



Australian  
Human Rights  
Commission

*everyone, everywhere, everyday*

# Australian Human Rights Commission

ANNUAL REPORT 2009 • 2010



# Contents

02	●	<b>About the commission</b>
05	●	<b>Our functions</b>
08	●	<b>Highlights of the year</b>
11	●	<b>President's statement</b>
13	●	<b>Commissioners' statements</b>
16	●	<b>Bios of president and commissioners</b>
18	●	<b>The year in review</b>
20	●	Building understanding and respect for human rights
32	●	Tackling violence, harassment and bullying
38	●	Framing and advancing national human rights agendas
44	●	Building human rights into law and practice
52	●	Monitoring and reporting on laws and policy
58	●	Resolving discrimination and human rights issues
64	●	Working in the international arena to improve human rights
70	●	<b>Complaint handling</b>
72	●	Enquiries and complaints received
72	●	Conciliation of complaints
73	●	Demographic data
74	●	Complaint statistics
92	●	<b>People and performance</b>
94	●	Working at the commission
98	●	Management accountability
99	●	Report on performance
102	●	<b>Financial statements</b>
142	●	<b>Appendices</b>
153	●	<b>Glossary</b>
158	●	<b>Index</b>

© Australian Human Rights Commission 2010.

This work is protected by copyright. Apart from any use permitted under the *Copyright Act 1968* (Cth), no part may be used or reproduced by any process without prior written permission from the Australian Human Rights Commission. Enquiries should be addressed to Public Affairs at: [paffairs@humanrights.gov.au](mailto:paffairs@humanrights.gov.au)

ISSN 1031-5098

This publication can be found in electronic format on the Australian Human Rights Commission's website at: [www.humanrights.gov.au/about/publications/annual\\_reports/2008\\_09-10/](http://www.humanrights.gov.au/about/publications/annual_reports/2008_09-10/)

For further information about the Australian Human Rights Commission, please visit: [www.humanrights.gov.au](http://www.humanrights.gov.au) or email [paffairs@humanrights.gov.au](mailto:paffairs@humanrights.gov.au). You can also write to: Public Affairs Unit Australian Human Rights Commission GPO Box 5218 Sydney NSW 2001

**Design and layout** Businesswriters & Design

**Printing** Green and Gold Printing



**Australian  
Human Rights  
Commission**

*everyone, everywhere, everyday*

---

30 September 2010

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

Dear Attorney,

I have pleasure in presenting the Annual Report of the Australian Human Rights Commission for the period ending 30 June 2010. The report has been prepared pursuant to section 45 of the *Australian Human Rights Commission Act 1986* and in accordance with the requirements of section 70 of the *Public Service Act 1999*.

Yours sincerely,

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

---

**Australian Human Rights Commission**

Level 8, Piccadilly Tower, 133 Castlereagh Street, Sydney, NSW 2000  
GPO Box 5218, Sydney, NSW 2001

*Telephone:* 02 9284 9600

*Facsimile:* 02 9284 9611

*Website:* [www.humanrights.gov.au](http://www.humanrights.gov.au)

## 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.

## What we do

Established in 1986, the Australian Human Rights Commission is a statutory organisation that exercises functions under federal laws that govern age, disability, racial and sex discrimination and human rights and equal opportunity.

We also have responsibilities under the *Native Title Act 1993* and the *Fair Work Act 1996* and are responsible for a number of human right agreements that have been ratified by Australia. These include the:

- *International Covenant on Civil and Political Rights*
- *Convention Concerning Discrimination in Respect of Employment and Occupation*
- *Convention on the Rights of the Child*
- *Declaration of 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.*

## 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.

## How we work



### Five strategic goals

#### Leadership

We exercise a leadership role in human rights in Australia by being visible, courageous and influential on human rights issues.

#### Empowerment

We support and inspire others to engage in meaningful activity on human rights.

#### Education

We help all people in Australia to understand and exercise their rights and respect the rights of others.

#### Monitoring

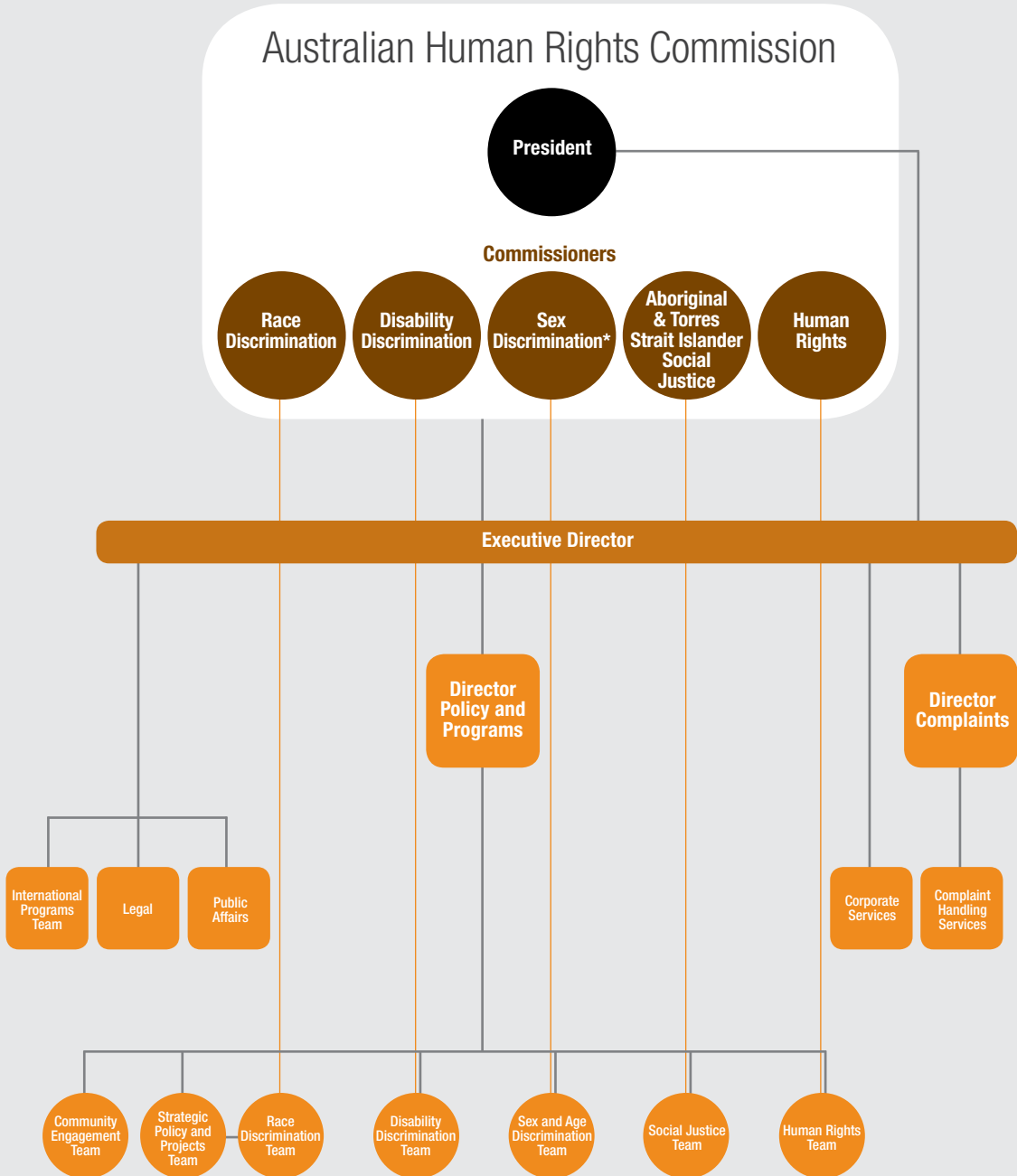
We hold individuals, organisations and government responsible for their human rights obligations.

#### Innovation

We have a collaborative, innovative and supportive work culture that enhances the quality and impact of our work.

# Organisational chart

The Commission is a national independent statutory body established under the *Australian Human Rights Commission Act 1986*. The positions of President and five Commissioners are currently held by four people.



\*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 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

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



## **President**

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

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

Under the Australian Human Rights Commission Act, the Aboriginal and Torres Strait Islander Social Justice Commissioner prepares an annual report on the exercise and enjoyment of human rights of Indigenous peoples and undertakes social justice education and promotional activities. This Commissioner also performs reporting functions under the *Native Title Act 1993*. These functions include preparing an annual report on the operation of the Act and its effect on the exercise and enjoyment of human rights of Indigenous peoples. In addition, the Commissioner reports, when requested by the Minister, on any other matter relating to the rights of Indigenous peoples under this Act.

## **Sex Discrimination Commissioner**

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

## **Amicus Curiae**

Section 46PV of the Australian Human Rights Commission Act gives Commissioners an *amicus curiae* ('friend of the court') function. The role of an *amicus curiae* is to provide special assistance to a court in resolving issues raised by a case and to draw attention to aspects of the case that might otherwise have been overlooked. Under this function, the Aboriginal and Torres Strait Islander Social Justice Commissioner, the Disability Discrimination Commissioner, the Human Rights Commissioner, the Race Discrimination Commissioner and the Sex Discrimination Commissioner may seek the permission of the Federal Court, or Federal Magistrates Court, to assist the court as *amicus curiae* in the hearing of unlawful discrimination applications.

## **Relationship with the Minister**

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

The most significant are:

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

# Highlights of the year

## 10 key achievements

### International students:

**On 5 November 2009** we hosted the Australian and New Zealand Race Relations Roundtable 2009, highlighting the human rights of international students as a major issue. During the year under review, we directly engaged with over 700 international students and student representatives to identify key human rights issues, participated in numerous government and academic forums focusing on international student safety and we are currently leading the development of a draft International Student Compact. The compact will outline the rights and entitlements of international students in Australia and will be based on broad national consultations.

### 2009 Social Justice Report:

**Launched on 22 January 2010**, the 2009 Social Justice Report highlighted a new idea, justice reinvestment, as a solution to the over-representation of Indigenous peoples in the criminal justice system, addressed the perilous state of Indigenous languages in Australia which continue to die out at a rapid rate and profiled the homelands movement of the Northern Territory as an example of successful Aboriginal community development, governance and self-determination.

### Disability Access to Premises Standards:

**On 15 March 2010**, after more than 10 years of cooperative work and negotiation between the Commission and other regulators, government, industry and the disability community, the federal government tabled its *Disability (Access to Premises – Buildings) Standards* in Parliament. The standards clarify how designers, developers, managers and building certifiers can meet their responsibilities under discrimination law to ensure buildings are accessible to people with disability.

### Human Rights Consultation (and framework):

The report of the National Human Rights Consultation, released **in October 2009**, adopted most of our recommendations and proposed that Australia should adopt a national Human Rights Act. The Australian Government's response, the Human Rights Framework released on 21 April 2010, did not go as far as many advocates wished, but included some significant steps toward better protection and promotion of human rights in Australia.

### *rightsED*:

**On 22 April 2010** we released *rightsED*, a range of new interactive education activities for teachers and students which introduce human rights concepts in an engaging and relevant way. *rightsED* comprises more than 450 pages of worksheets, activities, videos and audio resources to help students develop understanding of human rights and responsibilities.

## National Congress of Australia's First Peoples:

As part of the steering committee, we are proud to have assisted with the creation of the National Congress of Australia's First Peoples which was incorporated, and its eight founding Directors appointed, **on 2 May 2010**. Establishment of this body means Aboriginal and Torres Strait Islander peoples have a credible national representative voice. Governments now have the opportunity to improve outcomes for Indigenous peoples through policies and programs developed in an environment of meaningful engagement.

## Paid Parental leave:

**On 17 June 2010**, after three decades of lobbying, the passage of the Paid Parental Leave Bill 2010 was a triumph, not only for mothers and parents but for the Australian community. This critical piece of social infrastructure will help deliver stronger outcomes for mothers, families, businesses, the economy and our community as a whole. We see the scheme as a welcome first step and a solid base upon which to improve over time.

## African Australians review:

**On 18 June 2010** we released *In our own words – African Australians: A review of human rights and social inclusion issues*. This review was the culmination of three years work which included consultations with over 2500 African Australians who took part in 50 community meetings across the country. It also included the participation of over 150 government and non-government stakeholders and service providers and receipt of over 100 written and oral submissions. It considered, for the first time, the everyday experiences and urgent challenges that face African Australians – from their viewpoint, from a national perspective and within a human rights context.

## Complaint handling:

**Over the year under review**, complaints made to the Commission about discrimination increased in number from those of previous years. In line with our commitment to continual service improvement, we revised aspects of our complaint service in order to meet these increasing demands and were able to decrease the average time from lodgement to finalisation of a complaint, increase the number of complaints that were successfully resolved to 50% and increase service satisfaction ratings to 95%.

## Gender Equality Blueprint 2010:

**Launched on 23 June 2010**, the *Gender Equality Blueprint 2010* focuses on the practical and achievable changes required to continue to progress gender equality in Australia. The blueprint sets out 15 recommendations in five priority areas: balancing paid work and family and caring responsibilities, ensuring women's lifetime economic security, promoting women in leadership, preventing violence against women and sexual harassment and strengthening national gender equality laws, agencies and monitoring.



**The Hon. Catherine Branson, QC**

*President and*

*Human Rights Commissioner*

# President's Statement

Along with my colleagues at the Australian Human Rights Commission, I began the 2009 -10 reporting year awaiting a report from what had been one of the largest public consultations in Australian history, the National Human Rights Consultation.

We had put in a great deal of work to encourage the community to participate in that consultation and to provide them with tools to make their contributions as constructive as possible. We also provided a detailed submission of our own.

We were hoping that the Consultation Committee would embrace our overarching vision of helping to create an Australian nation where the basic human dignity of all people is respected, where our government decision-makers always think about the human rights impacts of their decisions, and where people whose human rights are breached can do something about it. Among other measures, our submission to the consultation advocated strongly for a national Human Rights Act.

We were pleased that the Consultation Committee accepted the majority of our recommendations. While the government did not ultimately agree to legislate for a national Human Rights Act, it did agree to take various positive measures designed to assist federal Parliament to consider the impact of new laws on human rights. These include statements of compatibility for proposed legislation and the creation of a Joint Parliamentary Committee on Human Rights.

The government also agreed with us, and the Consultation Committee, that there needs to be a much greater focus on human rights education if human rights are to be meaningful to, and embraced by, the whole community.

Our belief in the importance of human rights education, is reflected in the Commission's vision of an Australia where human rights are for everyone, everywhere, everyday. It is also reflected in the way we organise our work. Over the reporting year we identified two priority themes to focus our efforts to increase community awareness of and engagement with human rights. These priority themes of 'building understanding and respect for rights in our community' and 'tackling violence, harassment and bullying' are described in this report.

Of course, we also continue to monitor some of the major human rights issues facing our country. One of those issues is immigration detention policy, and its impacts on the human rights of asylum seekers and other people in immigration detention.

When I took on the role of Human Rights Commissioner in July 2009, one of the first things I did was visit the immigration detention facilities on Christmas Island. Commission staff conducted a further visit at the close of the reporting period. Despite the significant efforts of the Department of Immigration and Citizenship in what are undeniably challenging circumstances, we remain seriously concerned about the detention of asylum seekers in a place as small and remote as Christmas Island. Each of the three detention facilities on Christmas Island became increasingly overcrowded over the past year. Christmas Island's remote location limits detainees' access to essential services such as legal assistance, specialist health care, torture and trauma counselling and community and religious support. We especially have concerns about the number of children being detained on the island, which increased from 82 to 246 between our 2009 and 2010 visits.

The Commission also continues to advocate for the ratification and implementation of the Optional Protocol to the Convention against Torture, which would require Australia to establish a national system of monitoring conditions in all places of detention, including immigration detention facilities.

At the beginning of 2010 we said farewell to Commissioner Tom Calma who made outstanding contributions to human rights protections in Indigenous affairs and race relations during his five and a half years with the Commission. At the same time, we had the great pleasure of welcoming Mr Mick Gooda as our new Aboriginal and Torres Strait Islander Social Justice Commissioner.

As we close the year and I reflect on what it has brought, I am reminded of the conversations that I have had about human rights with hundreds of people across Australia, from all walks of life. Those conversations give me strength because they reinforce my understanding of just how much human rights matter to a great number of people. They also remind me that, although human rights protections are relevant to everyone in Australia, they are particularly important to those who are most vulnerable to human rights breaches including adverse discrimination. These people include Indigenous Australians, women, children, the elderly, people with disability, asylum seekers, people experiencing homelessness, people of different cultural or linguistic backgrounds, people who are gay, lesbian or bisexual and people with diverse sex or gender identity.

As President of the Commission and Human Rights Commissioner, I maintain a personal commitment to encouraging widespread appreciation of the relevance of human rights for all people, no matter who they are, where they live or what their circumstances. It is my hope and belief that, as our Australian community becomes increasingly diverse, it will be our shared commitment to the promotion and protection of the civil and political rights, and also the social, economic and cultural rights, to which we are all entitled that will bind us together as a nation.

I look forward to the challenges ahead as the Commission commences the delivery of broad-based community education about human rights and continues, through all of our work, to build a community within which respect for the basic human dignity of all people is a fundamental value.



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

# Commissioners' Statements

**Mick Gooda**

*Aboriginal and Torres Strait  
Islander Social Justice Commissioner*



Despite the positive positioning of the National Apology and the establishment of the National Congress of Australia's First Peoples, the fundamental nature of the Northern Territory Emergency Response continued to impede the development of a good relationship between Aboriginal and Torres Strait Islander peoples and the Australian Government.

What an historic time in history it has been to step into this role!

In November 2009 I, like thousands of other Aboriginal and Torres Strait Islander peoples around the nation, felt the return of optimism with the announcement that a new voice for Indigenous Australians would soon be in existence.

Establishment of the National Congress of Australia's First Peoples was a watershed moment for Indigenous peoples in Australia. It is fitting that I acknowledge the herculean efforts of my predecessor, Tom Calma, in bringing this to fruition and securing funding for the Congress from the Australian Government.

The shift in the Indigenous policy landscape following the National Apology to the Stolen Generations in 2008 continued to gain momentum in 2009. We saw evidence of a more inclusive and promising future for Aboriginal and Torres Strait Islander peoples than in previous years.

My arrival coincided with the release of *The Social Justice and Native Title Reports 2009* which provided a comprehensive assessment of the state of Indigenous affairs in Australia.

It was clear that some areas remained challenging. In particular, the continuing over-representation in the criminal justice system of Aboriginal and Torres Strait Islander peoples, the protection of Indigenous languages and sustaining Aboriginal homeland communities.

The year in native title also saw reforms that could prove to be the first steps in transforming the native title system, such as the impressive settlement

framework announced by the Victorian Attorney General and the process of native title reform commenced by the Australian Government.

The *Native Title Report* also considered developments in Indigenous land tenure and argued for reforms that would assist Indigenous peoples to make use of their lands rather than requiring communities to hand over decision-making about their lands to a government entity.

Despite the positive positioning of the National Apology and the establishment of the National Congress of Australia's First Peoples, the fundamental nature of the Northern Territory Emergency Response (NTER) continued to impede the development of a good relationship between Aboriginal and Torres Strait Islander peoples and the Australian Government.

In August, the United Nations Special Rapporteur on the rights and fundamental freedoms of Indigenous peoples visited Australia and assessed the degree to which Aboriginal and Torres Strait Islander peoples enjoy their human rights. In addition to a number of concerns regarding the realisation of economic, social and cultural rights, he drew particular attention to the discriminatory nature of the NTER.

The year ended with the Australian Government taking measures to address these concerns, with the passage in June of legislation that removed some of the discriminatory aspects of the NTER by reinstating the Racial Discrimination Act.

**Mick Gooda**

Aboriginal and Torres Strait Islander Social Justice Commissioner



**Graeme Innes AM**

*Disability and Race  
Discrimination Commissioner*

I approach the coming year with the sense that more progress will be made, but also with the knowledge that there is still much left to do if we are to achieve the vision of human rights for everyone, everywhere, every day.



As I approach the end of five years in the role of Commissioner, it is clear to me that – to misquote the famous adage – my work here is not done. Australians with disability are still either excluded from, or limited in, our access to public buildings, and we still receive second-class treatment in many forms of public transport, particularly airlines.

The 'first' Australians are not recognised in our Constitution and, as we know from recent experience in the Northern Territory, racial equality is not entrenched. We have not had a national multicultural policy for over a decade, and the absence of a national anti-racism strategy plays out in various areas of community activity. The well-publicised experience of rugby league player Timana Tahu is just one example of many.

On the credit side, however, as outlined throughout this report, this year has seen much progress.

Good progress was made in the restoration of the Racial Discrimination Act in the Northern Territory. The government's Human Rights Framework, and the statement from the Australian Multi-Cultural Advisory Committee, are a promising start. And the suggestions of Constitutional change in the area of race bring hope for Indigenous Australians.

For Australians with disability, Access To Premises Standards are almost in place, we have a plan by which new houses will be made livable for all, and a national disability strategy has been announced. I, and 300 000 other Australians who are blind or have low vision, now have the opportunity to vote in secret at the 2010 election. And as the year closes, we await the announcement that captions and audio description in cinemas will become far more prevalent due to a partnership between government, the cinema industry and the disability sector – a partnership in which the Commission played a part.

I approach the coming year with the sense that more progress will be made, but also with the knowledge that there is still much left to do if we are to achieve the vision of human rights for everyone, everywhere, every day.

**Graeme Innes, AM**  
Disability Discrimination Commissioner and  
Race Discrimination Commissioner



**Elizabeth Broderick**

*Sex Discrimination Commissioner and  
Commissioner Responsible for Age Discrimination*



2010 will be remembered as the year, after 30 years of tenacious advocacy, that Australia finally secured a paid parental leave scheme . . . we look forward to working with the government to improve and extend the scheme over time.

On many fronts, the 2009-10 year has been a dynamic one.

Working with our stakeholders, we managed to significantly raise public awareness of ageism and age discrimination in our country and the fact that it is systemic, invisible and implicitly accepted. We drew attention to the significant size of the mature-age worker workforce and the realities of discrimination that they face on a daily basis – not only in work, but in recruitment, training, development and preparation for retirement. The year has also been a productive one in terms of advocating for the research and legal reform that is needed so that action can be taken to address this largely unacknowledged problem.

At the same time we have also seen significant developments in relation to our agenda items in gender equality.

2010 will be remembered as the year, after 30 years of tenacious advocacy, that Australia finally secured a paid parental leave scheme, complete with a two-year review period. We look forward to working with the government to improve and extend the scheme over time.

Women's leadership was another area in which we saw noticeable impetus develop, particularly from within the private sector. The issue received considerable media coverage during the year, which particularly helped in elevating it on the national business agenda. A number of organisations announced initiatives that would assist their female staff in the achievement of executive and board positions. And in April, I had the privilege of being involved in the formation of a 10-member-strong group of male business leaders dedicated to this cause.

Late June was an exciting time for us. The government announced its acceptance of a number of the recommendations of the Senate Committee to strengthen and modernise the Sex Discrimination Act. These changes will provide greater protection for men and women with family responsibilities in all areas of employment, strengthen protection from sexual harassment for workers, as well as school students, and make breastfeeding an explicit ground of unlawful discrimination.

I concluded the year by releasing my *Gender Equality Blueprint 2010*, which sets out 15 recommendations in five priority areas to focus on practical, achievable changes that can be made now to ensure that achievement of gender equality remains firmly on the national agenda now and into the future.

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

# President and Commissioners



**The Hon. Catherine Branson, QC**

*President and  
Human Rights Commissioner*

The Hon. Catherine Branson was appointed President of the Australian Human Rights Commission on 7 August 2008 and commenced her five year term on 14 October 2008.

