**2019-20 COMPLAINT STATISTICS**

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## ATTACHMENT A

## Covid-19 related written enquiries and complaints

# OVERVIEW

## Enquiries and complaints received

In 2019-20, the Commission received 12,554 enquiries. In contrast with previous years, a majority of enquiries were received in writing. The main issues raised by enquirers in this reporting year related to:

* disability discrimination (22%)
* discrimination on grounds covered by the Sex Discrimination Act (10%)
* general employment matters including harassment and bullying (9%)
* racial discrimination including racial hatred (11%)
* human rights related issues including immigration and immigration detention (8%)
* Covid-19 enquiries (3%)

In 2019-20 the Commission received 2,307 complaints. One complaint may raise a number of grounds and areas of discrimination and be against one or more respondents. If the Commission counted complaints by respondents, the number of complaints received in 2019-20 would increase to 2,989. If the Commission counted complaints received by grounds and areas of discrimination, the number of complaints received would increase to 4,941 and 3,030 respectively.

Consistent with previous years, the main areas of public life raised by complaints were employment and the provision of goods, services and facilities.

In 2019-20:

* 44% of complaints were lodged under the Disability Discrimination Act
* 21% of complaints were lodged under the Sex Discrimination Act
* 17% of complaints were lodged under the Racial Discrimination Act
* 7% of complaints were lodged under the Age Discrimination Act
* 11% of complaints were lodged under the Australian Human Rights Commission Act

In terms of employment, this made up:

* 30% of complaints under the Disability Discrimination Act
* 71% of complaints under the Sex Discrimination Act
* 27 % of complaints under the Racial Discrimination Act
* 47% of complaints under the Age Discrimination Act

In terms of goods and services, this made up:

* 56% of complaints under the Disability Discrimination Act
* 25% of complaints under the Sex Discrimination Act
* 52% of complaints under the Racial Discrimination Act
* 50% of complaints under the Age Discrimination Act

## Outcomes of complaints

The Commission finalised 2,237 complaints during 2019-20. The Commission conducted approximately 1,432 conciliation processes of which 1,004 complaints (70%) were successfully resolved. This represents successful dispute resolution for more than 2,010 people and organisations involved in complaints before the Commission.

Information on the outcomes of conciliated complaints under federal anti-discrimination law indicates that 39% of outcomes included terms which will have benefits for people beyond the individual complainant. For example, agreements to introduce anti-discrimination policies and provide anti-discrimination training in workplaces and agreements to undertake modifications to buildings and services to address potential discriminatory factors.

Commission survey data also highlights the educative effect of the Commission’s complaint process. For example, in relation to conciliated complaints, 77.5% of surveyed participants indicated that involvement in the complaint process had assisted them to better understand their rights and responsibilities under federal human rights and anti-discrimination law.

Data provided to the Commission indicates that in 2019-20, 2% of finalised complaints regarding unlawful discrimination proceeded to court.

## Finalisation of complaints without inquiry

Upon receipt and acceptance of a complaint, the President (or her delegate) must consider whether a complaint should be terminated without inquiry, having regard to the grounds of termination in section 46PH of the *Australian Human Rights Commission Act 1986 (*Cth) *(*AHRCA).

In the 2019-20 reporting year, of the 2,307 complaints received by the Commission, 104 (4.5% of total complaints received) were assessed as potentially being appropriate for pre-inquiry termination under subsection 46PF(1) of the AHRCA.

These constituted:

* 41 complaints under the Disability Discrimination Act
* 34 complaints under the Racial Discrimination Act
* 19 complaints under the Sex Discrimination Act
* 10 complaints under the Age Discrimination Act

In the 2019-20 reporting year, 108 complaints assessed as appropriate for pre-inquiry termination were finalised. Of the finalised complaints, 75 were terminated under section 46PH of the AHRCA. The remaining 33 complaints were finalised on a number of different grounds including being withdrawn, finalised on the basis that the President’s delegate was satisfied that the complainant no longer wished to proceed with the complaint, resolved or administratively closed.

## Timeliness of the complaint process

In 2019-20, the average active complaint handling timeframe was approximately 3.8 months. A breakdown by periods indicates that of the 2,237 complaints finalised in 2019-20:

* 41% were finalised within 3 months
* 84% were finalised within 6 months
* 95% were finalised within 9 months
* 98.5% were finalised within 12 months

## Demographic data

Information on the geographical location and national origin of complainants is provided in the Tables [8](#_Table_8:_), [11](#_Table_11:_Country) and [12](#_Table_12:_).

