	5	2
18 – 24 years	11	6
25 – 34 years	7	3
35 – 44 years	20	10
45 – 54 years	27	14
55 – 64 years	72	37
65 – 74 years	35	18
>75 years	19	10
Total	196	100

Table 34: Age Discrimination Act – complaints received by area

Age Discrimination Act	Total	%
Employment	134	65
Goods, services and facilities	46	23
Access to premises	1	–
Land	–	–
Accommodation	4	2
Advertisements	1	–
Superannuation, insurance	14	7
Education	3	1
Administration of Commonwealth laws and programs	4	2
Sport	–	–
Requests for information	–	–
Registered organisations	–	–
Qualifying bodies	–	–
Total*	207	100

* One complaint may have multiple areas.

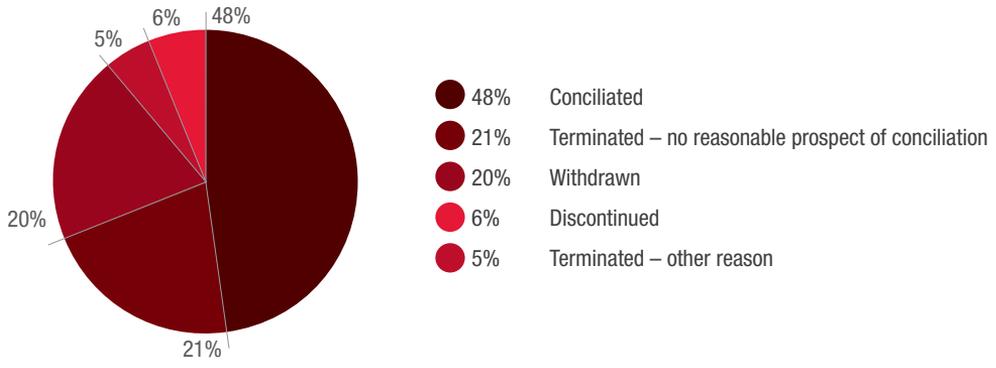
Table 35: Age Discrimination Act – outcomes of finalised complaints

Age Discrimination Act	Total
Terminated	56
At complainants request – s.46PE	–
Not unlawful	3
More than 12 months old	3
Trivial, vexatious, frivolous, misconceived, lacking in substance	4
Adequately dealt with already	1
More appropriate remedy available	–
Subject matter of public importance	–
No reasonable prospect of conciliation	45
Discontinued*	12
Withdrawn	41
Conciliated	102
Administrative closure**	7
Total	218

* 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 36: AHRCA – complaints received and finalised

Australian Human Rights Commission Act	Total
Received	477
Finalised	422

Table 37: AHRCA – complaints received by ground

Australian Human Rights Commission Act	Total	%
Religion (ILO 111)	18	3
Political opinion (ILO 111)	1	–
Social origin (ILO 111)	–	–
Medical record (ILO 111)	1	–
Criminal record (ILO 111)	67	13
Sexual preference (ILO 111)	21	4
Trade union activity (ILO 111)	9	2
International Covenant on Civil and Political Rights	337	66
Convention on the Rights of the Child	27	5
Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	3	1
Convention on the Rights of Persons with Disabilities	29	6
Not a ground within jurisdiction	–	–
Not a human right as defined by the Act	–	–
Total*	513	100

* One complaint may have multiple grounds.

Table 38: AHRCA — complaints received by area

Australian Human Rights Commission Act	Total	%
Acts or practices of the Commonwealth	363	76
Employment	114	24
Not act or practice of the Commonwealth (not employment cases)	–	–
Total*	477	100

* One complaint may have multiple areas.