At the time of her appointment, she was a judge of the Federal Court of Australia, a position she had held since 1994. The jurisdiction of the Federal Court includes jurisdiction to hear and determine complaints alleging unlawful discrimination under Commonwealth anti-discrimination laws.

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.

During her time on the Federal Court, Justice Branson served as President of the Australian Institute for Judicial Administration, as a member of the Board of Management of IDLO (a governmental organisation based in Rome enjoying observer status at the United Nations) and as a member of both the International Association of Judges and the International Association of Refugee Law Judges.

Prior to her appointment as a judge, she practised 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.

In addition to her role as President, Ms Branson assumed responsibility as Human Rights Commissioner in July 2009.



**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 (CRCAH) for close to five and a half years. Here, he drove a research agenda which placed Aboriginal and Torres Strait Islander people 'front and centre' in the research agenda, working alongside world leading researchers. His work at the CRCAH empowered Aboriginal and Torres Strait Islander people to lead the research agenda in areas including: chronic disease management; skin infections; and promoting cultural change in hospitals to make them more appropriate to the needs of Aboriginal and Torres Strait Islander people.

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

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

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



**Graeme Innes AM**

*Disability and Race  
Discrimination  
Commissioner*

Graeme Innes was appointed Australia's Disability Discrimination Commissioner and Race Discrimination Commissioner in July 2009.

In December 2005, he was appointed as Human Rights Commissioner and Disability Discrimination Commissioner. In these roles he led, or contributed to, initiatives including the *Same-Sex: Same Entitlements* Inquiry, achieving removal of discrimination across federal law; drafting of the United Nations Convention on the Rights of Persons with Disabilities, and ratification by Australia; three inspections of Australia's Immigration Detention facilities; and development of a National Disability Strategy.

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

Graeme has been a Member of the NSW Administrative Decisions Tribunal, the NSW Consumer, Trader and Tenancy Tribunal, and the Social Security Appeals Tribunal, as well as 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 Vision Australia, Australia's national blindness agency.

Graeme has been a consultant to organisations such as Westpac, Qantas, and Sydney Water, on disability issues. He has also been a Councillor on Ku-ring-gai local Council.

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

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



**Elizabeth Broderick**

*Sex Discrimination  
Commissioner and  
Commissioner  
responsible for  
Age Discrimination*

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

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

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

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

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

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

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

Elizabeth is married and has two young children.

# The year in review

- Building understanding and respect for human rights **20**
- Tackling violence, harassment and bullying **32**
- Framing and advancing national human rights agendas **38**
- Building human rights into law and practice **44**
- Monitoring and reporting on laws and policy **52**
- Resolving discrimination and human rights issues **58**
- Working in the international arena to improve human rights **64**



# Building understanding and respect for human rights

---

We all share human rights. We all have the right to enjoy them and we all have a responsibility to respect and protect the rights of others.

Our aim is to make this a reality. To that end we strive to build understanding in the Australian community about what human rights are and their relevance for everyday life. We have made good progress on our journey, but we know we have more work to do.

The Australian Government recognises this too. Ongoing community education was the primary recommendation of the government's recent National Human Rights Consultation, which heard from tens of thousands of people around the country. It is also a fundamental element of the Australian Human Rights Framework, released in April 2010, which committed \$6.6 million to the Commission over four years to allow us to expand our community education role and programs.

During the year we reorganised our policy work to facilitate this. The fresh funding will support a new team specifically set up to develop strategies that promote community engagement.

Meanwhile, as we have always done, we continue to focus special attention on vulnerable groups, providing them with the knowledge and skills they need to address discrimination and unfair treatment.

## Education – our prime priority

Education lies at the heart of the Commission's work. Indeed everything we do, from resolving individual complaints to holding national inquiries, contributes to human rights education and communication.

The aims of our education and communications program are to:

- raise awareness about human rights and responsibilities
- stimulate discussion around key human rights issues
- promote community engagement with human rights issues

- promote awareness of our complaint process and rights protected under its laws
- provide information about human rights to the widest possible audience in a range of accessible formats.

As part of our activities, we have prioritised engagement with the broader Australian community on rights and responsibilities.

Another vital part of our program has been work with education providers, local councils, police and student associations to enable vulnerable groups to respond appropriately to discrimination and violence. We aim to achieve this chiefly through education, and by connecting them to legal and community support and complaints processes.

In 2009 the Australian Government gave its support to the *United Nations Declaration on the Rights of Indigenous Peoples*, underlining the importance it has placed on forging a constructive partnership with the First Peoples of this country. Through a variety of educational resources, the Commission helps build awareness of the declaration in Aboriginal and Torres Strait Islander communities and organisations.

## Human rights education in schools

We believe a coordinated and consistent approach to teaching human rights in schools is a necessary if rights and responsibilities are to be protected. Practical discussion of rights and responsibilities applied to real-life scenarios promotes awareness and helps young people become engaged citizens. For this reason, too, we continue our advocacy to integrate human rights into the national curriculum.

In particular, our Human Rights Education Program helps students develop an understanding of human rights and responsibilities, as well as the attitudes, behaviours and skills through which they can apply this understanding in their everyday life.

Our approach supports the goals and direction of the World Programme for Human Rights Education.



Designed to introduce human rights concepts into schools in an engaging and relevant way, the nine *rightsED* resources are guided, over more than 450 pages, by a clear set of education principles and learning outcomes.

The second phase (2010-2014) of this program focuses on human rights education for higher education and on training programs for teachers and educators, civil servants, law enforcement officials and military personnel.

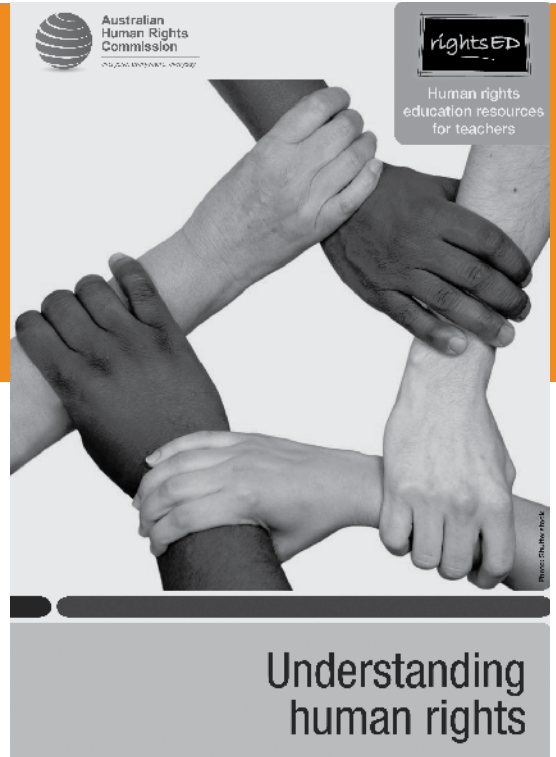
We promote our education resources nationally at conferences, forums and lectures. In addition the President and Commissioners often deliver keynote addresses or speeches at educational conferences.

We work closely with education authorities and schools, having linked our resources with curricula from education departments across Australia. In addition we conduct ongoing lobbying to ensure human rights is covered in curricula and school policies.

Our education resources for teachers include resource sheets, worksheets and interactive activities along with links to useful Australian and international websites.

Of special note is our range of new, comprehensive interactive human rights education resources for teachers, *rightsED*. Designed to introduce human rights concepts into schools in an engaging and relevant way, *rightsED* is a clear set of education principles and learning outcomes comprising more than 450 pages of worksheets, activities, videos and audio clips. Each of the nine resources in *rightsED* is searchable by Key Learning Area.

These resources and activities have been developed mainly for secondary students, but many are also



suitable for younger pupils. A complimentary *rightsED* DVD, containing all the resources, has been mailed to secondary schools in Australia (and high schools from K-12) as well as libraries, TAFEs and universities.

Specifically for secondary schools, our online education resource *Information for students* is designed to help pupils gain awareness and understanding of human rights issues internationally and at home.

Over the past year we have developed and updated nine resources for inclusion in our education program. Our education resources received 431 124 page views.

All resources can be ordered free online at: [www.humanrights.gov.au/education](http://www.humanrights.gov.au/education).

## Ensuring information reaches the community

The Commission uses a range of strategies to engage and inform the community about human rights and issues of discrimination – from producing and distributing plain-English reports, discussion papers, brochures and other resources to liaising with the media, holding consultations with stakeholders and hosting seminars, forums and events. We also produce specialist resources that educate and inform about our complaint process.

### **Our website: a vital tool a the heart of our work**

Our website ([www.humanrights.gov.au](http://www.humanrights.gov.au)) is a vital tool and instrument of record. Established in 1998, the site has become one of our main means of disseminating information. It is widely used by government, the media, students and teachers, lawyers, employer organisations, NGOs and others to access information about human rights and responsibilities and anti-discrimination law and practice. The site is updated daily.

All our reports, submissions, speeches, media releases and other publications are available online in a variety of formats, including accessible formats. Resources available through the website include an online complaints form, information for complainants and respondents, curriculum-linked education resources for schools (see above), information for employees and employers, a legal section with relevant legislation and other legal issues, and information on the work of the President and Commissioners and their policy areas.

Our web statistics system tracks the number of visitors to the site and the pages they interact with, allowing us to identify materials that are especially successful or popular. During 2009-10, the site received around 12 384 839 page views, equating to 110 975 516 hits on the site in total and 4 646 881 unique visits. (See summary table in Appendix 1).

The Commission manages subscription electronic mailing lists for communicating up-to-date information about current human rights issues via e-alerts and monthly e-bulletins. We maintain

ongoing regular communication with teachers and education bodies in this way. At the end of the reporting period, we had 21 371 subscribers. To subscribe, please visit [www.humanrights.gov.au/about/mailling\\_lists/](http://www.humanrights.gov.au/about/mailling_lists/).

In addition, we use Web 2.0 technologies and social networking sites: we have established Commission pages on My Space, facebook and have a YouTube channel. During the year under review, Commissioners Broderick and Innes have also used their own facebook pages and Twitter accounts to communicate important announcements.

### **Producing and distributing publications and other resources**

Each year, we produce a broad range of hard copy publications and resources in a number of formats. These include fact sheets, posters, brochures, booklets, community guides, CDs, DVDs, discussion papers and reports tabled in Parliament such as national inquiry reports or the Annual Report.

In 2009-10, we sent out 85 104 of these publications by post in response to 1910 requests. This represents an increase in the number of publications distributed in 2008-09. The figures do not include resources distributed by Commissioners and Commission staff in consultations or at seminars and other public engagements.

Apart from resources that deal with specific human rights issues, we produce specialist information about the complaint process. These include the Concise Complaint Guide, the Get To Know Your Rights poster, which is produced in 15 community languages, and the captioned Pathways to Resolution DVD which provides information about the conciliation process.

These publications can be viewed and downloaded from the website in accessible formats. Wherever possible, we ensure the CDs and DVDs we produce can be provided in formats that are accessible to people with disability. Requests for publications in large print, Braille or audio are dealt with on a case-by-case basis.



A list of publications is available at: [www.humanrights.gov.au/about/publications/index.html](http://www.humanrights.gov.au/about/publications/index.html)

### **Speaking to the community**

Seminars and speaking engagements are important in the promotion of, and education about, human rights.

We provide information sessions about the law and the complaint process, which are either held on Commission premises or in other locations around the country, including the offices of various organisations. During the year in review, a range of organisations, such as community legal centres, professional associations and unions, legal and advocacy services for women, youth, people with disabilities and older people, multicultural organisations and colleges and universities attended these sessions or were visited by staff members.

The Commission hosted two events as part of its Human Rights Law Seminars series: *Improved protection for the rights of people with disability* on 16 August 2009, and *The right to a discrimination-free workplace*, held on 30 March 2010.

Aside from speaking at Commission launches and events, the President, Commissioners and some members of staff spoke at conferences, seminars, universities and other events held by external parties. A selection of these speeches are available on the Commission website at: [www.humanrights.gov.au/about/media/speeches/index.html](http://www.humanrights.gov.au/about/media/speeches/index.html)

### **Engaging with the media**

A crucial element of our education function is fulfilled through engaging with the media. Interviews with the President and Commissioners and extensive coverage of our major reports have been vital in drawing public attention to many human rights issues and bringing about change in attitudes, laws and policies.

During the year, we received over 1220 enquiries from print, radio, television and electronic media journalists, the majority of which resulted in interviews with the President or Commissioners. In addition, we sent out 128 media releases and

had 21 opinion articles published in newspapers and journals around Australia. All of our media releases, opinion pieces and speeches are available at [www.humanrights.gov.au/about/media](http://www.humanrights.gov.au/about/media).

Through the media, the President and Commissioners contributed to public debate on a diverse range of human rights, equality and discrimination issues.

During the federal government's National Human Rights Consultation, President Branson advocated strongly in media interviews for better human rights understanding and protections.

In her role as Human Rights Commissioner, President Branson also contributed through interviews to the examination of the human rights issues facing asylum seekers when they arrive in Australia.

As Commissioner responsible for Age Discrimination, Commissioner Broderick was in demand for media interviews about discrimination faced by mature-age workers. This interest was sparked after she gave a speech on the subject at the Institute for Family Studies in August 2009, declaring that employees are considered to be mature-age workers once they turn 45.

In her role as Sex Discrimination Commissioner, Commissioner Broderick devoted a significant amount of time to engaging with the media as a high profile advocate in relation to the successful campaign for paid parental leave. She has also been in demand by the media as a spokesperson on issues such as sexual harassment, the importance of increasing the number of women in leadership positions and pay equity.

Since his appointment as Aboriginal and Torres Strait Islander Social Justice Commissioner in February 2010, Commissioner Gooda has granted interviews to the media about issues such as justice reinvestment, the Prime Minister's second report card on Closing the Gap, the government's bills to reinstate the Racial Discrimination Act in the Northern Territory and the decision by the Queensland Crime and Misconduct Commission to be the body investigating Indigenous deaths in custody.

As Disability Discrimination Commissioner, Commissioner Innes provided comment on a number of news issues such as the responsibilities of schools to children and students with disability, Virgin Blue's announcement in September 2010 that they would provide unaccompanied travel for certain people with a disability, the tabling of *Disability (Access to Premises – Buildings) Standards* in Parliament and the passage of amendments to the Electoral Act which will ensure Australians who are blind or have low vision have a secret ballot in federal elections.

Among other issues, as Race Discrimination Commissioner, Mr Innes spoke to the media in relation to the Cyber Racism Summit hosted by the Commission in April 2010, racism in sport and the launch of *In our own words*, the Commission's review of human rights and social inclusion issues faced by African Australians.

## Working with the community to increase understanding and respect for human rights

Though disseminating information is an essential part of our work, the Commission is also committed to everyday, real-life interaction with people and communities to enhance understanding of human rights.

To this end, we are involved in partnering with and funding other organisations in a host of different human rights initiatives, initiating programs that involve specific communities and community members and undertaking activities and events that encourage members of the community to become active in building awareness and understanding in various ways.

### **Increasing awareness of the United Nations Declaration on the Rights of Indigenous Peoples**

This project aims to increase the use of the 2009 UN declaration to frame the work of NGOs and Indigenous community members advocating for improved human rights for Indigenous peoples. (For example, the Northern Australian Indigenous

Land and Sea Management Alliance and the Goldfields Land and Sea Council have both developed policies that are framed by the declaration.)

Specifically the project builds on the *Social Justice Reports* of 2006 and 2008 which argue that an 'information gap' exists in Australia that inhibits the use of a human rights framework for many Aboriginal and Torres Strait Islander peoples and organisations.

To address this, we have identified the provision of appropriate educational materials as an important step forward. With the backing of the Christensen Fund and Oxfam Australia, we will release a range of education materials on the declaration. These will include posters, a plain-English guide and an introductory DVD to explain what the declaration is, how it works and the practical difference it can make. Dissemination and launch of the first-phase materials is scheduled to start in September 2010.

We encourage all those working in policy or decision-making roles in government or non-government sectors to use the language in the declaration when dealing with Indigenous peoples' rights. Talking through the language of human rights is one way Aboriginal and Torres Strait Islander peoples can have a public voice and influence laws and policy in Australia.

Increasing awareness of the declaration among Aboriginal and Torres Strait Islander peoples and stimulating a desire to learn about it is likely, in turn, to lead to a greater knowledge of human rights in these communities and greater protection. The project can also assist NGOs campaigning for the implementation of the declaration standards into domestic law.

### **Creating a one-stop-shop for Indigenous human rights: Indigenous Human Rights Network Australia (IHRNA)**

The IHRNA is hosted by the Commission, with financial support from Oxfam Australia and other backing from the Diplomacy Training Program (DTP). Its aim is to develop and provide a website and network specifically targeted at Indigenous human rights.



Australian  
Human Rights  
Commission  
*everyone, everywhere, everyday*

## The good the bad and the ugly

DESIGN AND CONSTRUCTION FOR ACCESS



The website was launched on 12 April 2010, bringing human rights advocates together to share advice and best practice in an online forum, and to provide a one-stop-shop for information on international human rights treaties relating to Aboriginal and Torres Strait Islander peoples. It provides access to the information that experts and advocates may need in addressing human rights violations.

For more information please visit: [www.ihrna.info](http://www.ihrna.info)

### **Preventing discrimination in sport: The Play by the Rules forum**

Play by the Rules is a unique partnership between the Commission, the Australian Sports Commission, all state and territory sport and recreation and anti-discrimination agencies and the Queensland Commission for Children, Young People and Child Guardian. It provides information and online learning for community sport and recreation organisations

In efforts to improve access to public buildings, *The good, the bad and the ugly* CD is one of the resources that is supplied to building designers and certifiers by the 11 councils that the Commission has partnered with during 2009-10.

about how to prevent and deal with discrimination, harassment and child abuse, and develop inclusive and welcoming environments.

The Commission recently signed a memorandum of understanding to support the project for another year. We are represented on the steering committee (at quarterly teleconferences) and meet annually to discuss web-based content, how to improve the website and emerging issues in sport.

### **Improving access to commercial buildings: Local government partnerships for better access**

Burgeoning partnerships between the Commission and local councils are helping to improve access to public buildings for people with disability.

The initiative began with the 7 August 2009 announcement of a partnership project, between the Commission and Marrickville Council in New South Wales, intended to alert designers and building certifiers to the need to vigorously apply technical requirements for access. Throughout 2009-10 we have developed similar partnerships with 10 other councils around Australia.

The project involves provision of a free CD, *The good the bad and the ugly*, which was developed by the Commission, to everyone who makes an application to council for an approval to construct or renovate a public building. It explains why it is vital to comply with the technical specifications for access accurately and covers 14 of the most common mistakes when applying access design specifications.



### **Encouraging anti-racism initiatives: the StepOne website**

In March 2010 we signed a Research Service Agreement which provided for funding of \$5000 for StepOne, a website that provides guidance and practical resources to councils and community groups interested in implementing community cohesion initiatives in their areas.

Administered by Macquarie University, the website features downloadable best-practice case studies relating to a range of issues, especially those which reduce racism, intolerance and negative stereotypes. The site's primary aims are to get communities interacting and working together, and to build positive and sustainable relationships.

### **Working with Muslim communities – The Community Partnerships for Human Rights Program**

This three-year undertaking, comprising eight different projects, began in 2007 and will be completed by the end of 2010. The origins of the program can be traced back to 2006 when we were one of several government agencies funded to contribute to the National Action Plan to Build on Social Cohesion, Harmony and Security (NAP).

The program's central goal has been to increase social inclusion and counter discrimination and intolerance towards Australia's Muslim communities by:

- increasing awareness of human rights and responsibilities in both the broader community and in Muslim communities
- increasing awareness in Muslim communities of different ways of responding to discrimination and vilification
- raising awareness in the broader Australian community of the moderate profile of Islam and the human rights issues Muslim communities face
- increasing the skills and facilitating opportunities for groups and individuals to help reduce the impact of marginalisation
- facilitating relationships and opportunities to build trust between Muslim communities and law enforcement agencies
- increasing social connectedness in order to build social capital and empower Muslim communities.

A wide range of resources and tools were developed through the program, which has engaged over 15 500 community members and stakeholders. Many participants believe it has helped to empower them and has increased their feelings of social connection.

The following pages provide a summary of the status of these eight projects at the close of the year under review.

Panelists (left to right)  
Berhan Jaber, Samia Baho,  
Nyadol Nyuon and Majak Daw  
speak at the launch of *In our  
own words – African Australians:  
A review of human rights and  
social inclusion issues*

1. *The Adult English as a Second Language, Human Rights Curriculum Resource for New Arrivals Project*, which developed a set of new education resources for use by English-as-a-second-language teachers, was completed in June 2009.

2. *The African Australians Project* addressed the human rights and social inclusion experiences of African people as they settle in Australia.

A review of these experiences entitled, *In our own words – African Australians: A review of human rights and social inclusion issues*, was released by Race Discrimination Commissioner Graeme Innes in Melbourne on 18 June 2010. It documents the results of three years of consultation with African Australian communities around the country.

*In our own words* presents issues, solutions and best practice initiatives, identified by over 2500 African Australians throughout these consultations, as well as observations and suggestions from over 150 government and non-government stakeholders and service providers. It considers a number of barriers to the settlement and inclusion of African Australians. It also highlights the need to develop effective and targeted strategies to address discrimination, prejudice and racism and to include African Australian communities as genuine partners in the development and delivery of services for them. The review also identified a need to engage and support these communities in developing initiatives that will address areas of special concern, such as child protection and family violence.



The project had a particular focus on gathering the views and experiences of young African Australians, African Australian Muslim communities and African Australian Muslim women. ‘Women only’ and ‘young people only’ consultations were held to ensure participants could express their views freely.

A variety of partner organisations contributed their knowledge, expertise and financial resources to the project, including the Australian Red Cross and government departments and agencies.

The review is also supported by a compendium which details the outcomes of the community and stakeholder consultations and interviews and public submissions. The project resources also include a literature review and three background papers.





### **3. The Human Rights and Cultural Diversity**

**e-Forum Project** is an initiative of the Commission in partnership with the Institute for Cultural Diversity. It was launched on 16 October 2009 with 90 people in attendance.

A specially formed steering committee and technical advisory team developed the navigation, design and content of the website, designed to create an electronic forum and 'clearing house' for communication of human rights issues across the community, government, service provision, non-government/advocacy, academic and other relevant sectors. It enables registered users to choose how they wish to engage with cultural diversity issues – from blogs and closed or open forums, to formal consultation processes – and has a particular focus on issues relevant to the Muslim community.

Objectives included increasing the Commission's reach to individuals and groups (particularly those without a previous history in human rights) and increasing a reciprocal flow of information, expertise, advice and commentary. In particular it sought to boost awareness of issues that affect Muslim communities across professional sectors and in the broader community (such as media uptake of issues, public awareness and understanding).

By April 2010 the site had 426 registered users. From 16 October 2009 to 16 April 2010 there were 18 740 visitors to the e-forum. Of these, 71.52% were new visitors. We have continued to support the development and maintenance of the e-form since its launch. In late 2010 the Commission will hand the intellectual property back to the Institute for Cultural Diversity, and the site will continue to function.

At the launch of The Human Rights and Cultural Diversity e-Forum website, Ms Samah Hadid spoke about the importance of such resources to Muslim people, particularly young Muslims, in Australia.

**4. The Community Language Schools Human Rights Curriculum Resource and Campaign Project**, conducted in partnership with

Community Languages Australia (CLA), developed a bilingual-language-other-than-English (LOTE) curriculum resource about discrimination and human rights for use by school authorities.