The available demographic data indicates that in 2019-20:

* 47% of complaints were lodged by individual females
* 48.5% of complaints were lodged by individual males
* 4.5% of complaints were lodged by other categories (other categories include intersex, sex not specified, joint/multiple complainants, organisations and unknown).

When asked about a referral source, 28% of complainants reported that they knew about the Commission prior to lodging their complaint. The other main identified referral sources were private lawyers (9%), family members (6.5%), the internet (7%), community legal centres (2.5%), and specialist advocacy agencies such as advocacy agencies for people with disabilities, women, migrants or Aboriginal and Torres Strait Islander peoples (1%).

Where an income source was identified, a majority of complainants indicated that their main source of income at the time of the alleged act was from a form of employment. Of the complainants who identified a form of employment as their income source, 79% indicated they were in full or part-time permanent employment, 19% were engaged in casual, contract or outwork and 3% were self-employed.

Approximately 35% of complainants (804) said they were represented during the complaint process. Of the represented complainants, 36% said they were represented by privately funded solicitors. Other identified forms of representation were family members or friends (31%), community legal centres, including Aboriginal or disability legal services (10%), other advocacy groups such as working women’s centres or disability advocacy services (8%) and trade unions or professional associations (4%).

In 2019-20, the main respondent organisation categories were private enterprises (52%), state/territory departments/statutory authorities (17%) and Commonwealth departments/statutory authorities (14%). These are consistently the main respondent organisation categories.

## Satisfaction with the complaint service

We seek feedback on aspects of the service from people lodging complaints (complainants) and people responding to complaints (respondents). The survey can be completed online or in other formats. Feedback is sought regardless of the outcome of the complaint and includes feedback from parties where the complaint was terminated, withdrawn or discontinued.

In 2019-20, 213 complainants and 205 respondents agreed to participate in the survey. Details of survey feedback is provided below.

* 93% of participants (90% of complainants and 97% of respondents) reported that they were satisfied with the service provided and 78% of participants (74% of complainants and 81% of respondents) rated the service as ‘very good’ or ‘excellent’. Where complaints were conciliated, these figures increased with 99% of participants reporting they were satisfied with the service and 83% rating the service as ‘very good‘ or ‘excellent’.
* 95% of participants (92.5% of complainants and 97.5% of respondents) felt that Commission staff explained things in a way that was easy for them to understand.
* 95% of participants (92% of complainants and 98% of respondents) felt that forms and correspondence from the Commission were easy to understand.
* 79% of participants (70% of complainants and 89% of respondents) felt that the Commission dealt with the complaint in a timely manner.
* 89% of participants (83% of complainants and 95% of respondents) felt they were treated fairly.

Our Charter of Serviceprovides 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 their complaint is accepted by the Commission. Respondents receive a copy when notified of a complaint. Our Charter of Service is available at <http://www.humanrights.gov.au/complaints-charter-service>.

In 2019-20 the Commission did not receive any complaint about its service under the complaint process provided in the Charter.

# ENQUIRIES - OVERVIEW

## Table 1: Website enquiries

|  |  |
| --- | --- |
| **Webpage views** | **265,462** |

## Table 2: Enquiries received by mode of contact

|  |  |  |
| --- | --- | --- |
| **Enquiry type** | **Number** | **Percentage** |
| Telephone | 5,499 | 44% |
| Written | 6,975 | 55.5% |
| In-person | 70 | <1% |
| TTY/NRS | 10 | <1% |
| **Total** | **12,554** |  |

## Table 3: Enquiries received by State/Territory of enquirer

|  |  |  |
| --- | --- | --- |
| **State of origin** | **Number** | **Percentage** |
| New South Wales | 3,062 | 24% |
| Victoria | 1,930 | 15% |
| South Australia | 558 | 4% |
| Western Australia | 846 | 7% |
| Queensland | 1,545 | 12% |
| Australian Capital Territory | 269 | 2% |
| Tasmania | 175 | 1.5% |
| Northern Territory | 149 | 1% |
| Unknown/overseas | 4,020 | 32% |
| **Total** | **12,554** |  |

# COMPLAINTS - OVERVIEW

## Table 4: Complaints received in 2019-20

|  |  |
| --- | --- |
| Counted by complaints\* | 2,307 |
| Counted by complainants (including co-complainants and on behalf of) | 2,419 |
| Counted by respondents | 2,989 |
| Counted by grounds of discrimination raised in the complaint | 4,941 |
| Counted by areas of discrimination raised in the complaint | 3,030 |

\* The Commission counts complaints by complainants. Other State and Territory anti-discrimination bodies may count complaints by respondents and/or by grounds of discrimination and/or by areas of discrimination raised in a complaint.