Table 39: AHRCA — non-employment complaints received by sub-area

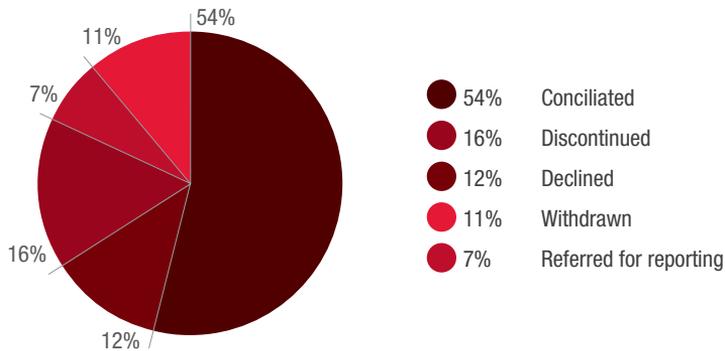
Australian Human Rights Commission Act	Total	%
Prisons, prisoner	12	3
Religious institutions	–	–
Family court matters	–	–
Other court matters	2	1
Immigration	291	80
Law enforcement agency	1	–
State agency	3	1
Other service provider (private sector)	–	–
Local government	–	–
Education systems	3	1
Welfare systems	5	1.5
Personal or neighbourhood conflict	–	–
Health system	5	1.5
Other	41	11
Total	363	100

Table 40: AHRCA – Outcomes of finalised complaints

Australian Human Rights Commission Act	Total
Declined	158
Does not constitute discrimination	9
Human rights breach, not inconsistent or contrary to any human right	3
More than 12 months old	7
Trivial, vexatious, frivolous, misconceived, lacking in substance	25
Adequately dealt with already	3
More appropriate remedy available	2
Withdrawn, does not wish to pursue, advised the Commission	43
Withdrawn, does not wish to pursue, settled outside the Commission	–
Discontinued – lost contact	66
Conciliated	219
Referred for reporting*	29
Administrative closure	16
Total	422

* 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 4: Website statistics

Table 41: Website statistics

Section	Views of section home page	Views of all pages in section
Commission homepage www.humanrights.gov.au	616 981	n/a
Aboriginal and Torres Strait Islander Social Justice www.humanrights.gov.au/social_justice/	97 733	1 282 416
Age Discrimination www.humanrights.gov.au/age/	51 710	146 738
Complaint Information www.humanrights.gov.au/complaints_information/	63 859	328 343
Disability Rights www.humanrights.gov.au/disability_rights/	87 455	1 545 116
Education Resources www.humanrights.gov.au/education/	60 807	363 071
Human Rights www.humanrights.gov.au/human_rights/	110 097	1 110 844
Information for Employers www.humanrights.gov.au/info_for_employers/	27 629	387 598
Job Vacancies www.humanrights.gov.au/about/jobs/	59 637	70 219
Legal Information www.humanrights.gov.au/legal/	51 600	454 285
Media Releases Index www.humanrights.gov.au/about/media/media_releases/	10 899	1 206 816
Publications www.humanrights.gov.au/about/publications/	77 901	n/a
Racial Discrimination www.humanrights.gov.au/racial_discrimination/	63 419	521 150
Sex Discrimination www.humanrights.gov.au/sex_discrimination/	86 501	432 347

Appendix 5: Staffing statistics

Table 42: AHRC Staffing Profile as at 30 June 2012

Classification	Male	Female	Full time	Part time	Total Ongoing	Total Non-ongoing	Total
Statutory Office Holders	2	4	6			6	6
SES Band 2		1	1		1		1
SES Band 1	1	1	2		2		2
Executive Level 2 (\$107,491-\$123,899)	8	12	16	4	19	1	20
Executive Level 1 (\$89,404-98,042)	3	29	26	6	24	8	32
APS 6 (\$71,475-80,109)	9	31	33	7	27	13	40
APS 5 (\$64,569-69,739)	6	8	12	2	7	7	14
APS 4 (\$57,889-62,856)	6	14	17	3	14	6	20
APS 3 (\$51,942-56,061)	5	8	10	3	8	5	13
APS 2 (\$46,858-50,570)	-	-	-	-	-	-	-
APS 1 (\$40,295-44,534)	2			2	1	1	2
Total	42	108	123	27	103	47	150