CLA represents over 1000 school authorities that operate community language schools, or after-hours ethnic schools, teaching over 77 languages throughout Australia to over 100 000 students. It provides an effective platform for reaching these communities via young people learning a language.

The curriculum resource is aimed at 11-to-15-year-olds enrolled in after-hours community language schools. Its main aim is to help deliver a better understanding of human rights, particularly freedom from discrimination, to these students as they acquire language skills.

The activities are also designed for students to facilitate discussion of human rights with their families, thereby introducing human rights messages into 'hard -to-reach' communities. At the end of the curriculum, students and their families participate in a culminating event, at which each student presents a human rights message to their community in a creative way.

The resource incorporates a teacher's manual, student workbook and home-learning book, a parent guide and resource leader handbook. The latter is used in conjunction with a two-day professional development training workshop for resource leaders, who are nominated from community language schools to receive training in how to deliver the resource to students. They then take the knowledge they have learned in the workshop and train other teachers in their schools in how to use it.

When developing the resource, we established a project advisory group (PAG) and Muslim reference group to provide the project with expert advice. They identified Arabic as the language for resource translation. A master English version will be available for additional translations.

The resource will be launched at the Victorian State Community Language Schools Conference on 3 July 2010.

**5. The Community Policing Partnership Project**

(CPPP) was a collaboration between the Commission and the Australian Multicultural Foundation. Its aim was to address discrimination and vilification by increasing dialogue between Australian Muslims and police.

Under this initiative, police services and community groups were invited to form partnerships. Their purpose was to propose community-based projects that would 'build bridges' between police and Australian Muslim communities that aspire to establish local networks, build trust and facilitate stronger social participation, particularly among young people.

By the end of the year under review, all 19 projects funded in the initial round of CPPP funding had been completed. Over 7000 participants were involved in the various projects. Another 18 projects will conclude by the end of 2010, with one granted an extension until June 2011.

The Centre of Excellence for Policing and Security has been engaged to draft a report, which will showcase some best-practice examples and be launched by the end of 2010.

**6. A Community Arts and Culture Initiative with Muslim Australia** is a partnership between the Commission and the Australia Council of the Arts, which will conclude in late 2011.

It was developed on the basis of evidence which indicates that involvement in cultural activities is a valuable way to promote community cohesion and that community cultural development (CCD) arts projects help build harmonious communities, particularly among people who are marginalised. These projects can also bring disparate sections of communities together in a way that shatters stereotypes and prejudices.

The initiative supported four arts projects around the country, with two completed during the year in review and two others ongoing. A fifth has been in development during the reporting period and will be launched in July 2010.

The *Arab Film Festival Australia – the National Tour Project* will run until 2011 in partnership with Information and Cultural Exchange (ICE) in NSW. As a result of being supported under the initiative, a touring program of the most popular films from the annual four-day Arab Film Festival, held in Sydney in July 2009, toured Australia's east coast for the first time in November 2009. In July 2010 the festival will take place in Sydney, Melbourne, Canberra, Adelaide and Brisbane. We anticipate that it will expand to more states and territories in years to come.

*The Frontline Project*, a partnership with Darwin Community Arts (Northern Territory) in the Malak area, will operate until 2011. This is a community arts intervention in which Muslim, African and Indigenous young people take part in 'locative' media activities. These include an Amazing Malak project (like 'The Amazing Race'), virtual murals, laser tagging and graffiti, computers-in-the-wall displaying Malak video blogs, sensorised space installations, social mapping, wayfaring, Second Life Malak, songwriting and hip hop.

*The Islamic Spectrum of Australia Project* was a partnership with Nexus Multicultural Arts Centre devoted to staging events that would explore the many faces of Islamic culture in Australia in art, architecture, food, religion, history and music. The second program of events under this project was hosted at the Nexus Multicultural Arts Centre in Adelaide from 29 July 2009 and featured a symposium on the cultural aspects of Islam in Australia, an Islamic youth forum, music and an art exhibition which ran through to 4 September.

The *Young Muslim Women's Short Animation Film Project* was a partnership with the Bankstown Area Multicultural Network which brought ethnically-diverse young women together to develop skills in digital animation. This project enjoyed an unanticipated outcome when the animated film *Huriyya and Her Sisters*, developed by the participants, was featured in the Arab Film Festival Australia in Sydney and subsequently toured nationally.

### **7. Freedom of Religion and Belief in the 21st Century:**

For this project, the Commission partnered with the Australian Multicultural Foundation in association with RMIT and Monash universities to consult and prepare a major report on this subject.

The project worked with Islamic faith and other communities and organisations to record concerns and propose solutions for building a more socially cohesive and harmonious society. It built on our earlier report *Article 18: Freedom of Religion and Belief* released in 1998, and the 2004 report *Religion, Cultural Diversity and Safeguarding Australia*, by the (then) Department of Immigration and Multicultural and Indigenous Affairs.

Its objectives included evaluating the response to *Article 18: Freedom of Religion and Belief*, modelling a cooperative approach to responding to issues of freedom of religion and belief and assessing whether 'war on terror' laws have impacted upon freedoms of religion, belief or cultural identity.

A report is due to be released in the 2010-11 reporting year.





The Human Rights Medals and Awards honour the achievements of people who champion human rights in their everyday lives and are presented to winners on Human Rights Day each year.

### **Highlighting promotion of human rights from within the community: The Human Rights Medals and Awards**

The Commission believes that the achievements of people who champion human rights in their everyday lives should not go unrewarded.

For this reason, the Commission has, since 1987, called for everyone in Australia to consider these people and their achievements and nominate them for an annual list of human rights awards and medals. Once nominations have been received, they are judged by expert panels of people who work in the human rights arena and awarded during a gala ceremony to which the public are invited on 10 December each year, Human Rights Day.

The prestigious Human Rights Medal and Young People's Human Rights Medal recognise individuals who have made an outstanding contribution to the promotion and protection of human rights, social justice and equality in Australia. Awards also recognise achievements in the areas of community (individual), community (organisation), print media, television, radio, non-fiction literature and law.

On 10 December 2009, 350 people attended the Human Rights Medals and Awards ceremony at the Sheraton on the Park Hotel in Sydney, at which President Catherine Branson delivered her second Human Rights Day Oration.

Winners of the Human Rights Medals and Awards, as well as highly commended nominees from a strong field for each of the categories, were announced at the ceremony and presented with trophies and prizes. The ceremony attracted a number of sponsors, including Lexis Nexis, the Department of Immigration and Citizenship, the Law Council of Australia, iHR Australia, the Co-Op Bookshop and Vibe Australia.

Further information about the awards, including audio of acceptance interviews, is available on the Commission website at: [www.humanrights.gov.au/about/hr\\_awards/2009.html](http://www.humanrights.gov.au/about/hr_awards/2009.html)

# Tackling violence, harassment and bullying

---

Everyone has the basic human right to a life free from violence and from cruel, degrading and inhumane treatment.

At the Commission, we are aware that violence can be one of the most extreme manifestations of discrimination, on bases such as race, ethnicity, religion, gender, sexual orientation, disability and age.

For this reason, along with building respect and understanding of human rights, we have made tackling violence, harassment and bullying in our community one of our two priority themes for 2010-2012.

It is a matter of great national importance and one that profoundly affects the lives of thousands of Australians every day – at home, work, school, online and on the street. The experience can shatter people's confidence, limit their opportunities and, in some cases, cause lasting physical and psychological damage.

We understand that discrimination is often a key factor behind violence, harassment and bullying, and believe that addressing this root cause is critical to building a safer, more inclusive Australia.

We have previously led a number of successful initiatives to tackle sexual harassment, and have strongly advocated for programs and policies to counter family violence in Aboriginal and Torres Strait Islander communities.

Australia has laws to protect people from violence. But these are limited in their ability to address violence in all its forms and in all its manifestations in modern Australian life. We are aware that, ultimately, it will take all of us to help make Australia a place in which we can all feel secure.

During the year under review, areas of special focus included:

## Helping to put an end to violence against women

Violence against women in any form is unacceptable. It has serious and long-term consequences for individuals and for families, as well as significant economic costs for the community.

Australia has made great strides towards achieving equality between men and women. However, systemic barriers still remain. We believe that gender equality will not occur simply because we have anti discrimination laws in place. It requires a commitment from all people in Australia – women and men – to counter the attitudes and assumptions that lead to discrimination and inequality.

The Australian Government has adopted a 'zero-tolerance' approach to the problem of violence against women and has committed to a National Plan, which is currently being developed by the Council of Australian Governments, to address it. The Commission believes that, to be effective, a National Plan must create national structures that ensure cooperation and consistency across all Australian jurisdictions.

In June 2010, with the launch of the *Gender Equality Blueprint 2010*, we announced that putting an end to violence against women would be one of the reform areas in which the Commission would become significantly more active and made a number of recommendations.

In particular, we recommended regular and independent monitoring of Australia's progress against the National Plan, once it commences. We also recommended that adequate funding of the services that respond to the needs of women and girls who experience violence be provided and adequate resourcing of advocacy organisations take place so they can contribute to the implementation and monitoring of the National Plan.

With the launch of the *Gender Equality Blueprint 2010*, we announced that putting an end to violence against women would be one of the reform areas in which the Commission would become significantly more active.

### **Alleged sexual harassment in employment**

The complainant is employed to undertake packing duties with the respondent retail food company. The complainant alleged she was sexually harassed by her manager. She claimed the manager's behaviour included sending her inappropriate text messages, sending her a pornographic video and making comments of a sexual nature.

When advised of the complaint, the company agreed to participate in conciliation. The complaint was resolved with an agreement that the company would pay the complainant \$3000 compensation and re-credit the complainant's sick leave for the 75 hours she had taken in relation to the alleged harassment. The complainant continued her employment with the company.<sup>1</sup>

2010  
Gender Equality  
Blueprint  
.....



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

## Advocating for stronger sexual harassment protections

Sexual harassment remains a chronic problem in Australian workplaces, despite being outlawed for over 25 years. It is a barrier to many women and some men being able to participate in paid work with dignity and respect. It can prevent those affected by it from working to their full potential and, if left unaddressed, can be a reason they leave paid work. The proliferation of new technologies such as mobile phones and social networking websites is also creating new media through which sexual harassment can occur.

Every year, sexual harassment accounts for one of the largest groups of complaints received under the Sex Discrimination Act.

We believe it is therefore essential that employers take active steps to prevent sexual harassment and respond effectively when it occurs.

Throughout the year under review, we have continued to advocate for further changes to the Sex Discrimination Act so there are stronger powers to tackle sexual harassment, especially in the workplace.

In September 2008, we made a detailed submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the Effectiveness of the *Sex Discrimination Act 1984 (Cth)* in Eliminating Discrimination and Promoting Gender Equality. During the year under review, many of our recommendations were adopted by the Senate Committee.

On 24 June 2010 new legislation was introduced into Parliament to strengthen and modernise the Act, with the Australian Government accepting a number of the Senate Committee's recommendations from the inquiry. These proposed changes will greatly improve the protection available for women who experience sexual harassment at work or in schools.

As part of the proposed consolidation of federal discrimination laws, the Australian Government has also agreed to consider legislating for a general prohibition against sexual harassment in any area of public life, including in school.

In addition, as part of the *Gender Equality Blueprint 2010*, we recommended that the Sex Discrimination Commissioner be empowered by the Sex Discrimination Act to initiate investigations in Australian workplaces without first requiring an individual complaint. To drive down the incidence of sexual harassment, we recommended a national Sexual Harassment Prevention Strategy be developed and implemented to build awareness and better understanding among employers and workers of their rights and responsibilities in regards to sexual harassment. This strategy should focus on prevention and education with key roles for the Equal Opportunity in the Workplace Agency, the Sex Discrimination Commissioner, Australian Human Rights Commission and Fair Work Australia.

During the year under review, we also worked to maintain the profile and increase awareness of the importance of the amendments to the SDA among key stakeholders.

## Making the link between racism and violence: the *Challenging Racism Project*

We believe that promoting understanding of the impacts of racism in our communities can contribute to reducing the incidence of racially-motivated violence, harassment and bullying.

A piece of research entitled the *Challenging Racism Project* has been mapping racist attitudes and experiences of racism across Australia over the past three years. The data comes from national telephone surveys of around twenty thousand participants.



Commissioner for the Victorian Human Rights and Equal Opportunity Commission Dr Helen Szoke, Australian Race Discrimination Commissioner Mr Graeme Innes and New Zealand Race Relations Commissioner Mr Joris De Bres in discussion at the Racism and the Student Experience Policy Research Workshop.

The Commission is a partner in this research project, which is led by Professor Kevin Dunn at the University of Western Sydney. Its aim is to classify the types of racism that exist in Australia and to develop appropriate responses. Though some initial headline data were released during the year in review, the research is continuing and a report is expected later in 2010.

In addition to the project itself, the Commission and members of the Challenging Racism research team are continuing to lobby for a coordinated national approach to combating racism.

## Safeguarding the rights of international students

The number of international students in Australia has grown rapidly in recent years. At over half a million people, international students now represent a significant group of Australian residents. Up to 40% are engaged in the workforce and around 20% go on to become permanent residents.

The rights and safety of international students have become matters of significant concern and public interest. They were the main topics of discussion at an Australia and New Zealand Race Relations Roundtable meeting in November 2009, at which academic experts and international student representatives shared their perspectives.

The meeting heard that while student safety had received most attention, other issues which required urgent consideration included racism and discrimination, the lack of affordable accommodation, poor employment conditions, a shortage of support services and social isolation and exclusion.

The communiqué which was issued after the meeting formed a foundation for the Commission's ongoing work in this area. Among other steps, it resolved to highlight the treatment of international students as a major current human rights and race relations issue and called for more research into the international student experience of discrimination and harassment.

On 31 March 2010 the Commission, in partnership with the Academy of the Social Sciences and Universities Australia, convened the Racism and the Student Experience Policy Research Workshop. Academics from a range of disciplines attended, alongside international student representatives. The purpose of this workshop was to determine current and critical research gaps in relation to racially motivated violence in Australia and to discuss strategies to improve the safety of international students residing here.

## Scrutinising a new arena of harassment and bullying – cyber-racism

With the proliferation of new communications technologies and the dramatic increase in use of the Internet and social networking sites, new arenas have been created in which harassment and bullying can take place. At the Commission, we have seen a rise in the number of complaints we receive about racial discrimination and hatred on the Internet.

On 27 April 2010 the Commission and the Internet Industry Association co-hosted a one-day summit on cyber-racism. More than 50 people attended the meeting, the purpose of which was to gain a better understanding of cyber-racism and the people exacerbating the problem.

Participants agreed to strive to create a community of people – including government, industry, non-profit, and young individuals – who are willing to work together to develop effective solutions. They acknowledged a need to better recognise, showcase and share the strategies and initiatives which are already working and find ways to adapt and grow them.

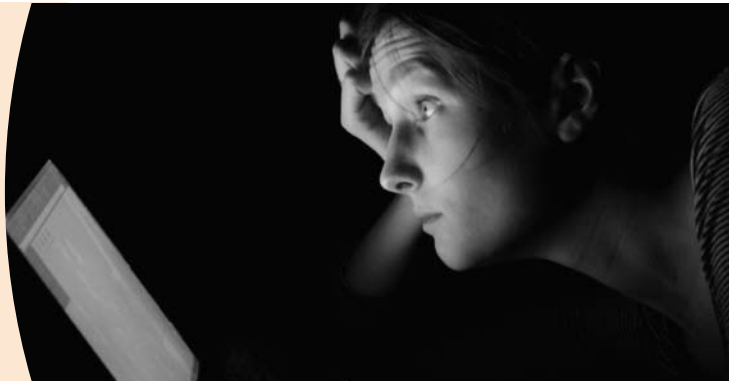
They also agreed to work towards harnessing the positive potential of the Internet, social media and social marketing with a view to educating the community about racism.

## Complaint regarding racial comments on the internet

A complainant advised the Commission that video footage had been loaded on a file sharing website showing an incident involving a Pakistani woman.

The complainant said that a site user had posted very derogatory comments about Pakistani people on the video footage. The comments included “Paki bastards”, “Curry munching scum”, “f\*\*\*\*\*g rag heads”, “They make me sick stealing decent peoples (sic) jobs” “Silly shit smelling Pakis, they need to f\*\*k off home”.

When the Commission contacted the file sharing website about the complaint, the site removed the comments posted by the user and suspended the user from accessing the site. The complainant advised the Commission that he was satisfied with the prompt action taken by the website.<sup>2</sup>



## Focusing attention on bystanders to cyber-bullying

Bullying can often be a starting point for more severe acts of harassment and violence. And often, people who are not participants in the bullying scenario are aware that such behaviour is taking place. We refer to these people as ‘bystanders’.

During the year in review we began developing an initiative that would focus on empowering young people to stand up to bullying, especially that which occurs on social networking sites and other online locations.

In particular, we aim to empower bystanders to take active, safe steps to stem the bullying behaviour they see in others. Our goal is that, through their own actions, these people will develop real understanding of what it means to promote and protect their own rights and ensure respect for those of others.

We also intend to apply the important lessons we learn from this project to address violence, harassment and bullying in a broader range of community settings.

This project will be developed further during the next reporting period.

<sup>2</sup> Complaints are resolved in conciliation on a without-admission-of-liability basis



# Framing and advancing national human rights agendas

---

The Commission provides advice and recommendations to the Australian Government on an ongoing basis. Our aim is to ensure that a human rights perspective informs a broad range of policy issues, especially in priority areas like social inclusion.

We also have a strong, widely acknowledged track record of drawing national attention to pressing human rights issues, raising community awareness and encouraging action by governments, service providers and others.

For example, we have held major national inquiries on issues such as mental illness, racist violence, the Stolen Generations, children in immigration detention and discrimination against same-sex couples. We have also established ground-breaking partnerships to improve the health and wellbeing of Aboriginal and Torres Strait Islander peoples.

## Advocating for a strong human rights framework for Australia

The National Human Rights Consultation, which was conducted in the first half of 2009, presented a significant opportunity for the Commission and all people in Australia to participate in a national conversation about human rights and how they could be better protected.

We took a leadership role by dedicating ourselves to encouraging others to participate in the consultation and by arguing strongly that Australia should adopt better human rights protections through a Human Rights Act. (Our 2008-2011 Strategic Plan includes the achievement of an Australian Human Rights Act in the Commission's mission.)

We made a detailed submission in this regard to the National Human Rights Consultation Committee in June 2009. The committee subsequently asked for more information about our potential role in the delivery of human rights education.

Our supplementary submission briefly set out what we would like to achieve through better human rights education in Australia, and included examples of what we currently do and what else we could achieve given the appropriate funding.

*The National Human Rights Consultation Report* was released in October 2009. It referred frequently to the Commission's submission and adopted many of our recommendations. However the government's response in April 2010 deferred the question of whether Australia should adopt a Human Rights Act.

While we were disappointed by the decision not to implement our recommendation for a Human Rights Act, we welcomed the government's commitment to enhanced human rights education, to reviewing and consolidating federal discrimination laws and to introducing processes to scrutinise new laws for human rights compliance.

In particular, we welcomed the introduction of the Human Rights (Parliamentary Scrutiny) Bill and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill into federal Parliament in June 2010. These bills focus attention on Australia's progress in implementing and respecting our human rights obligations under all seven major human rights treaties. They propose a new Joint Parliamentary Committee which has the potential to open up a broader dialogue on the human rights at the heart of our democracy and conduct inquiries into significant human rights matters referred to it by the Attorney-General. Over time, we believe it will also help to ensure that government and the Parliament consider respect for human rights issues upfront and as a necessary requirement for any new law.

We also welcomed the requirement that all legislation be accompanied by a statement of compatibility with Australia's international human rights obligations, and the appointment of the Commission President to the Administrative Review Council.





## Making age discrimination a topic of national discussion

We believe that age discrimination is one of the great undiscussed issues of our time. It is pervasive, invisible, systemic and accepted. We believe moreover that if we are to be a successful and genuinely inclusive society, we must challenge the age-related assumptions and stereotypes many people unconsciously hold, and bring them into the open so they can be debated and considered.

Our strategy in this regard is to make age discrimination (particularly as it affects mature-age workers in employment) a national policy priority. The strategy involves a number of elements to prevent such discrimination, including education and research, consultation and advocacy.

During the year under review we continued our relationships and ongoing consultation and advocacy with relevant government departments (Treasury, Department of Education, Employment and Workplace Relations, Attorney General's departments) and other stakeholders in relation to age discrimination in employment.

## Alleged age discrimination in employment

A complainant, who is over 65 years of age, was employed in a managerial position with the respondent company. The complainant claimed he was asked to move to a consultancy position and agreed to this as he felt he had no choice in the matter. He said that a much younger person was placed in his original position and then within a matter of days, his new position was made redundant. The complainant alleged he was treated this way because of his age.

The company generally agreed with the events outlined by the complainant but disputed that this action was because of his age. The company said it was going through a period of change and associated redundancies and was not aware that the complainant's new position would be made redundant when they asked him to move.

The complaint was resolved at conciliation with an agreement that the company would pay the complainant \$50 000 compensation.<sup>3</sup>

<sup>3</sup> Complaints are resolved in conciliation on a without-admission-of-liability basis



We also contributed to the debate on a possible Convention on the Rights of Older People, engaging with domestic and international age NGOs to ensure continuing discussion of better recognition of older people's rights. In this arena we took a leadership role, seeding the debate about the gap in international protection for older people among key stakeholders in Australia.

In 1 February 2010 the Commission welcomed the government's announcement of an initial \$43-million Productive Ageing Package which gives priority to supporting mature-age workplace participation. We believe it is vital that these measures allow mature-age workers real choice – to work if they need to and work if they want to.

To achieve this, education and the shifting of community attitudes is critical. Many workers are work-ready, skilled and able to start working immediately, yet struggle to find jobs because of unaddressed and unlawful discrimination related to their age.

We also participated in the Consultative Forum on Mature Age Participation, a first time-ever forum comprising the Council on the Ageing, National Seniors, Australian Council of Trade Unions, peak business bodies and the Commission. This meeting was established to consult, discuss and advocate for strategies to address barriers to the participation of mature-aged people in the workforce.

Sex Discrimination Commissioner Elizabeth Broderick launched the *Gender Equality Blueprint 2010* at the National Press Club in Canberra.

### Setting a gender equality blueprint for Australia

After nine major national reviews on gender equality in Australia, there remains a major gap in equality between women and men. We believe that, in the wake of securing the major reform of a paid parental leave scheme for Australia in 2010, there is a risk that gender equality will be considered 'finished business,' making further reform unnecessary.

In June 2010 Sex Discrimination Commissioner Elizabeth Broderick launched a *Gender Equality Blueprint 2010* at the National Press Club. The new gender blueprint represents a vital next stage of reform.

The blueprint sets out 15 achievable, practical recommendations in five priority areas which were identified from Commissioner Broderick's 2007 national 'listening tour'. These areas are: balancing paid work and family and caring responsibilities, ensuring women's lifetime economic security, promoting women in leadership, preventing violence against women and sexual harassment, and strengthening national gender equality laws.

In particular, we believe Australia needs a national childcare body to oversee ongoing development of a system of high-quality, accessible, affordable universal childcare.

To promote women in leadership, we need the government to announce a minimum 40% of each gender to be represented on all federal government boards within three years, with progress against this target reported annually.

And to address sexual harassment and violence against women, we require a national prevention strategy to drive down the incidence of sexual harassment in workplaces. An independent body should monitor the implementation of the national plan to reduce violence against women.

The Commission has urged the government and political parties to adopt the blueprint. We further urge the business sector to put innovative gender-equality strategies in place and to measure achievement against them. We also urge unions to maintain their focus on pay equity. We encourage women's groups and other NGOs to continue the sustained advocacy that was instrumental in delivering paid parental leave to the community.