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **2015-16** | **2016-17** | **2017-18** | **2018-19** | **2019-20** |
| Received | 2,013 | 1,939 | 2,046 | 2,037 | 2,307 |
| Finalised | 1,982 | 1,987 | 2,111 | 2,202 | 2,237 |

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **2015-16** | **2016-17** | **2017-18** | **2018-19** | **2019-20** |
| Terminated/declined | 19% | 19% | 21% | 24% | 27% |
| Conciliated | 52% | 45% | 47% | 47% | 46% |
| Withdrawn\* | 17% | 18% | 14% | 10% | 6% |
| Discontinued\*\* | 9% | 15% | 18% | 18% | 20% |
| Referred for potential reporting (AHRCA only) | 3% | 3% | <1% | <1% | <1% |

\* This category includes where a complainant withdraws due to personal circumstances or where they decide not to proceed after reviewing information from the respondent or being provided with information about the law and/or a preliminary assessment of the complaint.

\* \* A complaint may be discontinued where a complainant does not respond to the Commission’s attempts to contact them. This may occur after they have received information from the respondent or been provided with information and/or a preliminary assessment of the complaint.

## Table 7: Complaints resolved by conciliation over the past five years

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **2015-16** | **2016-17** | **2017-18** | **2018-19** | **2019-20** |
| Complaints successfully resolved | 76% | 75% | 74% | 72% | 70% |
| Complaints unable to be resolved | 24% | 25% | 26% | 28% | 30% |

## Table 8: Complaints received by State/Territory of complainant

|  |  |  |
| --- | --- | --- |
| **State of origin** | **Number** | **Percentage** |
| New South Wales | 907 | 39% |
| Victoria | 509 | 22% |
| South Australia | 136 | 6% |
| Western Australia | 206 | 9% |
| Queensland | 329 | 14% |
| Australian Capital Territory | 84 | 4% |
| Tasmania | 28 | 1% |
| Northern Territory | 27 | 1% |
| Unknown/overseas | 81 | 3.5% |
| **Total** | **2,307** |  |

## Table 9: Complaints received and finalised by Act

|  |  |  |
| --- | --- | --- |
| **Act** | **Received** | **Finalised** |
| Disability Discrimination Act (DDA) | 1,006 | 939 |
| Sex Discrimination Act (SDA) | 479 | 500 |
| Racial Discrimination Act (RDA) | 403 | 476 |
| Age Discrimination Act (ADA) | 168 | 117 |
| Australian Human Rights Commission Act (AHRCA) | 251 | 205 |
| **Total** | **2,307** | **2,237** |

## Chart 1: Complaints received by Act

Disability Discrimination Act 44%

Sex Discrimination Act 21%

Racial Discrimination Act 17%

Age Discrimination Act 7%

Australian Human Rights Commission Act 11%

## Table 10: Complaints received by Act over the past five years

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **2015-16** | **2016-17** | **2017-18** | **2018-19** | **2019-20** |
| Disability Discrimination Act | 750 | 755 | 869 | 891 | 1,006 |
| Sex Discrimination Act | 409 | 465 | 552 | 520 | 479 |
| Racial Discrimination Act | 429 | 409 | 290 | 332 | 403 |
| Age Discrimination Act | 152 | 154 | 172 | 137 | 168 |
| Australian Human Rights Commission Act | 273 | 156 | 163 | 157 | 251 |
| **Total** | **2,013** | **1,939** | **2,046** | **2,037** | **2,307** |

## Table 11: Country of birth of complainants

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| A | **DDA**  **(%)** | **SDA**  **(%)** | **RDA**  **(%)** | **ADA**  **(%)** | **AHRCA**  **(%)** | **Total**  **(%)** |
| Born in Australia | 27% | 16% | 21% | 17% | 14% | **21%** |
| Born outside of Australia | 6% | 11% | 72% | 10% | 26% | **21%** |
| Unknown or unspecified | 70% | 73% | 7% | 73% | 60% | **57%** |

## Table 12: Indigenous status of complainants

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| A | **DDA**  **(%)** | **SDA**  **(%)** | **RDA**  **(%)** | **ADA**  **(%)** | **AHRCA**  **(%)** | **Total**  **(%)** |
| Aboriginal | 3% | 2.5% | 17% | <1 | 2% | **5%** |
| Torres Strait Islander | <1 | <1 | <1 |  |  | **<1** |
| Both of the above | <1 |  |  |  |  | **<1** |
| None of the above/  Unknown | 97% | 97% | 83% | 99% | 98% | **95%** |