Appendix 6: Submissions 2011–2012

2012

- Supplementary information to the Inquiry into Cyber Safety for Senior Australians (10 May 2012)
- Information concerning Australia and the *Convention on the Rights of the Child* (04 May 2012)
- Equal Opportunity for Women in the Workplace Amendment Bill 2012 (12 April 2012)
- Consideration of Australia's ratification of the *Optional Protocol to the Convention against Torture* (29 March 2012)
- Marriage Equality Amendment Bill 2010 (29 March 2012)
- Post Implementation Review of the Fair Work Act 2009 (12 March 2012)
- Consultation on exposure draft National Human Rights Action Plan (6 March 2012)
- Opening Statement to the Stronger Futures in the Northern Territory Bill 2011 (1 March 2012)
- Inquiry into the Migration Amendment (Removal of Mandatory Minimum Penalties) Bill 2012 (27 February 2012)
- Access and Equity: Inquiry into the responsiveness of Australian Government services to Australia's culturally and linguistically diverse population (24 February 2012)
- Inquiry into Foetal Alcohol Spectrum Disorders (7 February 2012)
- Stronger Futures in the Northern Territory Bill 2011 and two related Bills (6 February 2012)
- Inquiry into Crimes Amendment (Fairness for Minors) Bill 2011 (1 February 2012)
- Consolidation of Commonwealth Discrimination law - domestic and family violence (23 January 2012)
- Exposure Draft Bill Crimes Legislation Amendment (Slavery, Slavery Like Conditions and People Trafficking) Bill 2012 (20 January 2012)
- Inquiry into Cybersafety for Senior Australians (January 2012)

2011

- Consolidation of Commonwealth Discrimination law (6 December 2011)
- Inquiry into the Criminal Cases Review Commission Bill 2010 (25 November 2011)
- A human rights approach to trafficking in persons (14 November 2011)
- Inquiry into International Student Accommodation in New South Wales (17 October 2011)
- Inquiry into Australia's agreement with Malaysia in relation to asylum seekers (14 September 2011)
- Consultation on the cross-curriculum priorities (1 September 2011)
- Inquiry into Australia's Human Rights Dialogues with China and Vietnam (August 2011)
- Australian Human Rights Commission Submission to the Joint Select Committee on Australia's Immigration Detention Network (August 2011)
- Native Title Amendment (Reform) Bill 2011 (12 August 2011)
- Information concerning Australia and the *Convention on the Rights of the Child* (August 2011)
- Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011 (1 August 2011)
- Inquiry into the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011 (29 July 2011)
- Strengthening human rights education in the geography curriculum (7 July 2011)

Glossary

A

AAT	Administrative Appeals Tribunal
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>
ANAO	Australian National Audit Office
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 <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>
CEO	Chief Executive Officer
COAG	Council of Australian Governments
CPSU	Community and Public Sector Union
CSW	United Nations Commission on the Status of Women
Certificate IV	A basic post-secondary level of qualification for training gained under the Australian Qualifications Framework, which provides the hierarchy of educational qualifications in Australia.

Glossary

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.
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.
Cyberbullying	A form of bullying carried out through an internet service, mobile phone or other electronic device.
D	
DDA	<i>Disability Discrimination Act 1992</i>
DPO	Disabled People's Organisations
E	
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.
F	
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.

G

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.

H

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.
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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.
IFA	Individual flexibility agreement – under the Fair Work Act, an IFA varies the effect of the Modern Award or Enterprise Agreement so that it can “meet the genuine needs of the employer and that individual employee” in an individual context.
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).
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L

Lateral violence	Violence that occurs between people who have both been victims of violence or oppression themselves.
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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.

Glossary

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
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.
O	
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.
P	
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.
Podrights	A Podcast from the Australian Human Rights Commission

Glossary

Q

QUT Queensland University of Technology

R

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 *Racial Discrimination Act 1975*

RMIT Royal Melbourne Institute of Technology University

Roundtable Formal meetings between interested parties (mainly government and non government industry) where everyone has equal status.

S

SDA *Sex Discrimination Act 1984*

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.

UNHCR Office of the United Nations High Commissioner for Refugees

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.

Glossary

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.
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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.
---------------------------------------	---

Universal design	A code to describe the design of building products so that the largest number of people, including people with disabilities, can use them.
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W

WCAG	Web Content Accessibility Guidelines
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Web 2.0	A Web 2.0 website allows users to interact online through social media as opposed to viewing passively.
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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 ‘Note: Terminology’ on the inside back cover of the Aboriginal and Torres Strait Islander Social Justice Commissioner’s *Social Justice Report 2011*, Australian Human Rights Commission 2011.

● Further Information

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