## Lifting the suspension of the Racial Discrimination Act in the northern Territory Emergency Response

On 21 June 2007, the Australian Government announced a 'national emergency response to protect Aboriginal children in the Northern Territory' from sexual abuse and family violence. This has become known as the NT Intervention or NT Emergency Response (NTER).

Though the Commission welcomed the government's announcements to act to protect the rights of Indigenous women and children in the Northern Territory, at the same time we urged the government and Parliament to adopt an approach that is consistent with Australia's international human rights obligations and particularly with the *Racial Discrimination Act 1975* (RDA).

Through advocacy and advice the Commission has raised concerns over the NTER via parliamentary submissions, speeches and in consultations with government representatives.

Part of the NTER, the issue of income management has become a much discussed topic across Australia in relation to distribution of welfare payments in Indigenous communities in the NT. In November 2009, we released draft guidelines for ensuring income management measures comply with the RDA. These guidelines provide practical assistance to Parliament and the government for designing and implementing income management measures that protect human rights and are consistent with the RDA. We are currently revising the Draft Guidelines in line with the feedback received.

In February 2010 we made a submission to the Inquiry into the Welfare Reform and Reinstatement of Racial Discrimination Act Bill 2009 and other bills.

We believe the passage of the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 will go some way to lifting the suspension of the RDA and state and territory anti-discrimination laws in the Northern Territory.

However we believe the passing of this legislation should only be a first step in restoring full protection under the RDA for affected communities. It is vital that the next steps for improving the NTER include the gathering of relevant baseline data and development of monitoring and evaluation tools, followed by further steps to ensure the full reinstatement of the RDA.

## Putting a national disability strategy and national disability insurance scheme on the agenda

In December 2009 we welcomed the Prime Minister's announcement that development of a National Disability Strategy would be placed on the Council of Australian Governments' (COAG's) reform agenda and would be based on the *Convention on the Rights of Persons with Disabilities* – as we had suggested. We have been assisting in the work of the COAG working group on this issue.

Also in December 2009, as a major component of the National Disability Strategy, the Prime Minister announced a Productivity Commission inquiry on a National Disability Insurance Scheme (NDIS). For some time the Commission and many disability organisations have supported such a scheme as a way to translate human rights into reality for people with disability.

## Addressing health inequality for Aboriginal and Torres Strait Islanders: Close the Gap

Former Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma, laid the groundwork for the community-led Close the Gap Campaign with his *2005 Social Justice Report*. The campaign seeks to achieve equality in health status and life expectancy between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians.

The Commission provides secretariat and media support to the campaign and, by virtue of the central role played by current Social Justice Commissioner, Mick Gooda, continues to be involved.

Officially launched in 2007, the campaign is now actively led by a Steering Committee (chaired by the Commissioner) comprising approximately 20 peak Indigenous and non-Indigenous health and human rights organisations, with the broader public support of approximately 20 other organisations. Aboriginal and Torres Strait Islander leadership is a key characteristic of the Steering Committee.

In March 2008 a series of commitments were secured from the Australian Government when the then Prime Minister, Kevin Rudd, signed the *Close the Gap Statement of Intent*.

By signing the Statement of Intent, Australian governments are committed to putting firm targets, funding and timeframes in place, and to working together to achieve equality in health status and life expectancy between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians by the year 2030.

Since the campaign began, almost \$5 billion of 'Close the Gap' branded programs have been provided by Australian governments to address poorer Indigenous health, including the social determinants that act as contributors. We continue to participate in some 20 Australian Government and COAG reform processes in the Indigenous health and health policy space and related areas.

During the year under review an additional two governments signed the Statement of Intent – New South Wales and the Australian Capital Territory.

In June 2010 the *Close the Gap – Making it Happen* workshop was held at Old Parliament House in Canberra. It focused on practical moves that could be undertaken to bring the government's commitments to the campaign to fruition, particularly development of a long term national action plan in partnership with Aboriginal and Torres Strait Islander people.

Also, on 25 March 2010, more than 30 000 people across Australia took part in National Close the Gap Day, sending a strong message that government should get right its approach to addressing the Aboriginal and Torres Strait Islander health crisis.

# Building human rights into law and practice

---

We believe Australia can only truly deliver on its international obligations if human rights considerations become part of everyday law-making and policy.

To help make this happen, we prepare submissions to parliamentary inquiries, assess the human rights impact of federal laws and provide advice to the Australian Government.

We work with community groups, business, employers and others to identify what they can do to promote and protect human rights.

We direct our focus at areas of priority concern, including: women's economic security, discrimination against mature workers, employment participation among people with disability and accessible housing design and construction for ageing Australians and those with a disability.

## Strengthening laws to address sex discrimination and gender inequality

In June 2008 the Senate referred the Inquiry into the Effectiveness of the *Commonwealth Sex Discrimination Act 1984* in Eliminating Discrimination and Promoting Gender Equality to the Senate Legal and Constitutional Affairs Committee. This review presented an opportunity to examine new ways of reducing sex discrimination, harassment and violence and was the first review of the legislation in over a decade.

The Commission lodged its submission to the review on 1 September 2008, making 54 recommendations for immediate reform of the Sex Discrimination Act (SDA), as well as calling for a second stage of reform which included 11 more extensive reform proposals.

The government's response to the review in June 2010 accepted a number of the recommendations of the Senate Committee to strengthen and modernise the Sex Discrimination Act. We were pleased to see the government quickly introduce legislation that will strengthen the gender equality

laws of Australia. These amendments will provide greater protection for men and women with family responsibilities in all areas of employment and strengthen protection from sexual harassment for workers, as well as school students.

## Balancing paid work and caring responsibilities

Successfully balancing paid work with family responsibilities remains a major challenge for a large number of Australians. With women continuing to do most of Australia's unpaid caring work, the creation of workplaces that support women and men to balance paid work and share caring responsibilities is critical to achieving gender equality.

Many Australians are juggling their paid work with caring for their children, grandchildren and relatives with an illness or disability. With the rapid ageing of our population there will be increasing pressure on workers to balance the caring of elderly parents with paid work. Yet there remains a notable gap in the support provided by governments and employers.

We continue to challenge the way Australians think about work and family balance by promoting the value of family friendly work practices.

## Establishing a paid parental leave scheme

We are delighted to report that the Sex Discrimination Commissioner and her predecessor have played an influential role in achieving a national scheme of paid leave for parents in Australia.

While our proposal for a national paid leave scheme for parents was outlined in our written submission to the Productivity Commission Inquiry into Paid Maternity, Paternity and Parental (November 2008), we continued to advocate for a national scheme of leave.

In May 2010 the Sex Discrimination Commissioner appeared before the Federal Senate Community Affairs Legislation Committee to give evidence for the inquiry into the Exposure Draft of the Paid

---

Parental Leave Scheme Bill 2010. The Commissioner addressed two key issues: the inclusion of a superannuation component into the scheme and the need for a legislated independent review to be conducted two years after implementation.

After 30 years of strong advocacy, we welcomed the passage of Australia's first Paid Parental Leave Scheme on 17 June 2010. We believe it is a triumph for mothers and parents and the broader community. It will help deliver stronger outcomes for mothers, families, business, the economy and our community as a whole. We were encouraged that all political parties were united in the view that the time for paid parental leave had come, and particularly pleased to see a two-year review included in the legislation.

We believe the scheme forms a solid base upon which we can improve over time. Improvements would include the addition of superannuation, an extension of the period of paid leave and lifting the level of payment. We will continue our advocacy for such improvement.

### **Advocating for flexibility in workplace culture**

To be effective, flexible work arrangements should be an accepted part of all Australian workplaces. Caring is still seen as an individual choice and employees who have caring roles are often not adequately supported. Many workers are unable to obtain the flexible work arrangements they need. When it gets too hard to juggle their responsibilities, some have no option but to resign.

We believe that, to be effective, flexible work arrangements should be an accepted part of all Australian workplaces. They need to be available to men and women and cover all forms of caring responsibilities, not just young children. This is particularly important as our population ages and more and more workers need to care for older family members.

At the same time that we have been advocating for a system of paid parental leave for Australia, we have promoted law reform for the provision of better protection from discrimination for people in paid work with family and caring responsibilities. We have advocated for other family-friendly policies such as flexible working arrangements and job redesign.

On 1 January 2010 we welcomed the commencement of the National Employment Standard (NES) on the right to request a flexible work arrangement under the *Fair Work Act 2009*. However we believe that, in its current form, the NES does not properly address the full range of caring responsibilities that workers often have to meet. The right to request flexible work is currently restricted to carers of a child below school age or a child under 18 years old with a disability – overlooking carers of older children, elderly parents or a family member with a disability.

In its current form, the Sex Discrimination Act (SDA) also provides only limited protection from discrimination on the grounds of family and caring responsibilities. The Australian Government introduced legislation in June 2010 to amend the SDA to expand the protection of both female and male workers from discrimination on the grounds of their family and carer responsibilities.

We continue to advocate for further changes to the NES and SDA that will make flexible work a normal part of Australian workplace life.

## **Working to ensure lifetime economic security for women**

### **Advocating for pay equity**

We believe a concerted effort is needed to close the gender pay gap in our country. Women in Australia currently earn approximately 82 cents in the male dollar (full-time adult ordinary time earnings) and the gender gap in pay has widened over the last four years.



Pay inequity affects women's involvement in the workforce and has long-lasting effects on their financial security. In addition, the fact that women on average earn less than men can limit the choices available to women and men trying to balance their work and family life. Couples make decisions about the division of paid work and unpaid caring work based on whose salary can better provide for the family's needs.

The Australian workforce is highly segregated by gender and industries dominated by women have been historically undervalued. For example, industries such as aged care, child care, health and community services are female-dominated and generally lower paid than male-dominated industries such as engineering, banking and finance. But the gender pay gap is not limited to female-dominated industries. It is also particularly pronounced in ASX200 companies, where the gap is more than 10% higher than the current national average.

During the year under review, we have continued to advocate, with other key stakeholders, for action to be taken on this front. Some of the issues we have tried to elevate to the national agenda have included greater transparency in company pay rates and the development of a national pay equity strategy, which would strengthen our powers of intervention.

In November the Commission welcomed the release of the House of Representatives Standing Committee on Employment and Workplace Relations' report. *The Making it Fair: pay equity and associated issues related to increasing female participation in the workforce* report provides further evidence of the systemic and worsening nature of the problem in Australia.

One of the most important reforms the report proposes is the elevation of the principle of equal pay for work of equal or comparable value from a 'good to have' to an 'unambiguous obligation'.

Reforms proposed include changes to Australia's industrial relations system, gender equality legislation and gender equality mechanisms, as well as changes which could benefit women working in low-paid occupations.

We welcome recommendations for the establishment of new mechanisms and processes to achieve pay equity. Also welcome is the recognition that many occupations in which women work in Australia have been historically undervalued, and that this may now be taken into account when minimum wages and awards are being set.

The Commission is also a member of the Equal Pay Alliance, which comprises over 150 representatives from business, unions and government. The Australian Services Union (ASU) has lodged the country's first equal pay test case under the new Fair Work Act with Fair Work Australia, an action strongly supported by the alliance.

The ASU intends to increase the wages of almost 250 000 mostly female community sector workers across the country, particularly those working in caring and community industries. The ASU argues that low wages in a feminised industry like the community sector must be brought into line with pay rates for work of equal or comparable value.

The case will potentially impact upon a variety of workers in the community sector, including those in disability, aged care, community legal centres, domestic violence services and sexual assault workers. A positive outcome will have important implications.

### **Advocating for women's financial security in retirement**

There is a major gap between the financial security of Australian men and women in later life, with women facing a much greater risk of living in poverty.

Australia's retirement income system is based on compulsory savings enforced through the superannuation guarantee and voluntary savings (both through superannuation and other sources), and supplemented by the government-provided age pension.

As superannuation savings are directly linked to paid work, women who take time out of paid work to care for children or other family members are effectively penalised in retirement savings. In Australian households, women undertake two thirds of the unpaid caring and domestic work and spend almost three times as many hours looking after children each week as men.

We believe the entire retirement income system must be reformed. In particular, we believe the retirement income system needs to include mechanisms that provide a financial reward for the unpaid caring work carried out during a person's lifetime.

Reviews conducted by the Australian Government so far have failed to effectively address the gender inequality inherent in Australia's retirement income system. While the recently announced changes to the superannuation system may have some benefits for people on low incomes, the persistent gender pay gap and the continuing 'broken' work patterns of women mean their retirement savings will continue to lag behind those of men.

We continue to advocate for the superannuation co-contribution scheme to be extended, for changes in the tax system that would assist in closing the gender pay gap between women and men, and for an inquiry into the recognition of unpaid caring work in our superannuation and pension schemes.

### **Strengthening women's representation in decision-making roles**

It is clear that the number of women in senior roles in the public and private sectors in Australia reflects neither the abilities of women nor their interest in occupying such positions. Despite making up 45% of Australia's workforce, women remain grossly under-represented in leadership and management roles in virtually all sectors.

We believe strongly that increasing the representation of women at decision-making levels would help change the culture of many workplaces and institutions for the better. This has been a major area of advocacy for the Commission, particularly

over the past financial year. Indeed we have worked continuously with other key stakeholders to raise this to the national agenda.

We were pleased to see corporate Australia taking concrete steps to remedy gender inequality in its leadership structures with the announcement that revised *ASX Corporate Governance Principles and Recommendations* will come into effect on 1 January 2011. As of this date, they will require ASX200 companies to set targets for increasing the number of women on their boards and at senior executive level.

During the year, and following ongoing meetings with the Sex Discrimination Commissioner, a new leadership group of male CEOs and chairmen from a diverse set of Australian companies was formed. Its objective is to elevate the issue of women's representation in the corporate sector on the national business agenda. The formation of the group was prompted by the ASX Corporate Governance Council recommendations on diversity, which require each listed entity on the ASX to adopt and disclose a diversity policy that includes measurable gender objectives.

The group will continue to meet with the Commissioner and use their collective influence and personal commitment to develop and drive strategies that will boost gender equality in the Australian corporate sector.

The Commission believes the formation of the group will help build momentum to the adoption of the ASX council reforms, due to be implemented in January 2011.

Most state and territory governments have already set gender equality targets for government-appointed boards and committees and these have had a dramatic impact on representation of women on these bodies. We believe the Australian Government should follow suit and take concrete steps to ensure greater gender equality in government appointments, including the public service.

## Working to improve the lives of people with disability and ageing Australians

### **Making housing safer and more accessible**

At the end of 2006 the Commission called for a national plan of action to address the need to improve the way we design and construct housing so that it will better meet the needs of families as their circumstances change. Adopting a more universal approach to the design of houses would ensure they are safer, easier to live in and easier to adapt.

In October 2009 Parliamentary Secretary Bill Shorten and Ms Therese Rein hosted the first meeting of a National Dialogue on Universal Housing Design. It linked the Australian Human Rights Commission with organisations representing governments, architects, builders, the disability and ageing sectors and others.

The National Dialogue met throughout early 2010 and is expected to release a final strategic plan which will seek to address many of the issues we identified in 2006.

These efforts represent a unique partnership between industry, community organisations and government. An announcement on how work is to progress is expected early in the next financial year.

### **Making public buildings accessible**

After more than 10 years of negotiation and consultation between the Commission and other regulators, government, industry and the disability community, the federal Government has introduced new standards for access to public buildings for people with disability.

The *Disability (Access to Premises – Buildings) Standards* clarify how designers, developers, managers and building certifiers can meet their responsibilities under discrimination law to ensure buildings are accessible to people with disability.

During the year under review, Commissioner Innes and staff from the Commission's Disability Discrimination policy unit celebrated the introduction of the Disability (Access to Premises – Buildings) Standards.

The standards were tabled in Parliament in March 2010, together with the government's response to the House of Representatives Standing Committee on Legal and Constitutional Affairs Inquiry on the standards. During the launch of the standards the Attorney General thanked the Commission for its outstanding contribution throughout this process.

What does this mean in practical terms? As of the expected implementation date of 1 May 2011, any new public building, or existing building undergoing renovation which requires a building approval, will be required to comply. The trigger date of 1 May allows time for state and territory building authorities to make changes to building laws that reflect the content of the premises standards. It also provides time for building professionals to be trained in the new requirements.

The Commission has been asked by the Attorney General to take a lead role in providing training. In partnership with the Australian Building Codes Board we are developing material and seminars on the premises standards to be delivered later in 2010.

While advocates from all sectors will be looking to the first five-year review to improve the clarity and effectiveness of the standards, the completion of this project, expected in late 2010, will herald the most significant changes in access requirements for public buildings in Australia's history.



### **Improving accessibility of television, cinema, dvd and the Internet**

People who are deaf or have a hearing impairment and people who are blind or have low vision still do not have equitable access to electronic media forms that rely on either audio or visual capacity. Their right to do so is identified in the *UN Convention on the Rights of Persons with Disabilities* and covered under discrimination law.

The Commission has had long involvement in media access issues, stretching back to 2000 when we undertook a public investigation process in relation to a cinema access complaint. We continue to work with community organisations and representative bodies in the TV, cinema, DVD and Internet industries to improve access to these media forms for people with disability.

Our work focuses on the availability of captions and audio description, and involves direct negotiations, development of industry standards, assessment of temporary exemption applications and contributing to a national investigation into media access currently being undertaken by federal government.

This investigation continued throughout 2009-10 with the 26 November 2009 release by Minister Conroy of a second discussion report which identified approaches the government was considering to improve media access. (*The Access to Electronic Media for the Hearing and Vision Impaired:*

*Approaches for Consideration* report included a number of approaches that had been identified by the Commission.)

In November 2009 we received an application for a temporary exemption application on behalf of four major cinema exhibitors (Hoyts, Greater Union, Village and Readings) which, in return for the exemption sought, proposed an expansion of cinema captioning and an introduction of audio description in 35 cinema complexes over a two-and-a-half-year period. In April 2010 the Commission declined the application.

This was the catalyst for new progress in this area. Upon refusal of the application, the Parliamentary Secretary Bill Shorten, with the support of Minister Conroy and the Commission, encouraged the industry to develop a more substantial plan to address access needs in all cinema complexes operated by the original applicants.

By the end of June 2010 negotiations had resulted in a broad in-principle agreement between industry and the disability community for a plan that would ensure access in each of the 132 cinema complexes operated by the applicants. When the proposed rollout is complete at the end of 2014 Australia is likely to have the highest per-capita levels of cinema access in the world.

*Workers with a mental illness: a practical guide for managers* aims to help employers and managers better understand mental illness, develop strategies that assist workers with a mental illness and ensure their workplaces are healthy and productive.

**Increasing the employment participation of people with disability**

In September 2009 the government released the National Mental Health and Disability Employment Strategy.

After its release, the Minister invited the Commission, among others, to participate in the Disability Employment Services Reference Group. The Reference Group will give the Minister strategic advice on the future of disability employment services as well as matters covered in the National Mental Health and Disability Employment Strategy.

In May 2010, we released *Workers with a mental illness: a practical guide for managers*, which aims to help employers and managers better understand mental illness, develop strategies that assist workers with a mental illness and ensure their workplaces are healthy and productive. The guide has been endorsed by the Fair Work Ombudsman, beyondblue: the national depression initiative, SANE Australia, the Mental Health Council of Australia, and was supported by Safe Work Australia.

It can be downloaded from the Commission’s website at: [www.humanrights.gov.au/disability\\_rights/publications/workers\\_mental\\_illness\\_guide.html](http://www.humanrights.gov.au/disability_rights/publications/workers_mental_illness_guide.html)

**Working for equitable health outcomes**

For years we have worked with disability representatives and health sector organisations to promote better access to health services for people



with disability. One barrier we have identified is a lack of adjustable-height examination beds that provide effective and dignified access for patients with physical disabilities who require procedures such as those for breast and cervical cancer screening.

Following submissions from the Commission and a broad group of community advocacy groups, the Royal Australian College of General Practitioners has proposed an amendment to the accreditation standards for general practices. The proposed amendment is for inclusion of a requirement that all general practices have at least one adjustable height examination bed.

**Ensuring electoral access for people with vision impairment**

The Commission has, for several years, advocated for the government to trial an electronic secret ballot for people with a sight disability. A trial of electronic voting took place at the 2007 federal election and its success has led to a change in law.

The government has now passed an amendment to the Electoral Act which will ensure the 300 000 Australians who are blind or have low vision have a secret ballot in federal elections.

Initially the changes will allow the Electoral Commissioner to determine the method of secret ballot. Electors who are blind or have low vision will have the option of attending an Australian Electoral Commission divisional office where they can be connected to trained call centre operators for help in completing their ballot papers. We expect that over time alternative means of ensuring secret ballots will be developed and implemented.

### **Working towards Internet accessibility**

Many people with a disability do not enjoy the same levels of access to websites and web content as other members of the community. This results in exclusion from opportunities to engage in social, cultural, political, recreational and economic activities.

Throughout 2009-10 the Commission has contributed to the international development of revised web accessibility guidelines (WCAG2.0) and worked with the federal government to get the new guidelines adopted as government policy.

The widespread adoption in Australia of WCAG2.0 by both government and private sectors will significantly improve the levels of access to and usability of new and upgraded websites and recently-published web content. This will result in a significant reduction in the systemic exclusion of people with a disability that currently exists.

### **Indigenous hearing project**

Indigenous people experience hearing loss at up to 10 times the rate of other Australians – a crisis that the World Health Organisation referred to as a ‘massive public health problem which needs urgent attention’.

We have engaged a consultant to research and write a paper identifying the impacts of hearing impairment and deafness in Aboriginal and Torres Strait Islander communities. The report, at draft stage in the

2009-10 period, collates evidence about the extent to which hearing impairment and deafness can affect the rights of Aboriginal and Torres Strait Islander peoples, and identifies solutions and opportunities for action.

### **Ensuring our laws and practice prohibit torture**

In May 2009 the Australian Government signed the *Optional Protocol to the Convention against Torture* (OPCAT). In signing OPCAT, the government has taken a significant step towards establishing greater oversight and inspection of its places of detention. Once Australia ratifies OPCAT and becomes a full party, it will be required to establish a national system of inspections of all places of detention. (We have urged the Australian Government to ratify and implement this agreement.)

In November 2009 the Commission and the Asia Pacific Forum of National Human Rights Institutions co-hosted a national seminar about the implementation of OPCAT in Australia. The seminar was attended by representatives from government agencies, non-government organisations and academics, as well as representatives from the Geneva-based Association for the Prevention of Torture.

We welcomed the passage of the Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Bill 2009 which criminalises torture and prohibits the death penalty. With this landmark legislation in place, Australia has taken a further important step towards meeting our international human rights obligations. The legislation will criminalise acts of torture whether committed within or outside Australia.

The bill also amends the *Commonwealth Death Penalty Abolition Act 1973* to extend the application of the current Commonwealth prohibition on the death penalty to state laws. The death penalty has been abolished in Australia and the passage of this bill ensures it cannot be reintroduced. It fulfils Australia’s obligations under the *Second Optional Protocol to the International Covenant on Civil and Political Rights*.

Our work in this area continues.



# Monitoring and reporting on laws and policy

---

The Commission assesses compliance with human rights principles by examining and reporting on issues of race, age, sex and disability discrimination and human rights. In doing so, we play a significant role in the monitoring of legislation and policy in Australia.

We assess legislative and policy proposals and make submissions to governments, law reform bodies and parliamentary committees. These submissions, many of which identify breaches or potential breaches of human rights in existing and proposed legislation, contribute to policy development and review of laws.

They also play an important role, too, in generating public debate and an awareness of human rights. We make them available on our website for reference by governments, politicians, lawyers, academics, journalists, students and other individuals who have an interest in human rights issues.