## Table 13: Time from receipt to finalisation for finalised complaints

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| A | **DDA**  **(%)** | **SDA**  **(%)** | **RDA**  **(%)** | **ADA**  **(%)** | **AHRCA**  **(%)** | **Cumulative Total (%)** |
| 0 - 3 months | 35% | 44% | 52% | 39% | 34% | **41%** |
| 0 - 6 months | 82% | 86% | 88% | 88% | 74% | **84%** |
| 0 - 9 months | 95% | 95% | 96% | 97% | 91% | **95%** |
| 0 - 12 months | 99% | 99% | 99% | 100% | 95% | **98.5%** |

# DISABILITY DISCRIMINATION ACT

## Table 14: Disability Discrimination Act – Complaints received and finalised

|  |  |
| --- | --- |
| **Disability Discrimination Act** | **Total** |
| Received | 1,006 |
| Finalised | 939 |

## Table 15: Disability Discrimination Act – Nature of complainant’s disability

|  |  |  |
| --- | --- | --- |
| **Disability Discrimination Act – Complainant’s disability \*** | **Number** | **Percentage** |
| Physical disability | 280 | 19% |
| A mobility aid is used (e.g. walking frame or wheelchair) | 129 | 9% |
| Assistance animal | 62 | 4% |
| Carer/Associate | 28 | 2% |
| Physical disfigurement | 6 | <1% |
| Presence in the body of organisms causing disease (e.g. HIV/AIDS) | 5 | <1% |
| Presence in the body of organisms causing disease (other) | 15 | 1% |
| Mental health/psychosocial | 396 | 27 % |
| Neurological disability (e.g. epilepsy) | 95 | 6.5% |
| Intellectual disability | 45 | 3 % |
| Learning disability | 51 | 3.5% |
| Sensory disability (hearing impaired) | 58 | 4% |
| Sensory disability (deaf) | 42 | 3% |
| Sensory disability (vision impaired) | 54 | 4% |
| Sensory disability (blind) | 28 | 2% |
| Work-related injury | 20 | 1% |
| Medical condition (e.g. diabetes) | 133 | 9% |
| Other | 0 | 0% |
| **Total** | **1,447** |  |

\* One complainant may have multiple disabilities.

## Table 16: Disability Discrimination Act – Complaints received by ground

|  |  |  |
| --- | --- | --- |
| **Disability Discrimination Act – Grounds\*** | **Number** | **Percentage** |
| Disability of person(s) aggrieved | 1,841 | 78% |
| Associate | 88 | 4% |
| Disability – person assisted by a trained animal | 103 | 4% |
| Disability – accompanied by a carer or assistant | 9 | <1% |
| Disability – aid | 75 | 3% |
| Harassment | 7 | <1% |
| Victimisation | 51 | 2% |
| Causes, instructs, induces, aids or permits an unlawful act | 14 | <1% |
| Incites unlawful act |  |  |
| Advertisements |  |  |
| Unlawful to contravene disability standard | 183 | 7.72% |
| **Total** | **2,371** |  |

\* One complaint may raise multiple grounds and may include claims of both direct and indirect discrimination.

## Table 17: Disability Discrimination Act – Complaints received by area

|  |  |  |
| --- | --- | --- |
| **Disability Discrimination Act – Areas\*** | **Number** | **Percentage** |
| Employment | 298 | 20% |
| Goods, services and facilities | 563 | 39% |
| Access to premises | 122 | 8% |
| Land |  |  |
| Accommodation | 46 | 3% |
| Superannuation, insurance | 16 | 1% |
| Education | 128 | 9% |
| Clubs, incorporated associations | 15 | 1% |
| Administration of Commonwealth laws and programs | 74 | 5% |
| Sport | 5 | <1% |
| Requests for information | 2 | <1% |
| Qualifying bodies | 5 | <1% |
| Registered organisations |  |  |
| Disability standards | 183 | 12.5% |
| **Total** | **1,457** |  |

\* One complaint may relate to more than one area.

## Table 18: Disability Discrimination Act – Outcomes of finalised complaints

|  |  |
| --- | --- |
| **Disability Discrimination Act – Outcomes of finalised complaints** | **Number** |
| **Terminated without inquiry under section 46PF\*** | **23** |
| **Terminated after inquiry** | **243** |
| Not unlawful |  |
| More than 6 months old | 1 |
| Trivial, vexatious, frivolous, misconceived, lacking in substance | 25 |
| More effective or convenient remedy | 4 |
| No reasonable prospect of conciliation | 207 |
| Inquiry not warranted | 6 |
| **Discontinued\*\*** | **150** |
| **Withdrawn\*\*\*** | **62** |
| **Conciliated** | **438** |
| **Administrative closure\*\*\*\*** | **23** |
| **Total** | **939** |

\* A complaint may be terminated without inquiry if the President’s delegate is satisfied, having regard to the matters referred to in section 46PH of the AHRCA, that the complaint should be terminated without inquiry.

\*\* A complaint may be discontinued in circumstances where the President’s delegate is satisfied the complainant no longer wishes the Commission to continue its inquiry. This may occur after the complainant has received information from the respondent or been provided with information and/or a preliminary assessment of the complaint.

\*\*\* This category includes where a complainant withdraws due to personal circumstances or where they decide not to proceed after reviewing information from the respondent or being provided with information about the law and/or a preliminary assessment of the complaint.

\*\*\*\* Includes where a complaint has not been lodged by or on behalf of an aggrieved person and where a complaint has also been lodged under State or Territory anti-discrimination law.

## Chart 2: Disability Discrimination Act – Outcomes of finalised complaints

Conciliated 48%

Discontinued 16%

Withdrawn 7%

Terminated without inquiry 2.5%

Terminated - no reasonable prospect of conciliation 22.5%

Terminated - other reason 4%

## Chart 3: Disability Discrimination Act – Complaints resolved by conciliation

Complaints successfully resolved 68%

Complaints unable to be resolved 32%

# SEX DISCRIMINATION ACT

## Table 19: Sex Discrimination Act – Complaints received and finalised

|  |  |
| --- | --- |
| **Sex Discrimination Act** | **Total** |
| Received | 479 |
| Finalised | 500 |

## Table 20: Sex Discrimination Act – Complaints received by complainant category

|  |  |  |
| --- | --- | --- |
| **Sex Discrimination Act – Complainant category** | **Number** | **Percentage** |
| Female | 364 | 76% |
| Male | 110 | 23% |
| Intersex | 3 | <1% |
| Other category\* | 2 | <1% |
| **Total** | **479** |  |

\* Includes sex not specified, joint/multiple, or organisation

## Table 21: Sex Discrimination Act – Complaints received by ground

|  |  |  |
| --- | --- | --- |
| **Sex Discrimination Act – Grounds**\* | **Number** | **Percentage** |
| Sex discrimination | 347 | 37% |
| Marital or relationship status | 44 | 5% |
| Pregnancy | 77 | 8% |
| Sexual harassment | 231 | 24.5% |
| Family responsibilities | 48 | 5% |
| Breastfeeding | 7 | <1% |
| Gender identity | 41 | 4% |
| Intersex |  |  |
| Sexual orientation | 50 | 5% |
| Victimisation | 91 | 10% |
| Causes, instructs, induces, aids or permits an unlawful act | 5 | <1% |
| Advertisements |  |  |
| **Total** | **941** |  |

\* One complaint may raise multiple grounds and may include claims of both direct and indirect discrimination.

## Table 22: Sex Discrimination Act – Complaints received by area

|  |  |  |
| --- | --- | --- |
| **Sex Discrimination Act – Areas\*** | **Number** | **Percentage** |
| Employment | 341 | 64% |
| Goods, services and facilities | 122 | 23% |
| Land |  |  |
| Accommodation | 29 | 5% |
| Superannuation & insurance | 2 | <1% |
| Education | 13 | 2 % |
| Clubs | 8 | 1.5% |
| Administration of Commonwealth laws and programs | 14 | 3% |
| Requests for information |  |  |
| Registered organisations |  |  |
| Qualifying bodies | 2 | <1% |
| **Total** | **531** |  |

\* One complaint may relate to more than one area.

## Table 23: Sex Discrimination Act – Outcomes of finalised complaints

|  |  |
| --- | --- |
| **Sex Discrimination Act - Outcomes** | **Number** |
| **Terminated without inquiry under section 46PF\*** | **12** |
| **Terminated after inquiry** | **119** |
| Trivial, vexatious, frivolous, misconceived, lacking in substance | 9 |
| No reasonable prospect of conciliation | 109 |
| Inquiry not warranted | 1 |
| **Discontinued\*\*** | **83** |
| **Withdrawn\*\*\*** | **33** |
| **Conciliated** | **227** |
| **Administrative closure\*\*\*\*** | **26** |
| **Total** | **500** |

\* A complaint may be terminated without inquiry if the President’s delegate is satisfied, having regard to the matters referred to in section 46PH of the AHRCA, that the complaint should be terminated without inquiry.