To access these submissions please visit [www.humanrights.gov.au/legal/submissions.html](http://www.humanrights.gov.au/legal/submissions.html). For more information about the process whereby federal legislation is made, refer to the Parliament of Australia website at [www.aph.gov.au](http://www.aph.gov.au).

## Monitoring Aboriginal and Torres Strait Islander social justice and native title

A state-of-the-nation review of progress on Indigenous policy and human rights compliance is provided annually by the *Social Justice Report* and *Native Title Report*.

### **Social Justice Report**

Under the Australian Human Rights Commission Act, the Aboriginal and Torres Strait Islander Social Justice Commissioner is required to report annually to the Attorney-General about the exercise and enjoyment of human rights by Australia's Indigenous peoples. The *Social Justice Report* fulfils this obligation, and is tabled in Parliament each year.

*The Social Justice Report* allows the Commissioner to make recommendations about action that should be taken to ensure such rights are upheld and maintained and is a key tool in raising the profile of these issues and furthering understanding with government and other service providers. *The Social Justice Report* influences the way governments engage with Aboriginal and Torres Strait Islander communities, particularly with regard to service delivery and legislative and policy change (for example, the *Social Justice Report 2005* resulted in the Close the Gap Campaign.)

In essence, the *Social Justice Report 2009* focused on the need for strong communities. It canvassed justice reinvestment, a new idea which originated in the United States, as a solution to the appalling over-representation of Indigenous people in the criminal justice system by reinvesting money in crime prevention to keep people from particular communities out of prison.

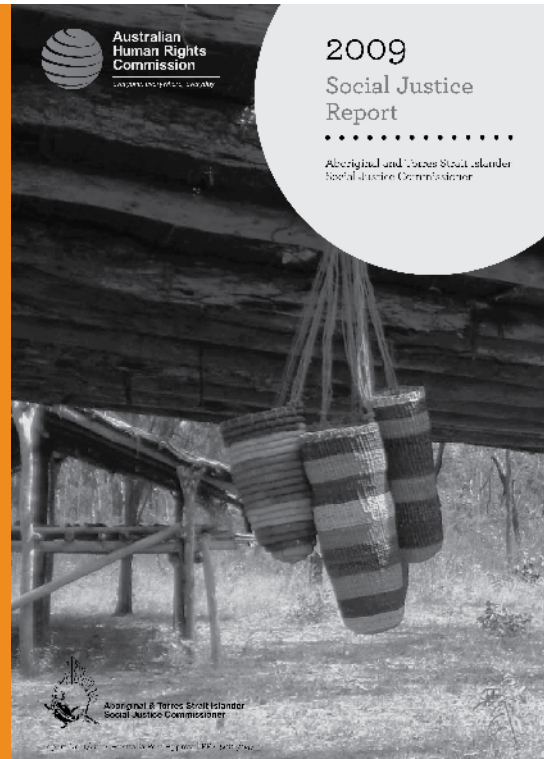
It looked at the perilous state of our critically endangered Indigenous languages, arguing that the protection of language and culture will serve as the glue that will keep communities together. It examined the homelands movement of the Northern Territory as an example of successful Aboriginal community development, governance and self-determination that should be supported.

**Justice reinvestment:** Nationally, Indigenous adults are 13 times more likely to be imprisoned than non-Indigenous people and Indigenous juveniles are 28 times more likely to be placed in juvenile detention than their non-Indigenous counterparts. Indigenous imprisonment has increased by 48% since 1996.

As a strategic solution to this over-representation, we made four recommendations which argued that justice reinvestment be adopted.



The Social Justice Report 2009 focused on the need for strong communities, canvassed justice reinvestment, highlighted our critically endangered Indigenous languages and examined the homelands movement of the Northern Territory as an example of successful Aboriginal community development, governance and self-determination that should be supported.



In Australia, we are spending ever increasing amounts on imprisonment. At the same time, prisoners are not being rehabilitated, recidivism rates are high and return-to-prison rates are creating overcrowded prisons. Based on evidence from the United States and consideration of the Australian context, we argued that spending be reinvested in community-wide early intervention and support for our Indigenous communities.

Justice reinvestment is a localised criminal justice policy approach that, in a particular community with a high concentration of offenders, diverts a portion of the funds spent on imprisonment to be reinvested in programs and services that both prevent offending from occurring and address the underlying causes of crime. Prison is still retained as a measure for dangerous and serious offenders. In other words, it is not simply about reforming the criminal justice system, it aims to prevent people from getting there in the first place.

**Indigenous languages:** In Australia, Indigenous languages have dwindled from 250 distinct languages – that expanded out to 600 dialects prior to colonisation – to a mere 20 fully intact languages today, all of which are endangered. Without intervention, Indigenous language knowledge will likely cease to exist in Australia in the next 10 to 30 years.

While the loss of Indigenous languages in Australia is a loss for all Australians, for the Aboriginal and Torres Strait Islander peoples involved the loss has wide-ranging impacts on culture, identity and health.

Where languages are eroded and lost, so too is cultural knowledge and, in turn, health and wellbeing. There is now significant research which demonstrates that strong culture and identity are protective factors for Indigenous people, assisting in the development of resilience.



Former Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma launched the Social Justice report and the Native Title Report at the Redfern Community Centre in Sydney.

**Aboriginal homelands:** In our state-of-the-nation review we focused on Northern Territory homelands. We did this because significant changes had been made to government policies which limited resources and support for homeland communities, moving homeland residents into large townships so they could access housing, education and other services.

Homelands provide social, spiritual, cultural, health and economic benefits to residents. They are a unique component of the Indigenous social and cultural landscape, enabling residents to live on their ancestral lands. They are also governed through traditional kinship structures which provide leadership and local governance.

History has shown that moving people from homeland communities into fringe communities in rural towns increases the stresses on resources in townships. Some of the documented disadvantages include increased social tensions between different community groups, reduced access to healthy food and lifestyles and loss of cultural traditions, practices and livelihoods.

If government policy fails to support the ongoing development of homelands, it will lead to social and economic problems in rural townships that could further entrench Indigenous disadvantage and poverty.

We argued that homelands should be adequately resourced by all Australian governments and that homeland leaders should be able to actively participate in the development of policies that affect their communities.

Inconsistent and contradictory policies across the state, territory and Commonwealth governments have created a policy environment in which little can be done in a systematic way to preserve languages. For example, at the same time the Commonwealth government released its 2009 policy to preserve languages, we have seen the Northern Territory government attempt to dismantle bilingual education by making it mandatory for schools to teach the first four hours of each school day in English.

We recommended a series of actions that should be taken by governments to implement the objectives of this new policy while at the same time ensuring that Aboriginal and Torres Strait Islander children become fluent in English. We also documented a number of national and international good practice approaches that suggest ways forward to both formally recognise Indigenous languages and establish a national body to promote Indigenous languages.

## **Native Title Report**

*The Native Title Report* meets the Aboriginal and Torres Strait Islander Social Justice Commissioner's obligation to report annually on the operation of the Native Title Act and its effect on the exercise and enjoyment of human rights of Aboriginal peoples and Torres Strait Islanders.

The report aims to address serious human rights violations that result from the dispossession of these peoples from their lands, territories and resources. Its recommendations focus on addressing systemic issues.

The 2009 report summarised the former government's legacy of native title and land rights policy. It reviewed developments during the reporting period, including relevant changes to law and policy, significant court decisions and developments in international human rights law.

The report outlined the principles and standards we believe should guide a new approach to native title. In particular it promoted the view that the native title system ought to be viewed in the context of broader reforms to protect the rights of Aboriginal and Torres Strait Islander peoples.

With the objective of promoting more discussion and debate, it covered key areas for reform that have attracted attention during the reporting period, and proposed legislative and policy options for improving the native title system.

A key theme in the report was that although governments have come a long way since Mabo, there is much more work to be done before the rights of Indigenous peoples can be said to be fully respected in this country.

One of the most important developments in relation to Indigenous land is that the Australian Government has linked the provision of funding for essential services, such as housing, to government control over Indigenous land.

The report updated developments in Indigenous land tenure reforms and concerns that these have been focused on enabling governments to secure tenure rather than on assisting Indigenous people to make use of their land. The report also sets out principles that should be considered prior to the introduction of land tenure reforms.

## **Monitoring the rights of asylum seekers and refugees**

### **Advocating for humane immigration detention policies**

Recent public debate about asylum seekers has often ignored the fact that they make up a very small percentage of Australia's immigration intake. Globally, Australia also receives a very small percentage of asylum claims – less than 2% of those made in industrialised countries in 2009.

We recognise there is community concern about the recent arrival of asylum seekers by boat. However, we believe it is important to keep this in perspective. The focus should be on ensuring that, if people do arrive and seek asylum in Australia, we treat them fairly, humanely and in line with Australia's international obligations. This means allowing them entry for their refugee claims to be assessed and providing them with asylum if they can show they are a refugee.

For more than a decade we have raised concerns about Australia's immigration detention system. During this time we have investigated numerous complaints from individuals in immigration detention and conducted two national inquiries into the mandatory detention system.

We have concluded that the mandatory immigration detention system breaches fundamental human rights.

## El Masri v Commonwealth

This human rights complaint report, in which the Commission found that the Department of Immigration and Citizenship breached the human rights of Ahmed El Masri, led to an important change in government policy in respect to immigration detention.

Mr El Masri had been taken into immigration detention after his transitional (permanent) visa was cancelled on character grounds under section 501 (2) of the Migration Act. The President found that the failure of the Commonwealth to continuously review the legality of Mr El Masri's detention constituted unlawful and arbitrary detention in breach of his right to liberty under article 9 (1) of the ICCPR. The Commission also found the placement of Mr El Masri in solitary confinement for 77 days breached his right to be treated humanely in detention under article 10 (1) of the ICCPR. It recommended that Mr El Masri be paid \$105 000 in compensation and that the Commonwealth apologise.

The President's report was tabled in Federal Parliament by the Attorney-General on 28 October 2009. The Commonwealth has advised that it has adopted the President's recommendation to amend the *Migration Series Instructions* to require officers to consider relevant case law when assessing whether or not a person is unlawful. In addition the Commonwealth advised that it has implemented a Chief Executive Instruction requiring certain processes to be followed where legal developments may impact upon the lawfulness of detention.<sup>4</sup>

Because of our ongoing concerns about the impacts of Australia's immigration detention policy, the Commission has engaged in a range of activities aimed at ensuring the immigration detention system complies with Australia's international human rights obligations. These include reviewing and making submissions about proposed laws, making submissions to relevant parliamentary inquiries and commenting on government policies on request.

During the reporting period our policy work included submissions on the Migration Amendment (Complementary Protection) Bill 2009, the Proposed Redevelopment of Villawood Immigration Detention Facility and the Migration Amendment (Immigration Detention Reform) Bill 2009. We also reviewed and provided comments on a number of government policies, including a draft direction on the immigration detention of minors.

In April 2010 we expressed concern about the suspension of processing of applications from asylum seekers from Sri Lanka and Afghanistan. We urged the government to lift its suspension of processing as a matter of urgency. The suspension is leading to longer periods of detention. We have been particularly concerned about the ongoing detention of families with children and unaccompanied minors. Children should only be detained as a measure of last resort and for the shortest appropriate period of time.

<sup>4</sup> Complaints are resolved in conciliation on a without-admission-of-liability basis

The Commission conducted two inspections of the immigration detention centre on Christmas Island during the year under review.

### Inspecting immigration detention facilities

One of our most important activities in this area is monitoring conditions in immigration detention. To this end we have conducted many visits to Australia's immigration detention facilities.

This reporting year we conducted two visits to Christmas Island. Our main areas of concern include the significant number of people being held in immigration detention on the island, the detention of children, the conditions of detention and the limited access asylum seekers have to the legal system.

President Branson, Commissioner Innes and two Commission staff members visited Christmas Island from 13 to 18 July 2009. They inspected the facilities, met with detainees, management, staff and service providers, as well as other groups and community representatives.

Our public report of this visit found that the immigration detention facilities on Christmas Island were not appropriate for detaining asylum seekers, particularly those with a background of torture or trauma, and that asylum seekers detained on Christmas Island had more limited access to appropriate services than would be the case on the mainland.



We recommended that the Australian Government repeal the provisions of the Migration Act relating to excised offshore places. We recommended that the policy of processing some asylum claims through a non-statutory refugee status assessment process should be abandoned, and that Christmas Island should not be used as a place to hold people in immigration detention.

We visited Christmas Island again in June-July 2010. A report of this visit will be published later in 2010.

We used World Refugee Day in June to remind Australians of the ongoing need for asylum seekers to be treated humanely.

# Resolving discrimination and human rights issues

---

One of our core functions is to help people resolve complaints about discrimination and breaches of human rights.

## Delivering a best-practice national complaints service

Our complaints process provides a way in which individuals and groups can voice and resolve disputes about discrimination and human rights. Our complaint work is also central to our role in protecting and promoting human rights and complements our policy and education work. The number and type of complaints we receive often highlight systemic discrimination problems. We use this information to help address the underlying factors that lead to discrimination – developing education programs or suggesting policy reforms for workplaces, service providers, educational institutions and others.

### How does our complaints system work?

The Commission's President is responsible for the Commission's complaint function. The President undertakes this work with the help of staff who have specialised knowledge and skills to manage and resolve complaints about discrimination and breaches of human rights.

We operate a national Complaint Information Service which allows people from all areas of Australia to contact us and obtain information about the law and the complaint process.

Enquires can be made by telephone, TTY, SMS, email, by letter and also in-person.

In providing this service, we also utilise a range of interpretation and translation services. The main language groups we assisted during the year in review were Mandarin, Tamil, Spanish and Vietnamese. Auslan interpreters were used on seven occasions.

### Complaints made under the Discrimination Acts

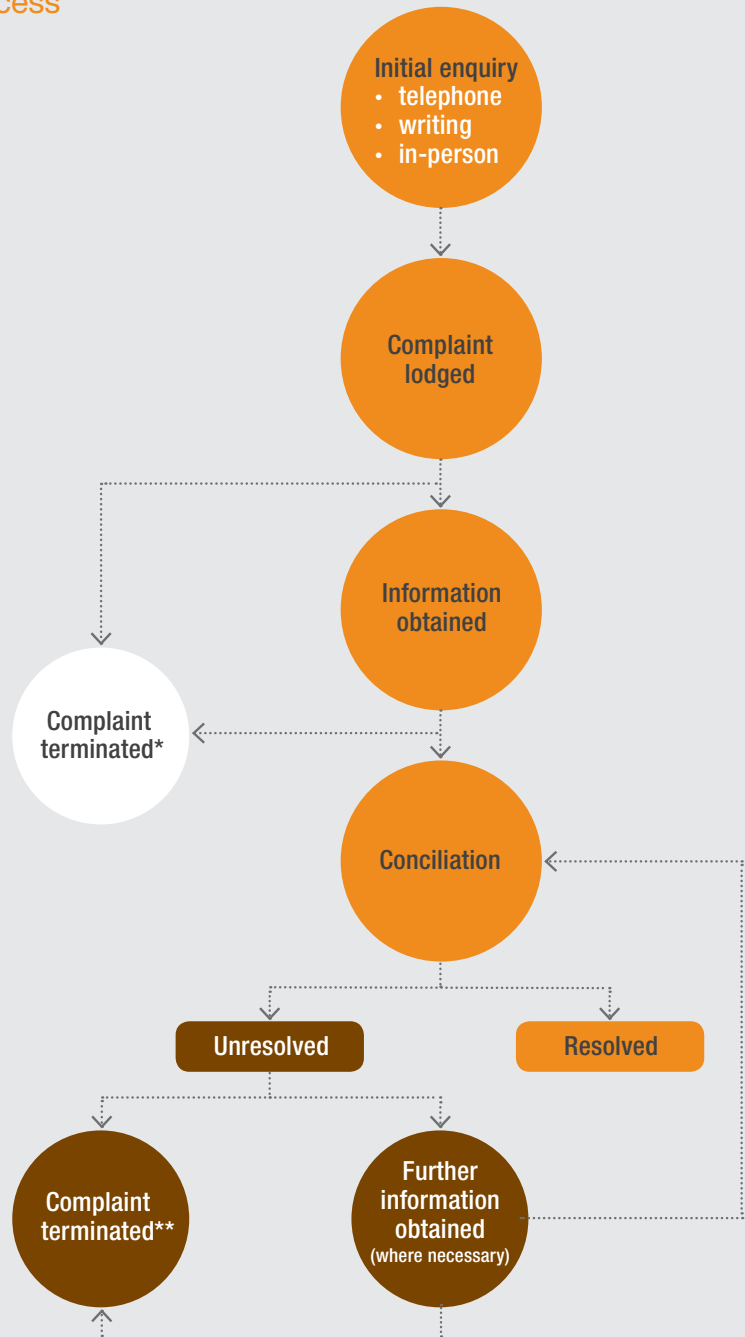
Our complaint process focuses on alternative dispute resolution, and is flexible and responsive. Complaints are resolved through a process known as conciliation. In conciliation, we help the people involved in a complaint to try to find a way to resolve their dispute.

Depending on the issues raised in a complaint, and the surrounding circumstances, conciliation may be offered straight away or undertaken after a written response to the complaint has been provided. In many cases conciliation involves an officer facilitating a face-to-face meeting of the parties. Officers travel to various locations throughout Australia, including regional and remote areas, to hold these meetings.

Conciliation may also be conducted in other formats. For example, officers may have telephone discussions with the parties and convey messages between them or hold a teleconference.



## Complaint handling process



\* When complainants under the Age, Racial, Sex and Disability Discrimination Acts are terminated, the complainant may apply to have the allegations heard and determined by the Federal Court of Australia or the Federal Magistrates Court.

\*\* Complaints under the Australian Human Rights Commission Act concerning discrimination in employment or a breach of human rights, which cannot be conciliated, cannot be taken to court. If the President is satisfied that the subject matter of the complaint constitutes discrimination or a breach of human rights these findings are reported to the Attorney-General for tabling in Parliament.

## Complaint of discrimination in employment on the ground of criminal record

A complainant was employed as a chef with the respondent aged care facility. The complainant said he had been convicted for fraud a few years ago and had served weekend detention. He claimed that when his employer became aware of his criminal record, his employment was terminated.

The parties agreed to participate in a telephone conciliation conference prior to the employer providing a formal response to the complaint. The complaint was resolved with an agreement that the complainant would be reinstated to his previous position.<sup>5</sup>



In an effort to assist parties to prepare for involvement in the conciliation process and to assist broader understanding of our conciliation work, we provide a conciliation register on our website – de-identified summaries of complaints that have been conciliated by the Commission (see [www.humanrights.gov.au/complaints\\_information/register/index.html](http://www.humanrights.gov.au/complaints_information/register/index.html)). During the year under review, over 200 new cases were added to the register.

Where a complaint of unlawful race, sex, disability or age discrimination cannot be resolved through conciliation, the complaint is terminated. Complaints may also be terminated where the President is satisfied that an inquiry into the complaint should not be undertaken or continued because, for example, the complaint is lacking in substance or better dealt with by another organisation. After a complaint is terminated, the complainant may then apply to have the matter heard and determined by the Federal Court of Australia or the Federal Magistrates Court of Australia.

<sup>5</sup> Complaints are resolved in conciliation on a without-admission-of-liability basis

## **Complaints under the Australian Human Rights Commission Act**

Complaints lodged under the Australian Human Rights Commission Act, which allege a breach of human rights or discrimination in employment by or on behalf of the Commonwealth\*, cannot be taken to court for determination. Where complaints under this Act have not been declined or resolved and the President believes that the subject matter of the complaint constitutes discrimination or a breach of human rights, he or she will report the findings to the Attorney-General for tabling in federal Parliament.

The Australian Human Rights Commission Act gives us the function of inquiring into 'any act or practice that may be inconsistent with or contrary to any human right'. This function is performed by the president through the Complaint Handling Section.

The 'acts' and 'practices' to which this function relates are, essentially, those done by or on behalf of the Commonwealth\*. Significantly this excludes acts and practices by individuals, corporations and other levels of government.

The reports, which are tabled in Parliament, can include recommendations for preventing a repetition of the act or continuation of the practice as well as the payment of compensation or other remedies. These are not enforceable; they are recommendations and there is no mechanism for enforcement. However the government may implement the recommendations by changing policy to prevent further similar acts or practices.

Under the Australian Human Rights Commission Act, the Commission can also inquire into 'acts' or 'practices' without first receiving a complaint if either, it is requested to do so by the Minister or it appears to the Commission to be desirable to do so.

## **Assisting other organisations**

We provide training to assist other organisations to increase their understanding of rights and responsibilities under the law as well as manage internal complaints about discrimination and breaches of human rights.

We have specialised training programs that provide statutory investigation and conciliation training to other organisations on a fee-for-service basis. In 2009-10, we provided:

- conciliation training for staff of the Office of the Privacy Commissioner
- two investigation training programs for staff of a NSW state government department
- complaint investigation training for representatives from the Australian Sports Commission and various sporting codes in South Australia
- advanced conciliation training for staff of the South Australian Equal Opportunity Commission
- complaint information service training for staff of the New Zealand Human Rights Commission.

During 2009-10, we developed a customised workshop on discrimination and human rights for managers and staff of Immigration Detention Centres. To date the course has been run in Canberra and Perth. It is proposed that the course will be run in other locations around Australia during 2010-2011.

## **Our performance**

Key performance indicators for our complaint service, as well as our performance against them during the year under review, are summarised on page 99.

\* Commonwealth means Commonwealth employees, departments, agencies and authorities etc



## Resolving discrimination and human rights issues through legal avenues

We provide specialist, independent legal analysis of human rights and discrimination issues to a wide range of groups, including governments, parliaments and the courts. The Commission has a responsibility to review existing and proposed legislation, prepare submissions and inquire into complaints of alleged breaches of human rights. We also appear in court to make submissions on matters that deal with human rights or discrimination.

### Assisting courts on discrimination matters

**Amicus curiae:** The role of each of our Commissioners includes assisting the Federal Court or Federal Magistrates Service as *amicus curiae* in discrimination matters. An *amicus curiae* is a 'friend to the court' who assists the court on points of law in cases. They are generally not parties to the proceedings, do not file pleadings or lead evidence and may not lodge an appeal.

The Commissioners' *amicus curiae* function can only be exercised with the leave of the Federal Court or the Federal Magistrates Court where the court is hearing an application alleging unlawful discrimination under Division 2, Part IIB of the Australian Human Rights Commission Act.

**Power to intervene:** The Commission itself has a power to intervene, with a court's leave, in proceedings involving issues of race, sex and disability discrimination, human rights issues and equal opportunity in employment (otherwise known as 'intervention issues'). It may seek to do so in proceedings when:

- intervention is sought or required by the courts
- the proceedings involve an ‘intervention issue’ as referred to above
- the intervention issue is significant and not peripheral to proceedings
- the intervention issue/s will not be adequately or fully argued by the parties to the proceedings.

We seek leave to intervene in matters where significant issues arise in relation to the interpretation of the discrimination law. We make submissions about what we consider to be the appropriate interpretation or application of the law, and attempt to influence the court as to the correct interpretation.

In this way, if successful, our intervention can lead to changes or refinement of the law. The function of intervening is separate from the *amicus curiae* function given to individual Commissioners in relation to unlawful discrimination proceedings.

Over time, we have intervened in a range of proceedings in matters before the High Court, Federal Court, Family Court, Australian Industrial Relations Commission, Refugee Review Tribunal and State and Territory Coroner’s Courts.