\*\* A complaint may be discontinued in circumstances where the President’s delegate is satisfied the complainant no longer wishes the Commission to continue its inquiry. This may occur after the complainant has received information from the respondent or been provided with information and/or a preliminary assessment of the complaint.

\*\*\* This category includes where a complainant withdraws due to personal circumstances or where they decide not to proceed after reviewing information from the respondent or being provided with information about the law and/or a preliminary assessment of the complaint.

\*\*\*\* Includes where a complaint has not been lodged by or on behalf of an aggrieved person and where a complaint has also been lodged under State or Territory anti-discrimination law.

## Chart 4: Sex Discrimination Act – Outcomes of finalised complaints

Conciliated 48%

Discontinued 17.5%

Withdrawn 7%

Terminated without inquiry 2.5%

Terminated – no reasonable prospect of conciliation 23%

Terminated – other reason 2%

## Chart 5: Sex Discrimination Act – Complaints resolved by conciliation

Complaints successfully resolved 68%

Complaints unable to be resolved 32%

# RACIAL DISCRIMINATION ACT

## Table 24: Racial Discrimination Act – Complaints received and finalised

|  |  |
| --- | --- |
| **Racial Discrimination Act** | **Total** |
| Received | 403 |
| Finalised | 476 |

## Table 25: Racial Discrimination Act – Complaints received by ground

|  |  |  |
| --- | --- | --- |
| **Racial Discrimination Act - Grounds\*** | **Number** | **Percentage** |
| Colour | 76 | 7% |
| National origin | 180 | 16% |
| Ethnic origin | 254 | 23% |
| Descent | 77 | 7% |
| Race | 387 | 35% |
| Racial hatred | 109 | 10% |
| Immigrant status | 6 | .5% |
| Association | 3 | <1% |
| Victimisation | 3 | <1% |
| Incite unlawful act |  |  |
| Advertisements |  |  |
| **Total** | **1,095** |  |

\* One complaint may raise multiple grounds and may include claims of both direct and indirect discrimination.

## Table 26: Racial Discrimination Act – Complaints received by area

|  |  |  |
| --- | --- | --- |
| **Racial Discrimination Act - Areas\*** | **Number** | **Percentage** |
| Rights to equality before the law | 1 | <1% |
| Access to places and facilities | 7 | 1% |
| Land, housing and other accommodation | 18 | 3% |
| Provision of goods and services | 211 | 37% |
| Superannuation | 1 | <1% |
| Right to join trade union |  |  |
| Employment | 110 | 19% |
| Education | 12 | 2% |
| Other - section 9 | 100 | 17.5% |
| Racial hatred | 109 | 19% |
| **Total** | **569** |  |

\* One complaint may relate to more than one area.

## Table 27: Racial hatred complaints received by sub-area

|  |  |  |
| --- | --- | --- |
| **Racial hatred sub-areas** | **Number** | **Percentage** |
| Media – press/TV/radio | 15 | 14% |
| Disputes between neighbours | 18 | 16.5% |
| Personal conflict | 7 | 6% |
| Employment | 30 | 27.5% |
| Internet - e-mail/webpage/chat room | 14 | 13% |
| Sport | 1 | 1% |
| Public debate |  |  |
| Provision of goods and services | 19 | 17% |
| Education |  |  |
| Racist propaganda | 1 | 1% |
| Other | 4 | 4% |
| **Total** | **109** |  |

## Table 28: Racial Discrimination Act – Outcomes of finalised complaints

|  |  |
| --- | --- |
| **Racial Discrimination Act - Outcomes** | **Number** |
| **Terminated without inquiry under section 46PF\*** | **26** |
| **Terminated after inquiry** | **85** |
| Adequately dealt with by the Commission | 1 |
| Inquiry not warranted | 1 |
| Trivial, vexatious, frivolous, misconceived, lacking in substance | 16 |
| No reasonable prospect of conciliation | 65 |
| Not unlawful discrimination | 2 |
| **Discontinued\*\*** | **77** |
| **Withdrawn\*\*\*** | **18** |
| **Conciliated** | **254** |
| **Administrative closure\*\*\*\*** | **16** |
| **Total** | **476** |

\* A complaint may be terminated without inquiry if the President’s delegate is satisfied, having regard to the matters referred to in section 46PH of the AHRCA, that the complaint should be terminated without inquiry.

\*\* A complaint may be discontinued in circumstances where the President’s delegate is satisfied the complainant no longer wishes the Commission to continue its inquiry. This may occur after the complainant has received information from the respondent or been provided with information and/or a preliminary assessment of the complaint.

\*\*\* This category includes where a complainant withdraws due to personal circumstances or where they decide not to proceed after reviewing information from the respondent or being provided with information about the law and/or a preliminary assessment of the complaint.

\*\*\*\* Includes where a complaint has not been lodged by or on behalf of an aggrieved person and where a complaint has also been lodged under State or Territory anti-discrimination law.

## Chart 6: Racial Discrimination Act – Outcomes of finalised complaints

Conciliated 55%

Discontinued 17%

Withdrawn 4%

Terminated without inquiry 6%

Terminated - no reasonable prospect of conciliation 14%

Terminated - other reason 4%

## Chart 7: Racial Discrimination Act – Complaints resolved by conciliation

Complaints successfully resolved 80%

Complaints unable to be resolved 20%

# AGE DISCRIMINATION ACT

## Table 29: Age Discrimination Act – Complaints received and finalised

|  |  |
| --- | --- |
| **Age Discrimination Act** | **Total** |
| Received | 168 |
| Finalised | 117 |

## Table 30: Age Discrimination Act – Age group of complainant

|  |  |  |
| --- | --- | --- |
| **Age Discrimination Act – Complainant age group** | **Number** | **Percentage** |
| 0 – 12 years |  |  |
| 13 – 17 years | 2 | 1% |
| 18 – 24 years | 9 | 5% |
| 25 – 34 years | 21 | 12.5% |
| 35 – 44 years | 9 | 5% |
| 45 – 54 years | 23 | 14% |
| 55 – 64 years | 38 | 23% |
| 65 – 74 years | 39 | 23% |
| >75 years | 27 | 16% |
| **Total** | **168** |  |

## Table 31: Age Discrimination Act – Complaints received by ground

|  |  |  |
| --- | --- | --- |
| **Age Discrimination Act - Grounds\*** | **Number** | **Percentage** |
| Age | 269 | 98.5% |
| Causes, instructs, induces, aids or permits an unlawful act | 1 | >1% |
| Victimisation | 3 | 1% |
| Advertisements |  |  |
| **Total** | **273** |  |

\* One complaint may raise multiple grounds and may include claims of both direct and indirect discrimination.

## Table 32: Age Discrimination Act – Complaints received by area

|  |  |  |
| --- | --- | --- |
| **Age Discrimination Act - Areas\*** | **Number** | **Percentage** |
| Employment | 79 | 36% |
| Goods, services and facilities | 84 | 38% |
| Access to premises | 34 | 15% |
| Land |  |  |
| Accommodation | 3 | 1% |
| Advertisements |  |  |
| Superannuation, insurance | 4 | 2% |
| Education | 1 | <1% |
| Administration of Commonwealth laws and programs | 13 | 6% |
| Sport |  |  |
| Qualifying bodies | 2 | <1% |
| Requests for information | 1 | >1% |
| Victimisation |  |  |
| **Total** | **221** |  |

\* One complaint may relate to more than one area.

## Table 33: Age Discrimination Act – Outcomes of finalised complaints

|  |  |
| --- | --- |
| **Age Discrimination Act – Outcomes** | **Number** |
| **Terminated without inquiry under section 46PF\*** | **1** |
| **Terminated after inquiry** | **27** |
| Not unlawful | 3 |
| Trivial, vexatious, frivolous, misconceived, lacking in substance | 3 |
| No reasonable prospect of conciliation | 20 |
| More effective or convenient remedy | 1 |
| **Discontinued\*\*** | **37** |
| **Withdrawn\*\*\*** | **14** |
| **Conciliated** | **34** |
| **Administrative closure\*\*\*\*** | **4** |
| **Total** | **117** |

\* A complaint may be terminated without inquiry if the President’s delegate is satisfied, having regard to the matters referred to in section 46PH of the AHRCA, that the complaint should be terminated without inquiry.

\*\* A complaint may be discontinued in circumstances where the President’s delegate is satisfied the complainant no longer wishes the Commission to continue its inquiry. This may occur after the complainant has received information from the respondent or been provided with information and/or a preliminary assessment of the complaint.

\*\*\* This category includes where a complainant withdraws due to personal circumstances or where they decide not to proceed after reviewing information from the respondent or being provided with information about the law and/or a preliminary assessment of the complaint.

\*\*\*\* Includes where a complaint has not been lodged by or on behalf of an aggrieved person and where a complaint has also been lodged under State or Territory anti-discrimination law.