During the year under review the Commission considered the merits of appearing in 30 matters, but we decided to appear in just one case, the outcome of which was decided in June 2009. That case was *Aurukun Shire Council & Anor v CEO Office of Liquor Gaming and Racing in the Department of Treasury*, which concerned the proper construction of s8 and s10 of the Racial Discrimination Act in relation to alcohol restrictions and special measures.

The Aurukun Shire Council and the Kowanyama Aboriginal Shire Council operated licensed premises in their towns. In May 2008, the Queensland Government amended the *Liquor Act 1992* (Qld) (‘Liquor Act’) by removing the ability of a ‘local government’ to apply for or hold a general licence after 1 July 2008. As a result, from 1 July 2008 the two councils were unable to renew their licences.

Both councils lodged proceedings in the Queensland Supreme Court where they argued that the relevant provisions of the Liquor Act were invalid because they were inconsistent with the provisions of the *Racial Discrimination Act 1975* (Cth) (‘RDA’). The government argued the reason for the change to the Liquor Act was to improve the health and wellbeing of people living in 19 discrete Indigenous communities, two of which are Aurukun and Kowanyama.

The applicants lost. They subsequently appealed to the Queensland Court of Appeal and the Commission was granted leave to intervene in those proceedings. We made submissions in relation to the three issues before the court: (i) did the changes to the Liquor Act engage a right protected by s 10 of the RDA?; (ii) if so, was the right interfered with contrary to s10 of the RDA?; and (iii) if so, were the changes a ‘special measure’ under s8 of the RDA?.

On 1 March 2010, the Queensland Court of Appeal found that, although the right to ‘equal treatment before the law’ and the councils’ property rights were engaged, the changes to the Liquor Act either did not interfere with these rights in contravention of the RDA or were a ‘special measure’ under s8 of the RDA.

The judges’ reasoning supported our submission for a broad construction of the right to ‘equality before the law’ and the importance of consultation with beneficiaries when introducing ‘special measures’ that seek to achieve equality.

The applicants have lodged an application for special leave to appeal to the High Court and are waiting to hear if they will be allowed to appeal.

# Working in the international arena to improve human rights

---

We are often invited to share our knowledge and expertise with others in the region and around the world. For example, we engage in regular technical cooperation programs with China and Vietnam and currently support a number of disability organisations in Pacific Island countries.

As a founding member of the Asia Pacific Forum of National Human Rights Institutions, we work in partnership with other national bodies to explore the pressing human rights issues facing our region.

We also have an important role to play at the United Nations. We monitor when Australia's human rights performance is reviewed by UN human rights agencies and participate in proceedings where possible. We regularly provide independent reports that track how Australia is doing in meeting its human rights obligations and what improvements could be made. We keep a comprehensive record of the comments made by UN committees and mechanisms about the Australian Government on our website and we ensure that our work is informed by the observations and recommendations made by those UN agencies. We also provide opportunities for Aboriginal and Torres Strait Islander Peoples to participate directly in the UN system.

## Pacific Disability Project: building capacity of disabled people's organisations and governments in the region

There is a strong association between disability and poverty in the Pacific, with women with disability being the most disadvantaged. People with disability are also often the most vulnerable and excluded members of developing countries.

Governments have long committed to addressing the disadvantage faced by people with disability through the Biwako Millennium Framework and Biwako Plus 5, and through signature and ratification of the *Convention on the Rights of Persons with Disabilities*.

More recently, governments have done so through adoption of the Pacific Regional Strategy on Disability 2010-2015, agreed to at the first Pacific Islands Forum Disability Ministerial Meeting in Rarotonga in October 2009.

The Commission, in partnership with the Pacific Disability Forum, is currently funded by AusAID's Pacific Public Sector Linkages Program to progress disability issues in the Pacific by building the capacity and knowledge of Disabled People's Organisations (DPOs) and government representatives in the region.

The program consists of nine training activities, seven of which were delivered during the year in review at: Cook Islands, Fiji, Kiribati, Samoa, Solomon Islands, Tuvalu Vanuatu. Training activities in Tonga and PNG will be completed in the 2010-11 reporting period. Each three-day training activity was delivered to 12 people with disability and a minimum of three government representatives.

This program is due to be completed in November 2010. The overall objective of this training activity is to improve the quality of life of people with disability living in the Pacific by promoting their rights of people with disability and building the capacity of DPOs and governments to respond to barriers that prevent people with disability from enjoying human rights.

## China-Australian human rights technical cooperation program (HRTC) 2010-2011

The Commission has a strong and established track record of working on human rights in China. We have managed the China HRTC Program since 1998 and have achieved some concrete results. Over this time we have established relationships of trust and confidence with relevant Chinese agencies – relationships that are essential to the success of future rounds of the program.





As part of the Pacific Disability Project, training activities were delivered in the Cook Islands, Fiji, Kiribati, Samoa, Solomon Islands, Tuvalu and Vanuatu.

These activities aim to progress disability issues in the Pacific by building capacity and knowledge in disabled people's organisations and government representatives.

The HRTC is an official program of bilateral cooperation between the Australian and Chinese governments. The program is funded by AusAID and managed by the Australian Human Rights Commission on behalf of the Australian Government.

The China HRTC Program operates under the China-Australia Human Rights Dialogue, the annual high-level discussion on human rights between the foreign ministries of the two governments. The HRTC complements the dialogue, giving practical substance to discussions at a more political level.

The goal of the HRTC Program is to strengthen the administration, promotion and protection of human rights in China in each of the three program theme areas: legal reform, women's and children's rights, and ethnic and minority rights. It implements around 20 activities during the course of the year. Each activity has specific objectives, against which outcomes and achievements are evaluated.

Activities completed in the reporting period were:

- Scholarships for human rights studies at Australian universities – with the Ministry of Foreign Affairs (MFA)
- Penitentiary Detention Study Visit to Australia – with Ministry of Public Security – Sept 2009
- Judicial Accountability Seminar, Zhejiang Province – with Supreme People's Court – Oct 2009
- Workshop on Judicial Review of Administrative Decisions, Beijing – with National Judges' College – Oct 2009
- Model UN Conference, Beijing – with the United Nations Association of China – Nov 2009
- Workers' Rights Study Visit to Australia – with Beijing Legal Aid Organisation (BLAO) – Nov 2009
- Workshop on Domestic Violence Legislation, Jiangsu Province – with the All China Women's Federation (ACWF) – Dec 2009
- Anti-Poverty and Human Rights Study Visit to Australia – with the State Ethnic Affairs Commission – Dec 2009
- Seminar on Charitable Foundations, Beijing – with Ministry of Civil Affairs (MCA) – Jan 2010
- Seminar on Reporting on the International Covenant on Economic, Social and Cultural Rights, Guilin, China – with MFA – Feb 2010



They include activities focused on treatment of detainees in correctional facilities, developing the role of non-government organisations, and procedures for citizens to make complaints about the actions of government officials.

### Vietnam-Australia human rights technical cooperation program, early stage phase 3

The Vietnam HRTC is an official program of bilateral cooperation between the Australian and Vietnamese governments. The program is funded by AusAID and managed by the Commission on behalf of the Australian Government.

The goal of the HRTC program is to contribute to reduced poverty and sustainable development by assisting with the strengthening of the promotion and protection of human rights in Vietnam.

The activity gives key Vietnamese agencies the capacity to better protect and promote human rights. This is achieved via a series of small-scale cooperative activities in Vietnam and Australia including study visits, seminars, training workshops and development of publications. Each activity is a joint initiative between the Commission and one of the seven Vietnamese cooperating organisations: the Ministry of Foreign Affairs, Ministry of Justice, Ministry of Public Security, Supreme People's Court, Supreme People's Prosecution Service, Vietnam Lawyers' Association and Vietnam Women's Union.

The chief impact is the transfer of knowledge and expertise to Vietnamese agencies and officials through a series of small-scale activities conducted in Vietnam and Australia. These include workshops, seminars, study visits, development of resource materials. In the long term, however, the impact will be major legislative and policy reform in Vietnam to strengthen, protect and promote human rights.

- Human Rights Needs Assessment Survey, conducted in China – with National Population and Family Planning Commission (NPFPC) – completed Feb 2010
- Family Planning and Human Rights Project Consultation, Beijing – with NPFPC – March 2010
- Study Visit to Australia, on role of non-government organisations – with MCA – March 2010
- Domestic Violence Training for Mediators and Jurors, Zhejiang Province – with ACWF – April 2010
- Workers' Rights Legal Aid Workshop, Beijing – with BLAO – June 2010
- Seminar on Minor Criminal Offences, Harbin, Heilongjiang Province – with Ministry of Justice – June 2010.

The HRTC Program is directed principally at attitudes in China rather than Australia. As well as operating at a grass roots level, one of the main focuses of the program is to raise awareness and change attitudes to human rights through targeting government operatives responsible for policy development and program delivery.

The 2010-11 China HRTC Program is expected to include several activities dealing specifically with domestic violence experienced by women in China. While other activities in 2010-11 may not directly address violence, harassment and bullying, many will have indirect relevance to this subject area.

Once again, the HRTC Program is directed principally at attitudes in Vietnam, rather than Australia. Phase 3 started in Jan 2010 with planned topics concerning development of skills for conducting legal information and education programs, delivery of legal aid services to disadvantaged citizens, human rights protection in criminal prosecution procedures, and women's rights and gender equality.

This phase includes a number of activities in cooperation with the Vietnam Women's Union, in which violence against women will be among the key topics.

Phase 3 activities completed in the 2009-10 reporting period were:

- Development of Women's Rights Legal Bulletins – with Vietnam Women's Union (VWU) – July 2009
- Development of Women's Rights Legal Advocacy Materials – with VWU – July 2009
- Human Rights Library Development – with MOFA – commenced late 2009 and is still in progress
- Human Rights Treaties Seminar, Northwest Provinces – with Ministry of Foreign Affairs (MOFA) – Jan 2010
- Human Rights Treaties Seminar, Mekong Provinces – with MOFA – Feb 2010
- Legal Dissemination Training for Socio-Political Organisations, Southern Region – with Ministry of Justice – March 2010
- Legal Aid and Advocacy Study Visit – with Vietnam Lawyers' Association – March 2010.
- Seminar on Human Rights Protection in Criminal Justice, Hanoi – with Supreme People's Prosecution Service (SPP) – March 2010
- Seminar on Human Rights Protection in Criminal Justice, Ho Chi Minh City – with SPP – March 2010
- Women's Legal Aid Study Visit to Australia – with VWU – April 2010
- Technical Cooperation Identification Study Visit to Australia – with Ministry of Public Security – May 2010

In Vietnam HRTC activities are aimed at building understanding and respect for rights among government officials and in the wider community. The activities provide training and capacity building for officials in key agencies to assist them to better protect and promote human rights. And some of the activities disseminate knowledge and experience to grassroots communities and the public. Examples include training for officials of the Vietnamese Ministry of Justice on skills for delivering education about legal rights.

In Australia HRTC also provides valuable experience for Australians working to build understanding and respect for human rights in the community. They gain new international perspectives to inform their own work on domestic human rights issues, and establish new contacts with whom they can network and exchange information.

## Engaging in the UN system

### The Australian Universal Periodic Review

Australia is scheduled to appear before the United Nations Human Rights Council in February 2011 under the Universal Periodic Review mechanism (or UPR). The UPR is a unique process which involves a review of the human rights records of every country on a periodic basis, presently four years.

The UPR provides two major opportunities for Australia: it allows the community and government to take stock of how well we are protecting the human rights of people in Australia, and permits the government to make commitments to the international community to that end.

In March 2010 the Commission and the Asia Pacific Forum (APF) co-hosted a forum in Sydney to discuss the UPR. It was attended by Human Rights Institutions from the Asia Pacific region, Australian federal government departments and non-government organisations who discussed, shared and learned about different approaches to government and shadow-reporting in the new UN UPR reporting system.

The Commission created a dedicated webpage with information about the UPR, giving people the capacity to provide feedback. A Commission UPR report was drafted and circulated to state and territory equal opportunity and anti-discrimination Commissions, children's Commissioners, NGOs, major peak bodies across a range of areas and subscribers to the Commission's list-serves. The report has now been provided to the United Nations. Over the next reporting period we will seek to help implement and monitor human rights recommendations made to the Australian Government by the UN.

Meanwhile the APF and the Commission were invited by the Department of Foreign Affairs and Trade to facilitate a workshop in Vientiane, Laos, about engagement of civil society in implementing the outcomes of the UPR process (which applied to Laos this year).

### **Commission on the Status of Women (CSW)**

We have been at the forefront of the efforts to reform the UN CSW to secure the independent participation rights of National Human Rights Institutions (NHRIs). At the present time, CSW is the only human rights-based forum of the UN where NHRIs do not have the ability to participate as of right, independent of their national governments.

From 1-6 March 2010, Commissioner Broderick attended the 54<sup>th</sup> Session of the CSW at the United Nations in New York City. The Commissioner attended the session to support ongoing efforts to secure this outcome within the UN CSW and ensure that the Commission, Australia's NHRI, was properly represented as part of that process.

The APF took a lead role in coordinating efforts and advocacy in this area, coordinating the participation of the largest number of NHRIs to the CSW in its 54-year history. In addition, the Australian Government once again agreed to have the issue of the independent participation rights of NHRIs at CSW as one of its priority areas in its negotiating framework.

The Commissioner was an active participant in the various strategies used to progress this reform agenda. The APF prepared a full report of the outcomes achieved by its participation, and that of the NHRIs, which was submitted to the meeting of the International Coordinating Committee on 25 March 2010.

The Joint Statement by NHRIs that participated at the 54th Session of the UN CSW, which raised their profile, was widely distributed to participants, including both government and NGO delegates.

The Commission was also represented in a range of events, sessions and meetings during CSW that promoted Australian initiatives regarding: gender equality, exchanges of best practice and effective strategies, and strengthening of government, NHRI and NGO stakeholder relationships.

### **Indigenous Peoples Organisations Network**

We host and facilitate the preparation and attendance of the Indigenous Peoples Organisations Network at the UN Permanent Forum on Indigenous Issues (UNPFII) and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP).

No other formal structures or funding programs for Aboriginal and Torres Strait Islander peoples exist to provide access to such forums. Aboriginal and Torres Strait Islander peoples are also overlooked by international voluntary funding programs because of Australia's status as a developed nation.

Participation of Indigenous peoples at the UNPFII and the EMRIP has been supported by the Commission since ATSIC was abolished. We also play a lead role in facilitating joint contributions to the forums by the Australian Government, the IPO Network and the Social Justice Commissioner, and we facilitate networking opportunities with international experts including the Special Rapporteur.

The Department of Families, Housing, Community Services and Indigenous Affairs entered a funding agreement with the Commission to administer funds to support the participation of Aboriginal peoples and Torres Strait Islanders at relevant international forums such as UNPFII and EMRIP.

In July 2009 we provided funds to four Indigenous organisations to assist with attendance costs for six Indigenous delegates to attend the second EMRIP. Indigenous organisations were funded on the basis of their expertise in relation to the areas for discussion. To provide additional support and technical expertise, Commission staff also attended.

In March 2010, after returning from the EMRIP, we coordinated and hosted the Indigenous People's Organisations Network (IPO Network) meeting in Sydney. The purpose of this meeting was to review the forum's outcomes and prepare for attendance at the UNPFII in New York in April 2010.

We provided funding for Aboriginal and Torres Strait Islander delegates to attend this forum as well. For the ninth session, we provided financial support to six Indigenous organisations to assist with attendance costs for nine Indigenous delegates (some applicants applied as individuals).

In June, upon return from the UNPFII, we coordinated and hosted a further IPO Network meeting in Sydney. Its purpose was to review the forum's outcomes and prepare for attendance at the EMRIP in Geneva from 12-16 July 2010.

As a result of the discussions about national and international engagement conducted in New York, the Commission co-hosted a Human Rights Workshop with the IPO Network in Sydney on 10 June 2010. Entitled 'Decision Making by Indigenous Peoples', it was attended by the IPO members and was open to the Indigenous community.

## Asia Pacific Forum of National Human Rights Institutions

The Commission was a founding member of the Asia Pacific Forum of National Human Rights Institutions (APF) which was established in 1996. Its secretariat was hosted by the Commission until the APF became a separate and incorporated entity in 2002.

Through the Minister for Foreign Affairs and Trade and AusAID, the Australian Government has provided financial support for the APF since its establishment. The APF also receives contributions from its member institutions and grants from governments, the United Nations, foundations and other non-government organisations.

The APF is the leading regional human rights organisation in the Asia Pacific and supports the establishment and strengthening of independent human rights institutions in the region. The forum provides practical support to its members to assist them in their role of promoting, monitoring and protecting human rights. It also provides specialist advice to governments and civil society groups.

The APF currently has 17 member institutions drawn from all parts of the Asia Pacific.

The Commission's term as the APF's Deputy Chair concluded in August 2009. We attended the APF's Fourteenth Annual Meeting in Amman, Jordan, from 3 to 6 August 2009.

We also co-hosted two workshops with the APF:

- Implementing the *Optional Protocol to the Convention Against Torture* in Australia, 25 November 2009, Sydney
- National human rights institutions and the Universal Periodic Review Process, 2-3 March 2010, Sydney.

We continue to strongly support the APF and have a Memorandum of Understanding with its secretariat which provides for accommodation and corporate services support.

# Complaint handling

- Enquiries and complaints received **72**
- Conciliation of complaints **72**
- Demographic data **73**
- Complaint statistics **74**



Age Discrimination

Disability Discrimination

Complaints received by State/Territory of completion

How can we make this right?

Name:

Address:

City, State & ZIP:

Phone:

Email:



# Complaint handling

---

## Enquiries and complaints received

Over the past five reporting years we have received an average of 17 373 enquiries a year. In 2009-10 we received 19 968 enquiries which represents a 15% increase in comparison with the average. Over the past five years, the number of enquiries received has increased by 76%.

Over the past five years we have received an average of 2005 complaints a year. In 2009-10 we received 2517 complaints which represents a 25% increase in comparison with the average and a 12% increase in comparison with the number received in the previous reporting year. Over the past five years, the number of complaints received has increased by 80%.

In 2009-10, 42% of complaints received were lodged under the Disability Discrimination Act, 22% under the Racial Discrimination Act, 21% under the Sex Discrimination Act, 8% under the Australian Human Rights Commission Act and 7% under the Age Discrimination Act.

As in previous years, employment was a major area of complaint under all federal discrimination legislation. In 2009-10 complaints regarding employment constituted 44% of complaints under the Racial Discrimination Act, 88% of complaints under the Sex Discrimination Act, 36% of complaints under the Disability Discrimination Act and 65% of complaints under the Age Discrimination Act.

The majority of complaints received under the Australian Human Rights Commission Act related to alleged breaches of the *International Covenant on Civil and Political Rights* and discrimination in employment on the ground of criminal record. These have been the main subject areas of complaint for the past five years

## Conciliation of complaints

Of the complaints finalised in 2009-10, 50% were conciliated. This is 2% higher than the conciliation rate for the previous reporting year and 5% higher than the average conciliation rate over the past five reporting years. Of those matters where conciliation was attempted in 2009-10, 69% were resolved.

Complaints under the Sex Discrimination Act had the highest conciliation rate (52%) and a conciliation success rate of 67%. Complaints under the Racial Discrimination Act had a 50% conciliation rate and the highest conciliation success rate (72%). Complaints under the Disability Discrimination Act had a conciliation rate of 51% and a conciliation success rate of 66%. In this reporting year, complaints under the Age Discrimination Act had a conciliation rate of 48% and a conciliation success rate of 69%, while 47% of finalised complaints under the Australian Human Rights Commission Act were successfully resolved.

## Demographic data

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

Demographic data obtained during the complaint process indicates that 50% of complaints were lodged by individual females, 43% by individual males and 7% by other categories. Other categories include intersex, sex not specified, joint/multiple complainants and organisations/individuals on behalf of others.

Thirty-nine percent of complainants reported that they knew about the Commission prior to lodging their complaint. The main identified sources of information for others were legal centres or private lawyers (14%), family members or friends (12%), the Internet (7%), a government agency (4%) and a disability organisation or advocate (3%).

The majority of complainants (58%) indicated that their main source of income at the time of the alleged act was from full-time, part-time or casual employment.

Approximately 35% of complainants indicated that they were represented at the beginning of the complaint process. Thirty-six percent of this group were represented by privately funded solicitors. Other forms of representation were by advocate groups such as working women's centres or disability advocacy services (19%), trade unions or professional associations (16%), community legal centres such as Indigenous or disability legal services (14%) and family members or friends (14%).

Data collected on respondent categories indicates that in the last reporting year approximately 44% of complaints were against private enterprise, 13% were against state departments/statutory authorities and 9% were against Commonwealth departments/statutory authorities. These have been the main respondent organisation categories for the last five reporting years.

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

A complaint was lodged by a parent on behalf of her adult son who has an intellectual disability and is unable to read, write, or fully comprehend verbal information. The complainant alleged that the respondent financial institution telephoned her son and signed him up to an insurance policy that he did not need and did not understand. The complainant claimed that her attempts to directly resolve the issue with the institution were unsuccessful.

When notified of the complaint, the financial institution indicated a willingness to participate in conciliation. The complaint was resolved with an agreement that the financial institution would: cancel the insurance policy and refund the associated fees, provide an apology to the complainant and her son, amend its records to prevent recurrence of the problem and introduce a quality assurance system for telephone sales to address the issue raised by the complaint.<sup>6</sup>

<sup>6</sup> Complaints are resolved in conciliation on a without-admission-of-liability basis

# Complaint statistics

## Complaint Information Service

**Table 1: Website enquiries**

Complaint Handling Section webpage views	341 006
--	---------

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

Enquiry type	Total
Telephone	16 178
TTY	18
Email	2 947
In-person	85
Written	740
<b>Total</b>	<b>19 968</b>

**Table 3: Enquiries received by issue**

Issue	Total
Race	2 829
Race – racial hatred	632
Sex – direct	820
Sexual harassment	1 125
Sex – marital status, family responsibilities, parental status, carers responsibilities, breast feeding	324
Sex – pregnancy	679
Sexual preference, transgender, homosexuality, lawful sexual activity	176
Disability – impairment	3 152
Disability – HIV/AIDS/Hepatitis	107
Disability – workers compensation	160
Disability – mental health	569
Disability – intellectual/learning disability	200
Disability – maltreatment/negligence	50
Disability – physical feature	347

Issue	Total
Age – too young	194
Age – too old	527
Age – compulsory retirement	10
Criminal record/conviction	293
Political opinion	24
Religion/religious organisations	265
Employment – personality conflicts/favouritism	146
Employment – union/industrial activity	83
Employment – unfair dismissal/other industrial issues	3 284
Employment – workplace bullying	2 036
Human rights – children	96
Human rights – civil, political, economic, social	855
Immigration – detention centres	91
Immigration – visas	237
Prisons/prisoners	185
Police	275
Court – family court	161
Court – other law matters	244
Privacy – data protection	116
Neighbourhood disputes	61
Advertising	30
Local government – administration	78
State government – administration	493
Federal government – administration	543
Other	4 340
<b>Total*</b>	<b>25 837</b>

\* One enquiry may have multiple issues

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

State of origin	Total	%
New South Wales	5 202	26
Victoria	4 289	21
South Australia	1 763	9
Western Australia	1 075	5
Queensland	3 314	17
Australian Capital Territory	332	2
Tasmania	434	2
Northern Territory	317	2
Unknown/overseas	3 242	16
<b>Total</b>	<b>19 968</b>	<b>100</b>

## Complaints overview

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

	2005-06	2006-07	2007-08	2008-09	2009-10
Received	1 397	1 779	2 077	2 253	2 517
Finalised	1 205	1 656	1 883	2 354	2 426

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

	2005-06 (%)	2006-07 (%)	2007-08 (%)	2008-09 (%)	2009-10 (%)
Term nated/ declined	44	48	39	34	32
Conciliated	39	38	48	48	50
Withdrawn	16	14	13	18	13
Discontinued*	–	–	–	–	5
Reported (AHRCA only)	1	–	–	–	–

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

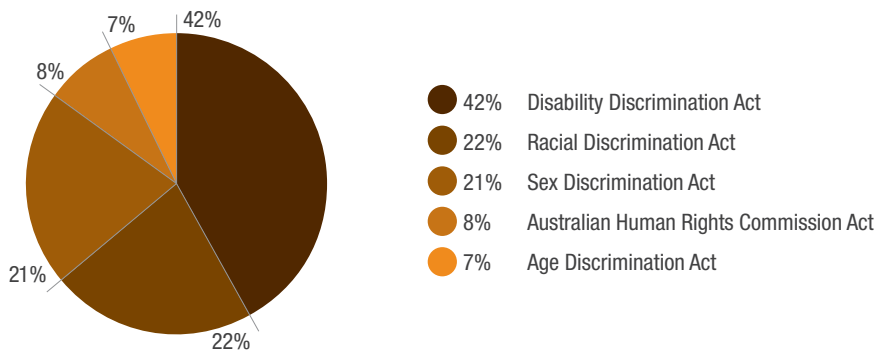
**Table 7: Complaints received by State/Territory of complainant**

State of origin	Total	%
New South Wales	903	36
Victoria	499	20
South Australia	221	9
Western Australia	230	9
Queensland	495	20
Australian Capital Territory	83	3
Tasmania	35	1
Northern Territory	23	1
Unknown/overseas	28	1
<b>Total</b>	<b>2 517</b>	<b>100</b>

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

Act	Received	Finalised
Racial Discrimination Act (RDA)	550	524
Sex Discrimination Act (SDA)	532	568
Disability Discrimination Act (DDA)	1 057	978
Age Discrimination Act (ADA)	174	162
Australian Human Rights Commission Act (AHRCA)	204	194
<b>Total</b>	<b>2 517</b>	<b>2 426</b>

**Chart 1: Complaints received by Act**



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

	2005-06	2006-07	2007-08	2008-09	2009-10
Racial Discrimination Act	259	250	376	396	550
Sex Discrimination Act	347	472	438	547	532
Disability Discrimination Act	561	802	988	980	1057
Age Discrimination Act	106	106	126	151	174
Australian Human Rights Commission Act	124	149	149	179	204
<b>Total</b>	<b>1 397</b>	<b>1 779</b>	<b>2 077</b>	<b>2 253</b>	<b>2 517</b>

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

	RDA (%)	SDA (%)	DDA (%)	ADA (%)	AHRCA (%)	Total (%)
Born in Australia	49	49	52	70	35	<b>50</b>
Born outside of Australia	38	14	16	14	28	<b>21</b>
Unknown/unspecified	13	37	32	16	37	<b>29</b>

**Table 11: Indigenous status – complainants**

	RDA (%)	SDA (%)	DDA (%)	ADA (%)	AHRCA (%)	Total (%)
Aboriginal	39	3	2	0.5	3	<b>10</b>
Torres Strait Islander	–	–	–	–	–	–
None of the above	61	97	98	99.5	97	<b>90</b>

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

	RDA (%)	SDA (%)	DDA (%)	ADA (%)	AHRCA (%)	Cumulative Total (%)
0 - 6 months	75	65	53	70	64	<b>63</b>
6 - 9 months	89	81.5	79	89.5	86	<b>83</b>
9 - 12 months	98	94.5	95	96	98	<b>96</b>
More than 12 months	100	100	100	100	100	<b>100</b>



## Racial Discrimination Act

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

	Total
Received	550
Finalised	524

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

Racial Discrimination Act	Total	%
Colour	54	6
National origin/extraction	38	4
Ethnic origin	76	8
Descent	4	0.5
Race	536	58
Victimisation	17	2
Racial hatred	166	18
Aids, permits or instructs	3	0.5
Association	7	1
Immigrant	21	2
<b>Total*</b>	<b>922</b>	<b>100</b>

\* One complaint may have multiple grounds

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

Racial Discrimination Act	Total	%
Rights to equality before the law	–	–
Access to places and facilities	11	1
Land, housing, other accommodation	20	2
Provision of goods and services	169	18
Right to join trade unions	–	–
Employment	409	44
Advertisements	–	–
Education	18	2
Incitement to unlawful acts	4	1
Other – section 9	121	13
Racial hatred	170	19
<b>Total*</b>	<b>922</b>	<b>100</b>

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

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

Racial Discrimination Act	Total	%
Media – press/TV/radio	37	24
Disputes between neighbours	14	9
Personal conflict	8	5
Employment	23	15
Racist propaganda	1	1
Internet – email/webpage/chat room	51	34
Entertainment	–	–
Sport	1	1
Public debate	–	–
Provision of goods and services	12	8
Other	4	3
<b>Total</b>	<b>151</b>	<b>100</b>

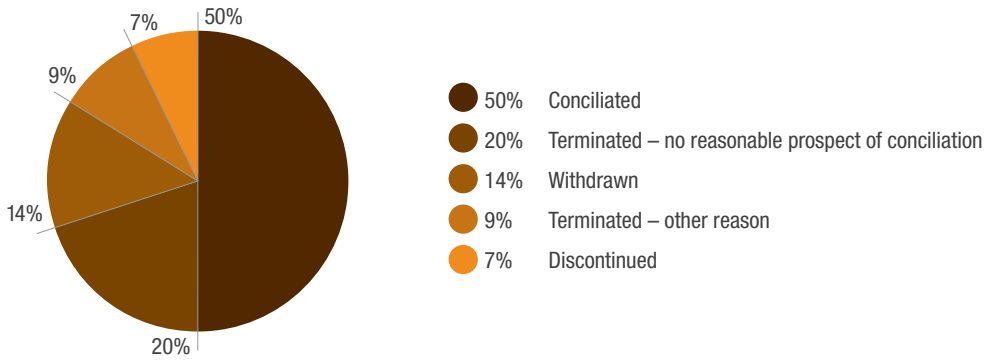
**Table 17: Racial Discrimination Act – outcomes of finalised complaints**

Racial Discrimination Act	Total
<b>Terminated</b>	<b>143</b>
At complainants request – s.46PE	–
Not unlawful	1
More than 12 months old	9
Trivial, vexatious, frivolous, misconceived, lacking in substance	36
Adequately dealt with already	–
More appropriate remedy available	–
Subject matter of public importance	–
No reasonable prospect of conciliation	97
<b>Discontinued*</b>	<b>32</b>
<b>Withdrawn</b>	<b>66</b>
<b>Conciliated</b>	<b>245</b>
<b>Administrative closure**</b>	<b>38</b>
<b>Total</b>	<b>524</b>

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

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

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



## Sex Discrimination Act

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

Sex Discrimination Act	Total
Received	532
Finalised	568

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

Sex Discrimination Act	Total	%
Female	418	79
Male	101	19
Other category*	13	2
<b>Total</b>	<b>532</b>	<b>100</b>

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

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

Sex Discrimination Act	Total	%
Sex discrimination	434	45
Marital status	30	3
Pregnancy	202	21
Sexual harassment	201	21
Parental status/ family responsibility	62	6
Victimisation	37	4
Aids, permits, instructs	2	–
<b>Total*</b>	<b>968</b>	<b>100</b>

\* One complaint may have multiple grounds.

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

Sex Discrimination Act	Total	%
Employment	854	88
Goods, services and facilities	70	7
Land	–	–
Accommodation	–	–
Superannuation, insurance	2	–
Education	24	3
Clubs	1	–
Administration of Commonwealth laws and programs	16	2
Application forms etc	–	–
Trade unions, accrediting bodies	1	–
<b>Total*</b>	<b>968</b>	<b>100</b>

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

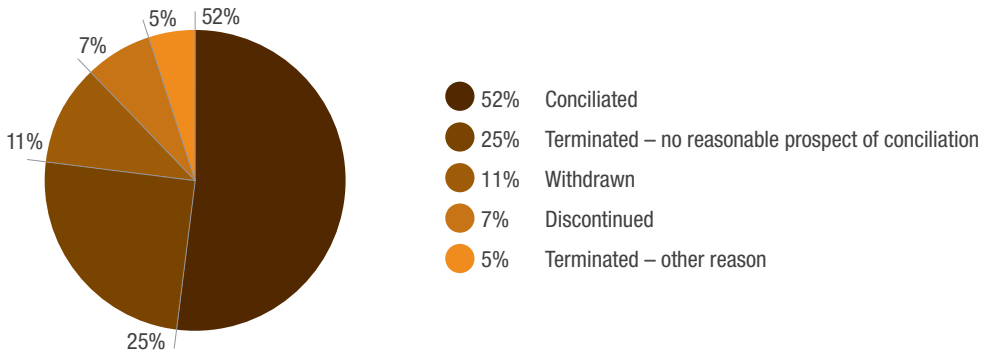
**Table 22: Sex Discrimination Act – outcomes of finalised complaints**

Sex Discrimination Act	Total
<b>Terminated</b>	<b>160</b>
At complainants request – s.46PE	1
Not unlawful	1
More than 12 months old	1
Trivial, vexatious, frivolous, misconceived, lacking in substance	20
Adequately dealt with already	2
More appropriate remedy available	2
Subject matter of public importance	–
No reasonable prospect of conciliation	133
<b>Discontinued*</b>	<b>36</b>
<b>Withdrawn</b>	<b>61</b>
<b>Conciliated</b>	<b>275</b>
<b>Administrative closure**</b>	<b>36</b>
<b>Total</b>	<b>568</b>

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

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

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



## Disability Discrimination Act

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

Disability Discrimination Act	Total
Received	1057
Finalised	978

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

Disability Discrimination Act	Total	%
Physical disability	220	19
A mobility aid is used (e.g. walking frame or wheelchair)	124	10.5
Physical disfigurement	16	1
Presence in the body of organisms causing disease (e.g. HIV/AIDS)	7	0.5
Presence in the body of organisms causing disease (other)	14	1
Psychiatric disability	178	15
Neurological disability (e.g. epilepsy)	70	6
Intellectual disability	44	4
Learning disability	54	5
Sensory disability (hearing impaired)	48	4
Sensory disability (deaf)	58	5
Sensory disability (vision impaired)	46	4
Sensory disability (blind)	19	2
Work-related injury	110	9
Medical condition (e.g. diabetes)	93	8
Other	72	6
<b>Total*</b>	<b>1 173</b>	<b>100</b>

\* One complainant may have multiple disabilities.

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

Disability Discrimination Act	Total	%
Disability of person(s) aggrieved	2 182	93
Associate	71	3
Disability – person assisted by trained animal	49	2
Disability – accompanied by assistant	5	–
Disability – use of appliance	10	1
Harassment	6	–
Victimisation	24	1
Aids, permits or instructs	7	–
<b>Total*</b>	<b>2 354</b>	<b>100</b>

\* One complaint may have multiple grounds.

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

Disability Discrimination Act	Total	%
Employment	859	36
Goods, services and facilities	865	37
Access to premises	67	3
Land	–	–
Accommodation	35	1
Incitement to unlawful acts or offences	–	–
Advertisements	–	–
Superannuation, insurance	22	1
Education	207	9
Clubs, incorporated associations	52	2
Administration of Commonwealth laws and programs	42	2
Sport	3	–
Application forms, requests for information	–	–
Trade unions, registered organisations	–	–
Unlawful to contravene Disability Standard	202	9
<b>Total*</b>	<b>2 354</b>	<b>100</b>

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

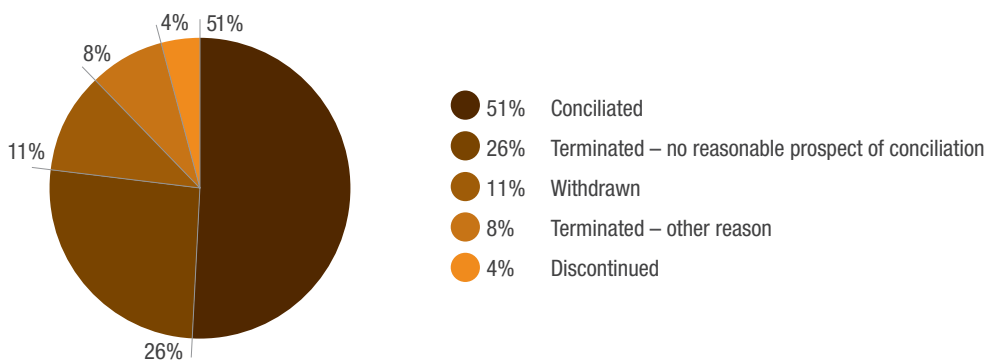
**Table 27: Disability Discrimination Act — outcomes of finalised complaints**

Disability Discrimination Act	Total
<b>Terminated</b>	<b>330</b>
At complainants request - s.46PE	–
Not unlawful	11
More than 12 months old	7
Trivial, vexatious, frivolous, misconceived, lacking in substance	50
Adequately dealt with already	5
More appropriate remedy available	4
Subject matter of public importance	–
No reasonable prospect of conciliation	253
<b>Discontinued*</b>	<b>33</b>
<b>Withdrawn</b>	<b>109</b>
<b>Conciliated</b>	<b>486</b>
<b>Administrative closure**</b>	<b>20</b>
<b>Total</b>	<b>978</b>

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

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

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





## Age Discrimination Act

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

Age Discrimination Act	Total
Received	174
Finalised	162

**Table 29: Age Discrimination Act – age group of complainant**

Age Discrimination Act	Total	%
0 – 14 years	4	2
15 – 24 years	20	12
25 – 34 years	13	7
35 – 44 years	18	10
45 – 54 years	41	24
55 – 64 years	40	23
> 65 years	33	19
Unknown	5	3
<b>Total</b>	<b>174</b>	<b>100</b>

**Table 30: Age Discrimination Act – complaints received by area**

Age Discrimination Act	Total	%
Employment	189	65
Goods, services and facilities	73	25
Access to premises	1	0.5
Land	–	–
Accommodation	3	1
Incitement to unlawful acts or offences	–	–
Advertisements	–	–
Superannuation, insurance	11	4
Education	4	1.5
Clubs, incorporated associations	–	–
Administration of Commonwealth laws and programs	9	3
Sport	–	–
Application forms, requests for information	–	–
Trade unions, registered organisations	–	–
<b>Total*</b>	<b>290</b>	<b>100</b>

\* One complaint may have multiple and different areas.

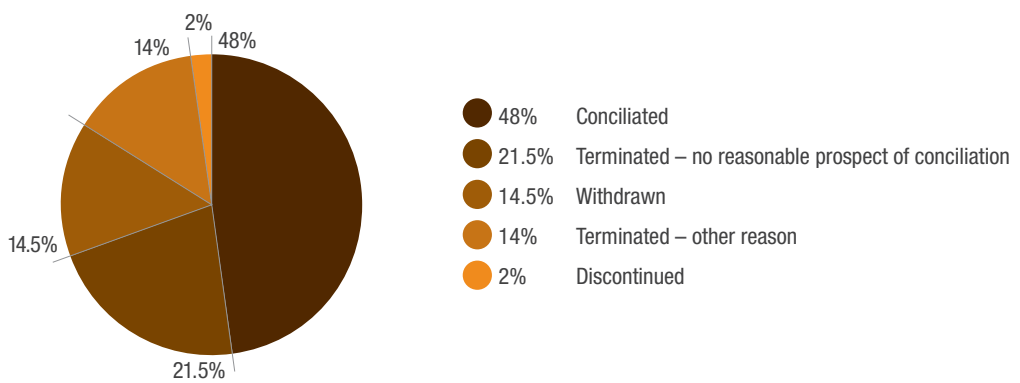
**Table 31: Age Discrimination Act – outcomes of finalised complaints**

Age Discrimination Act	Total
<b>Terminated</b>	<b>56</b>
At complainants request – s.46PE	–
Not unlawful	7
More than 12 months old	1
Trivial, vexatious, frivolous, misconceived, lacking in substance	14
Adequately dealt with already	–
More appropriate remedy available	–
Subject matter of public importance	–
No reasonable prospect of conciliation	34
<b>Discontinued*</b>	<b>3</b>
<b>Withdrawn</b>	<b>23</b>
<b>Conciliated</b>	<b>75</b>
<b>Administrative closure**</b>	<b>5</b>
<b>Total</b>	<b>162</b>

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

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

**Chart 5: Age Discrimination Act— outcomes of finalised complaints**



## Australian Human Rights Commission Act

**Table 32: AHRCA — complaints received and finalised**

Australian Human Rights Commission Act	Total
Received	204
Finalised	194

**Table 33: AHRCA — complaints received by ground**

Australian Human Rights Commission Act	Total	%
Race (ILO 111)	–	–
Colour (ILO 111)	–	–
Sex (ILO 111)	–	–
Religion (ILO 111)	21	9.5
Political opinion (ILO 111)	1	0.5
National extraction (ILO 111)	–	–
Social origin (ILO 111)	1	0.5
Age (ILO 111)	–	–
Medical record (ILO 111)	–	–
Criminal record (ILO 111)	67	30.5
Impairment (including HIV/AIDS status) (ILO 111)	–	–
Marital status (ILO 111)	–	–
Disability (ILO 111)	2	1
Nationality (ILO 111)	–	–
Sexual preference (ILO 111)	19	9
Trade union activity (ILO 111)	14	6
International Covenant on Civil and Political Rights	78	35.5
Declaration on the Rights of the Child	–	–
Declaration on the Rights of Mentally Retarded Persons	–	–
Declaration on the Rights of Disabled Persons	1	0.5
Convention on the Rights of the Child	5	2
Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	1	0.5
Convention on the Rights of Persons with Disabilities	9	4
Not a ground within jurisdiction	–	–
Not a human right as defined by the Act	1	0.5
<b>Total*</b>	<b>220</b>	<b>100</b>

\* One complaint may have multiple grounds.

**Table 34: AHRCA — complaints received by area**

Australian Human Rights Commission Act	Total	%
Acts or practices of the Commonwealth	94	43
Employment	125	57
Not act or practice of the Commonwealth (not employment cases)	1	–
<b>Total*</b>	<b>220</b>	<b>100</b>

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

**Table 35: AHRCA — non-employment complaints received by sub-area**

Australian Human Rights Commission Act	Total	%
Prisons, prisoner	3	3
Religious institutions	–	–
Family court matters	–	–
Other law court matters	–	–
Immigration	60	63
Law enforcement agency	1	1
State agency	1	1
Other service provider (private sector)	–	–
Local government	–	–
Education systems	4	4
Welfare systems	6	7
Personal or neighbourhood conflict	–	–
Health system	2	2
Other	18	19
<b>Total</b>	<b>95</b>	<b>100</b>

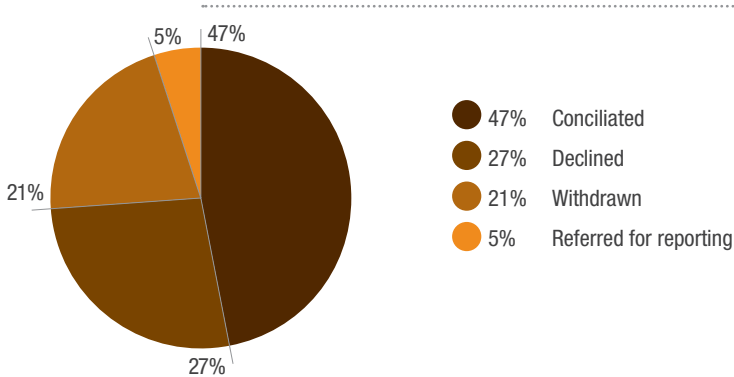
**Table 36: AHRCA — Outcomes of finalised complaints**

Australian Human Rights Commission Act	Total
<b>Declined</b>	<b>92</b>
Does not constitute discrimination	14
Human rights breach, not inconsistent or contrary to any human right	6
More than 12 months old	1
Trivial, vexatious, frivolous, misconceived, lacking in substance	24
Adequately dealt with already	3
More appropriate remedy available	4
Withdrawn, does not wish to pursue, advised the Commission	40
Withdrawn, does not wish to pursue, settled outside the Commission	–
Withdrawn or lost contact	–
<b>Conciliated</b>	<b>89</b>
<b>Referred for reporting*</b>	<b>10</b>
<b>Administrative closure**</b>	<b>3</b>
<b>Total</b>	<b>194</b>

\* Complaints in this category were not conciliable and therefore transferred from the Commission's Complaint Handling Section to the Legal Section for further inquiry and possible reporting.

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

**Chart 6: Australian Human Rights Commission Act — outcomes of finalised complaints**



This page has been left blank intentionally.

# People and performance

- Working at the Commission **94**
- Management accountability **98**
- Report on performance **99**



The image features a dark silhouette of a person's head and shoulders in the foreground. Behind it, a lighter silhouette of another person is visible. A bright, curved white line sweeps across the upper portion of the frame. The background is a gradient of light to dark grey. On the left side, there is a solid orange curved shape.

human rights  
*everyone*  
*everywhere*  
*everyday*

# Working at the commission

---

The Commission has long been an advocate of family and lifestyle friendly workplace initiatives, both for our own staff and the public that we serve.

We see our organisation as being a positive role model for other employers and a leader in the public sector. We were the first public sector agency to offer Paid Maternity Leave of 18 weeks to our staff and six weeks paid parental leave. We have a range of flexible working arrangements in place that enable our staff to make choices that create harmony and balance in their lives. We offer employment benefits that include options to purchase additional leave, a healthy lifestyle allowance, a broad definition of 'family' for leave purposes, part-time work and supporting parent leave. We acknowledge that employees juggle many roles in their personal lives and support staff with access to an independent, confidential staff counselling service and a family support service. The Commission is committed to modelling a work environment which is inclusive, supportive and respectful at all times.

## Providing flexible work options for our staff

To demonstrate our commitment to genuine workplace flexibility, we embedded new Workplace Flexibility Principles into our Certified Agreement. Our staff can access a broad range of flexible working arrangements based on a mutually beneficial flexibility agreement that merges operational and service delivery requirements with personal and family needs. Flexibility arrangements can include working from home, working part-time, flexible start and finish times and a range of variable work patterns.

## Delivering staff training and development

During 2009-10 we delivered an in-house 'Foundation cases seminar series' to our staff. The series of 12 seminars combined the skills and experiences of both our Legal Services and Complaint Handling units to cover topics such as 'Vicarious liability – where does the workplace end?', 'Indirect discrimination fundamentals' and 'Part-time work and family responsibilities under the SDA'.

We also sponsored staff attendance at relevant seminars, conferences and courses as part of their ongoing professional development. We supported the attendance of two staff members at the Garma festival in Gulkula, North East Arnhem Land during the year under review.

## Offering performance feedback

The Commission reviews staff performance annually through its Performance Management Scheme. The Scheme provides an opportunity to set goals and priorities in line with our Strategic Plan and to assess the level of individual performance and contribution to Unit outcomes. The Scheme also provides an opportunity to identify and address learning and development needs and to plan effectively for the acquisition of identified skill requirements. In 2009-10 we moved to a whole-of-Commission planning process, aligning planning cycles and involving all units in cross-Commission project planning.

---

## Encouraging a diverse workplace

Measures we have taken to achieve a diverse workforce under our Workplace Diversity Program included supporting a range of diversity events (including International Women's Day, NAIDOC Week, Harmony Day and International Day of People with a Disability), developing supportive workplace policies such as our Reasonable Adjustment policy and engaging an Indigenous graduate and cadet through the Australian Public Service Commission's Indigenous Pathways program. All employment opportunities at the Commission in 2009-10 were advertised on the Indigenous Job Board.