## Chart 8: Age Discrimination Act – Outcomes of finalised complaints

Conciliated 30%

Discontinued 33%

Withdrawn 12%

Terminated without inquiry <1%

Terminated - no reasonable prospect of conciliation 18%

Terminated - other reason 6%

## Chart 9: Age Discrimination Act – Complaints resolved by conciliation

Complaints successfully resolved 63%

Complaints unable to be resolved 37%

# AUSTRALIAN HUMAN RIGHTS COMMISSION ACT (AHRCA)

## Table 34: AHRCA – Complaints received and finalised

|  |  |
| --- | --- |
| **Australian Human Rights Commission Act** | **Total** |
| Received | 251 |
| Finalised | 205 |

## Table 35: AHRCA – Complaints received by ground

|  |  |  |
| --- | --- | --- |
| **Australian Human Rights Commission Act – Grounds\*** | **Number** | **Percentage** |
| Age (ILO111) |  |  |
| Religion (ILO 111) | 19 | 7% |
| Political opinion (ILO 111) | 3 | 1% |
| Social origin (ILO 111) |  |  |
| Disability (ILO 111) |  |  |
| Medical record (ILO 111) |  |  |
| Criminal record (ILO 111) | 97 | 37% |
| Sexual preference (ILO 111) |  |  |
| Trade union activity (ILO 111) | 2 | <1% |
| International Covenant on Civil and Political Rights | 112 | 43% |
| Convention on the Rights of the Child | 2 | <1% |
| Convention on the Rights of Persons with Disabilities | 23 | 9% |
| Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief | 2 | <1% |
| Victimisation | 1 | <1% |
| **Total** | **261** |  |

\* One complaint may raise multiple grounds.

## Table 36: AHRCA – Complaints received by area

|  |  |  |
| --- | --- | --- |
| **Australian Human Rights Commission Act - Areas\*** | **Number** | **Percentage** |
| Acts or practices of the Commonwealth | 130 | 52% |
| No acts or practices of the Commonwealth | 3 | 1% |
| Employment | 119 | 47% |
| **Total** | **252** |  |

\* One complaint may relate to more than one area.

## Table 37: AHRCA – Outcomes of finalised complaints

|  |  |
| --- | --- |
| **Australian Human Rights Commission Act - Outcomes** | **Number** |
| **Declined** | **45** |
| Does not constitute discrimination |  |
| Human rights breach, not inconsistent or contrary to any human right | 1 |
| More than 12 months old | 1 |
| Trivial, vexatious, frivolous, misconceived, lacking in substance | 8 |
| Adequately dealt with already |  |
| More appropriate remedy available |  |
| More effective or convenient remedy |  |
| No reasonable prospect of conciliation | 27 |
| Inquiry not warranted | 8 |
| **Discontinued - withdrawn (DNWP = 33+60)** | **63** |
| **Discontinued - lost contact** | **30** |
| **Conciliated** | **51** |
| **Referred for reporting\*\*** | **15** |
| **Administrative closure** | **1** |
| **Total** | **205** |

\* Complaints in this category could not be conciliated and were transferred from the Commission’s Investigation and Conciliation Section to the Legal Section for further inquiry and possible reporting.

## Chart 10: AHRCA – Outcomes of finalised complaints

Conciliated 25%

Referred for reporting 7%

Declined 22%

Discontinued (withdrawn) 31%

Discontinued (lost contact) 15%

## Chart 11: AHRCA – Complaints resolved by conciliation

Complaints successfully resolved 65%

Complaints unable to be resolved 35%

**Attachment A**

**COVID-19 related written enquiries and complaints**

Enquiries

The Commission received approximately 587 COVID-19 related written enquiries in 2019-20 and per month, the highest number received was in April 2020 (223). The main areas of concern raised in written enquiries are as follows:

* Racial hatred and abuse
* Stimulus packages and employment
* Quarantine
* Lockdown and travel restrictions
* Mandatory vaccinations
* Mask wearing requirements

Complaints

Initially COVID-19 related complaints received by the Commission in 2019-20 were complaints under the Racial Discrimination Act. However, as 2020 progressed, the Commission started to receive an increasing number of COVID-19 related complaints under the Disability Discrimination Act and the Australian Human Rights Commission Act. This trend is continuing into the 2020-21 year.

|  |  |
| --- | --- |
| **Act** | **Received** |
| Disability Discrimination Act | 30 |
| Sex Discrimination Act | 8 |
| Racial Discrimination Act | 55 |
| Age Discrimination Act | 8 |
| Australian Human Rights Commission Act | 38 |
| **Total** | **139** |