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

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

Our RAP seeks to focus on how we do our business, rather than what we do. It therefore identifies ways that the Commission can do its core work to better promote reconciliation. It includes specific targets as performance indicators for actions. It also seeks to establish a process for identifying future targets for RAP actions. All actions, including those 'ongoing', are subject to the reporting and monitoring framework.

A significant achievement this financial year has been the finalisation of an Indigenous Engagement Toolkit and the establishment of Unit-specific reporting against RAP criteria.

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

Our RAP is available online at:  
[www.humanrights.gov.au/about/rap.html](http://www.humanrights.gov.au/about/rap.html).

## Ensuring our policies, programs and services are accessible

Through the Commonwealth Disability Strategy (CDS) the government seeks to ensure its policies, programs and services are as accessible to people with disabilities as they are to all other Australians. This, of course, is integral to the work of the Commission and evident in the work we do. The CDS identifies four core roles that may be relevant to the agency. The Commission's primary roles are that of policy adviser, service provider and employer.

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

Along with all other Commonwealth agencies, we report annually against the CDS performance framework. Our employer role is now dealt with through the State of the Service report which is compiled by the Australian Public Service Commission. Full details on the CDS can be found on the Department of Families, Housing, Community Services and Indigenous Affairs website at: [www.fahcsia.gov.au/sa/disability/pubs/policy/documents/cds/guide/p1.htm](http://www.fahcsia.gov.au/sa/disability/pubs/policy/documents/cds/guide/p1.htm).

For our performance reporting against the Commonwealth disability strategy see Appendix 4.

## Working to make our workplace environmentally sustainable

Human rights principles are fundamentally embedded within the principles of ecologically sustainable development. However, our activities do not explicitly contribute to ecologically sustainable development, nor impact directly on the environment, other than through the consumption of resources required to maintain our business operations.

We use energy-saving methods in our operations and endeavour to make the best use of resources. We encourage purchase and/or leasing of 'Energy Star' rated office machines and equipment with 'power save' features. When purchasing our office supplies, preference is given to environmentally sound products.

Throughout our organisation, we have implemented a number of environmentally friendly initiatives to reduce environmental impact. Waste paper, cardboard, printer cartridges and other materials are recycled, subject to the availability of appropriate recycling schemes. We also use new generation low mercury triphosphor fluorescent tubes.

During the year under review, we participated in the Earth Hour initiative which was held on 27 March 2010.

## Ensuring health and safety at work

In 2009-10 we reviewed our Health and Safety Management Arrangements and participated in a Comcare desktop audit on our progress against the policy requirements. The audit was successful and confirmed that we had a high commitment to staff health and wellbeing, and a participatory approach to consultation on health and safety issues.

We continue to focus our attention and resources on proactive and preventative health and well being strategies, encouraging staff to take positive action to improve their own health and lifestyles.

This year we conducted a health and safety staff survey, promoted heart health, hosted self-funded yogalates classes and sponsored lunchtime seminars on diet/nutrition and stress management techniques.

The Occupational Health and Safety Committee reviews any Occupational Health and Safety issues promptly. A scheduled annual workplace inspection ensures that any issues are identified and followed up.

## Our workplace relations and employment arrangements

Our Certified Agreement expired in December 2008. A variation and extension to this Agreement was negotiated with staff and certified by the Australian Industrial Relations Commission on 5 January 2009 for a further three years. The new Agreement featured 18 weeks paid maternity leave, six weeks paid parental leave, community volunteering leave and access to extended leave following maternity or parental leave.

In order to manage our resources more effectively, and achieve the goals set in the Strategic Plan, we reviewed our staffing structure in 2009 to provide a coordinated human rights policy agenda and enable greater cross-Commission collaboration on project management and policy work.

During the year under review, we created our first employee survey to gather information about our performance as an employer directly from staff. Staff participation in the survey was 75% and the Commission performed very positively in the areas of diversity, OHS, work life balance and satisfaction with management and supervision.

Salary progression within classification levels is subject to performance assessment. Salary ranges are reflected in Table 42. Structurally the Commission has three SES employees with a recruitment process underway for the filling of two of the positions. One SES employee is covered by a section 24 (1) Determination. We have four non-SES employees covered by Australian Workplace Agreements and two on section 24 (1) Determinations.



## Our recruitment processes

We undertake merit-based selection processes in accordance with the Public Service Act requirements, Australian Public Service Commission guidelines and Commission recruitment and selection policies.

## Promoting staff ethics

During the year in review, we appointed an Ethics Contact Officer. This officer is responsible for ethics-related issues in the workplace and is committed to fostering a high performing ethical culture. No such issues were raised for investigation or resolution in the 2009-10 year.

## Our staff

Our average staffing level for the year was 109.34 staff, with a turnover of 16% for ongoing staff. We have a diverse representation of staff which includes:

77% women 4.2% Indigenous staff

5% people with a disability 8.5% NESB staff

An overview of the Commission's staffing profile, as at 30 June 2010, is summarised in the table in Appendix 2

# 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 6-8 weeks to make its decisions. All meetings are minuted.

The responsibilities of the Commission include preparing and implementing the Commission's 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 the responsibilities of the Commission and, where relevant, the individual responsibilities of the President and specific Commissioners.

## Identifying financial and operational risk

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

## Protecting against fraud

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

## Audit committee

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

# Report on performance

---

## Our complaint service charter

Our *Charter of Service to Customers* 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 their complaint is accepted by the Commission. Respondents receive a copy when notified of a complaint. The Charter of Service can also be downloaded from the Commission website at: [www.humanrights.gov.au/complaints\\_information/charter\\_of\\_services/index.html](http://www.humanrights.gov.au/complaints_information/charter_of_services/index.html)

In 2009-10 the Commission received three complaints about its service under the formal complaint process provided in the Charter.

## Key performance indicators and standards we work to in handling complaints

We have developed key performance indicators and standards which form the basis for ongoing assessment of the complaint service. These indicators, and our 2009-10 performance in relation to these indicators, are summarised below.

- **Timeliness.** Our stated performance standard is for 80% of complaints to be finalised within 12 months of receipt. In 2009-10, we finalised 96% of matters within 12 months. A detailed breakdown of timeliness statistics by Act is provided in Table 12 on page 88.
- **Conciliation rate.** Our stated performance standard is for 30% of finalised complaints to be conciliated. In 2009-10, we achieved a 50% conciliation rate.

- **Service satisfaction.** Our stated performance standard is for 80% of surveyed parties to complaints to be satisfied with the service they receive. In 2009-10, 95% of surveyed parties reported that they were satisfied with the service and 58% rated the service as 'very good' or 'excellent'. Further details of survey results for this reporting year are provided below.

## Measuring service satisfaction in handling complaints

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

In 2009-10, 43% of those who could be contacted (164 complainants and 190 respondents) agreed to participate in the survey. Survey results for this reporting year are summarised below:

- 90% of complainants and 97% of respondents felt that staff explained things in a way that was easy for them to understand;
- 94% of complainants and 97% of respondents felt that forms and correspondence from the Commission were easy to understand;
- 76% of complainants and 79% of respondents felt that the Commission dealt with the complaint in a timely manner; and
- 93% of complainants and 94% of respondents did not consider staff to be biased.



## Ensuring accountability for our administrative decisions

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

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

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

The Commission was a respondent to one application brought under the *Administrative Decisions (Judicial Review) Act* in 2009-10. The matter was ongoing at the end of the reporting period.

**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. These include decisions made under the *Freedom of Information Act 1982* (Cth), and decisions on applications for temporary exemptions under section 44 of the Sex Discrimination Act, section 55 of the Disability Discrimination Act and section 44 of the Age Discrimination Act.

There was one application for merits review of a Commission decision during the reporting period. The Appeals Tribunal also handed down a decision in relation to a matter from the previous reporting year. In both cases, the Commission's decision was upheld.

## 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, clarification 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 2009-10 we received nine initial requests for access to documents under the *Freedom of Information Act*. We were also asked to conduct one internal review of one of those decisions.

Of the nine initial requests for information, eight were brought by individuals or organisations seeking access to documents relating to themselves.

A total of nine applications and one internal review were processed in this financial 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
- be accompanied by a \$30 application fee
- include the name and address of the person requesting the information
- specify the documents to which access is sought.

## Consultancy services

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

During 2009-10 three new consultancy arrangements were entered into, involving total actual expenditure, including GST, of \$56 545 (see Appendix 3). There were seven active part-performed consultancy contracts from prior years. As the prior year contracts were fully expensed and accrued in the year of commitment, payments made in the current reporting period did not give rise to any new expenditure. Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the Austender website: [www.tenders.gov.au](http://www.tenders.gov.au)

## Advertising and market research

During the reporting period, the commission entered into no market research contracts. The Commission paid \$1 980 (including GST) on non-campaign advertising (recruitment).



# Financial statements

- Independent Audit Report **104**
- Statement by the Chief Executive and Chief Finance Officer **106**
- Statement of Comprehensive Income **107**
- Balance Sheet **108**
- Statement of Changes in Equity **109**
- Cash Flow Statement **110**
- Schedule of Commitments **111**
- Schedule of Contingencies **113**
- Schedule of Asset Additions **114**
- Notes to and forming part of the financial statements:
  - Note 1:** Summary of Significant Accounting Policies **115**
  - Note 2:** Events after the Reporting Period **121**
  - Note 3:** Expenses **122**
  - Note 4:** Income **124**
  - Note 5:** Financial Assets **125**
  - Note 6:** Non-Financial Assets **126**
  - Note 7:** Payables **130**
  - Note 8:** Non-interest Bearing Liabilities **130**
  - Note 9:** Provisions **131**
  - Note 10:** Cash Flow Reconciliation **132**
  - Note 11:** Contingent Liabilities and Assets **133**
  - Note 12:** Senior Executive Remuneration **133**
  - Note 13:** Remuneration of Auditors **134**
  - Note 14:** Financial Instruments **135**
  - Note 15:** Appropriations **138**
  - Note 16:** Special Accounts **140**
  - Note 17:** Compensation and Debt Relief **140**
  - Note 18:** Reporting of Outcomes **140**



**Income**

**Revenue**

- Revenue from Government
- Sale of goods and services
- Other revenue

**Total revenue**

**Gains**

- Other gains

**Total gains**

**Total income**

**Expenses**

- Personnel services
- Materials
- Contractual services
- Travel
- Information services



## INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

### Scope

I have audited the accompanying financial statements of the Australian Human Rights Commission (AHRC) for the year ended 30 June 2010, which comprise: a Statement by the Chief Executive and Chief Finance Officer; Statement of Comprehensive Income; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; Schedule of Asset Additions; and Notes to and forming part of the financial statements, including a Summary of Significant Accounting Policies.

### *The Responsibility of the Chief Executive for the Financial Statements*

AHRC's Chief Executive is responsible for the preparation and fair presentation of the financial statements in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including Australian Accounting Standards which include Australian Accounting Interpretations. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

### *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 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 AHRC's preparation and fair presentation of the financial statements 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 AHRC's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by AHRC's Chief Executive, 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 the audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

**Auditor's 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 2010 and its financial performance and cash flows for the year then ended.

Australian National Audit Office



Graham Johnson  
Senior Director  
Delegate of the Auditor-General

Sydney  
17 September 2010

# Statement by the Chief Executive and Chief Finance Officer

---

---

## AUSTRALIAN HUMAN RIGHTS COMMISSION

---

### FINANCIAL STATEMENTS

*for the period ended 30 June 2010*

---

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

---

In our opinion, the attached financial statements for the period ended 30 June 2010 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Ministers Orders made under the *Financial Management and Accountability Act 1997*, as amended.

  
The Hon. Catherine Branson QC  
President and Chief Executive

16 September 2010

  
Darrell Yesberg  
Acting Chief Finance Officer

16 September 2010

---

## Statement of Comprehensive Income

for the period ended 30 June 2010

	Notes	2010 \$'000	2009 \$'000
<b>Expenses</b>			
Employee benefits	3A	11,012	11,036
Supplier expenses	3B	8,055	8,218
Depreciation and amortisation	3C	302	266
Finance costs	3D	28	25
Write-down and impairment of assets	3F	9	18
<b>Total expenses</b>		<b>19,406</b>	<b>19,563</b>
<b>Less:</b>			
<b>Own-source income</b>			
<b>Own-source revenue</b>			
Sale of goods and rendering of services	4A	4,360	4,559
Other revenue	4B	632	654
<b>Total own-source revenue</b>		<b>4,992</b>	<b>5,213</b>
<b>Gains</b>			
Other gains	4C	89	45
<b>Total gains</b>		<b>89</b>	<b>45</b>
<b>Total own-source income</b>		<b>5,081</b>	<b>5,258</b>
<b>Net cost of services</b>		<b>(14,325)</b>	<b>(14,305)</b>
Revenue from Government	4D	13,711	13,550
<b>Deficit attributable to the Australian government</b>		<b>(614)</b>	<b>(755)</b>
<b>Other comprehensive income</b>			
Changes in asset revaluation reserves		(401)	(271)
<b>Total other comprehensive income</b>		<b>(401)</b>	<b>(271)</b>
<b>Total comprehensive income attributable to the Australian Government</b>		<b>(1,015)</b>	<b>(1,026)</b>

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



## Balance Sheet

as at 30 June 2010

	Notes	2010 \$'000	2009 \$'000
<b>Assets</b>			
<b>Financial Assets</b>			
Cash and cash equivalents	5A	439	1,150
Trade and other receivables	5B	5,954	6,658
<b>Total financial assets</b>		<b>6,393</b>	<b>7,808</b>
<b>Non-Financial Assets</b>			
Infrastructure, plant and equipment	6A,B	1,222	1,520
Intangibles	6C,D	19	36
Other	6E	86	84
<b>Total non-financial assets</b>		<b>1,327</b>	<b>1,640</b>
<b>Total assets</b>		<b>7,720</b>	<b>9,448</b>
<b>Liabilities</b>			
<b>Payables</b>			
Suppliers	7A	1,025	957
Other	7B	3,094	2,609
<b>Total payables</b>		<b>4,119</b>	<b>3,566</b>
<b>Non-Interest Bearing Liabilities</b>			
Lease incentives	8A	48	97
<b>Total non-interest bearing liabilities</b>		<b>48</b>	<b>97</b>
<b>Provisions</b>			
Employee provisions	9A	2,098	2,384
Other	9B	825	529
<b>Total provisions</b>		<b>2,923</b>	<b>2,913</b>
<b>Total liabilities</b>		<b>7,090</b>	<b>6,576</b>
<b>Net assets</b>		<b>630</b>	<b>2,872</b>
<b>Equity</b>			
Contributed equity		115	1,342
Reserves		422	823
Retained surplus		93	707
<b>Total equity</b>		<b>630</b>	<b>2,872</b>

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

## Statement of Changes in Equity

for the period ended 30 June 2010

	Retained Earnings		Asset Revaluation Reserve		Contributed equity/capital		Total equity	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
<b>Opening balance</b>								
Balance carried forward from previous period	707	1,319	823	1,094	1,342	1,342	2,872	3,755
Adjustment for prior year accounting errors	-	(3)	-	-	-	-	-	(3)
Adjustment for changes in prior year provisions	-	146	-	-	-	-	-	146
<b>Adjusted opening balance</b>	<b>707</b>	<b>1,462</b>	<b>823</b>	<b>1,094</b>	<b>1,342</b>	<b>1,342</b>	<b>2,872</b>	<b>3,898</b>
<b>Comprehensive income</b>								
Changes in asset revaluation reserves:								
Computer, plant and equipment	-	-	(92)	29	-	-	(92)	29
Leasehold improvements	-	-	(309)	(300)	-	-	(309)	(300)
Deficit for the period	(614)	(755)					(614)	(755)
<b>Total comprehensive income</b>	<b>(614)</b>	<b>(755)</b>	<b>(401)</b>	<b>(271)</b>	<b>-</b>	<b>-</b>	<b>(1,015)</b>	<b>(1,026)</b>
of which:								
Attributable to the Australian Government	(614)	(755)	(401)	(271)	-	-	(1,015)	(1,026)
<b>Transactions with owners</b>								
<b>Distributions to owners</b>								
Returns of capital:								
Other <sup>1</sup>	-	-	-	-	(1,227)	-	(1,227)	-
<b>Sub-total transactions with owners</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(1,227)</b>	<b>-</b>	<b>(1,227)</b>	<b>-</b>
<b>Closing balance attributable to the Australian Government</b>	<b>93</b>	<b>707</b>	<b>422</b>	<b>823</b>	<b>115</b>	<b>1,342</b>	<b>630</b>	<b>2,872</b>

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

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

## Cash Flow Statement

for the period ended 30 June 2010

	Notes	2010 \$'000	2009 \$'000
<b>Operating activities</b>			
<b>Cash received</b>			
Goods and services		5,263	6,465
Appropriations		13,711	13,550
Net GST received		6	59
Cash from the Official Public Account		6,613	1,500
<b>Total cash received</b>		<b>25,593</b>	<b>21,574</b>
<b>Cash used</b>			
Employees		(11,237)	(10,855)
Suppliers		(8,290)	(9,321)
Cash to the Official Public Account		(6,378)	-
<b>Total cash used</b>		<b>(25,905)</b>	<b>(20,176)</b>
<b>Net cash from/(used by) operating activities</b>	10	<b>(312)</b>	<b>1,398</b>
<b>Investing activities</b>			
<b>Cash used</b>			
Purchase of infrastructure, plant and equipment		(396)	(267)
Purchase of intangibles		(3)	(30)
<b>Total cash used</b>		<b>(399)</b>	<b>(297)</b>
<b>Net cash used by investing activities</b>		<b>(399)</b>	<b>(297)</b>
<b>Financing activities</b>			
<b>Cash used</b>			
Other		-	(462)
<b>Total cash used</b>		<b>-</b>	<b>(462)</b>
<b>Net cash used by financing activities</b>		<b>-</b>	<b>(462)</b>
<b>Net increase/(decrease) in cash held</b>		<b>(711)</b>	<b>639</b>
Cash and cash equivalents at the beginning of the reporting period		1,150	511
<b>Cash and cash equivalents at the end of the reporting period</b>	5A	<b>439</b>	<b>1,150</b>

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

## Schedule of Commitments

as at 30 June 2010

	2010 \$'000	2009 \$'000
<b>BYTYPE</b>		
<b>Commitments Receivable</b>		
Sublease rental income	(736)	(1,416)
Other commitments receivable	(1,321)	(1,053)
GST recoverable on commitments	(126)	(478)
<b>Total commitments receivable</b>	<b>(2,183)</b>	<b>(2,947)</b>
<b>Commitments Payable</b>		
<b>Capital commitments</b>		
Infrastructure, plant and equipment <sup>1</sup>	9	3
<b>Total capital commitments</b>	<b>9</b>	<b>3</b>
<b>Other commitments</b>		
Operating leases <sup>2</sup>	2,711	5,252
Other	99	949
<b>Total other commitments</b>	<b>2,810</b>	<b>6,201</b>
<b>Net commitments by type</b>	<b>636</b>	<b>3,257</b>
<b>BY MATURITY</b>		
<b>Commitments Receivable</b>		
<b>Operating lease income</b>		
One year or less	(736)	(704)
From one to five years	-	(712)
<b>Total operating lease income</b>	<b>(736)</b>	<b>(1,416)</b>
<b>Other Commitments Receivable</b>		
One year or less	(1,347)	(1,299)
From one to five years	(100)	(232)
<b>Total other commitments receivable</b>	<b>(1,447)</b>	<b>(1,531)</b>
<b>Commitments Payable</b>		
<b>Capital commitments</b>		
One year or less	9	3
<b>Total capital commitments</b>	<b>9</b>	<b>3</b>
<b>Operating lease commitments</b>		
One year or less	2,711	2,702
From one to five years	-	2,550
<b>Total operating lease commitments</b>	<b>2,711</b>	<b>5,252</b>

## Schedule of Commitments

as at 30 June 2010

	2010 \$'000	2009 \$'000
<b>Other Commitments</b>		
One year or less	99	912
From one to five years	-	37
<b>Total other commitments</b>	<b>99</b>	<b>949</b>
<b>Net commitments by maturity</b>	<b>636</b>	<b>3,257</b>

Note: Commitments are GST inclusive where relevant.

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

### Nature of Leases/General Description

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

#### Leases for office accommodation

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

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

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

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

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

#### Other commitments

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

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

## Schedule of Contingencies

as at 30 June 2010

	2010 \$'000	2009 \$'000
<b>Contingent Assets</b>	-	-
<b>Contingent Liabilities</b>	-	-
<b>Net contingent assets (liabilities)</b>	-	-

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

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

## Schedule of Asset Additions

for the period ended 30 June 2010

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

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

The following non-financial non-current assets were added in 2008-2009

	Infrastructure, plant & equipment \$'000	Intangibles \$'000	Total \$'000
By purchase – appropriation ordinary annual services	267	30	297
<b>Total additions funded in the current year</b>	<b>267</b>	<b>30</b>	<b>297</b>
<b>Additions recognised in 2008-2009 to be funded in future years</b>			
Make-good	25	–	25
<b>Total additions funded in future years</b>	<b>25</b>	<b>–</b>	<b>25</b>
<b>Total asset additions</b>	<b>292</b>	<b>30</b>	<b>322</b>

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

# Notes to and forming part of the financial statements

for the period ended 30 June 2010

## Note 1: Summary of Significant Accounting Policies

### 1.1 Objectives of The Australian Human Rights Commission

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

The Commission is structured to meet the following outcome:

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

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

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

The Commission has no administered activities.

### 1.2 Basis of Preparation of the Financial Statements

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

The Financial Statements have been prepared in accordance with:

- Finance Minister's Orders (or FMO) for reporting periods ending on or after 1 July 2009; and
- Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

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

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

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

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



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

### 1.3 Significant Accounting Judgements and Estimates

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

### 1.4 New Australian Accounting Standards

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

No accounting standard has been adopted earlier than the application date as stated in the standard. No new accounting standards (including reissued standards), amendments to standards or interpretations issued by the Australian Accounting Standards Board that are applicable to the current period have had a material financial impact on the Commission.

#### *Future Australian Accounting Standard Requirements*

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

### 1.5 Revenue

#### *Revenue from Government*

Amounts appropriated for departmental outputs for the year (adjusted for any formal additions and reductions) are recognised as revenue when the Agency 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 agency 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 [select from the following]:

- surveys of work performed;
- services performed to date as a percentage of total services to be performed; or
- 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) are recognised directly in contributed equity in that year.

#### *Other Distributions to Owners*

The FMO require that distributions to owners be debited to contributed equity unless in the nature of a dividend. In 2009-10, by agreement with the Department of Finance and Deregulation, the Commission.

### 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 Agency 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 Agency'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 2010. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

#### *Separation and Redundancy*

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

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

### *Superannuation*

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

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

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

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

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

### **1.9 Leases**

A distinction is made between finance leases and operating leases. Finance leases effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of leased assets.

An operating lease is a lease that is not a finance lease. In operating leases, the lessor effectively retains substantially all such risks and benefits.

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

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

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

### **1.10 Cash**

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

### **1.11 Financial Assets**

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

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

Financial assets are recognised and derecognised upon trade date.

### *Effective Interest Method*

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

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

### *Loans and Receivables*

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

### *Impairment of Financial Assets*

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

Financial assets held at cost – If there is objective evidence that an impairment loss has been incurred 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	2010	2009
Computer, plant and equipment	<b>4 to 10 years</b>	4 to 10 years
Leasehold improvements	<b>Lease term</b>	Lease term

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

### *Impairment*

All assets were assessed for impairment at 30 June 2010. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

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

### *Derecognition*

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

### **1.16 Intangibles**

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

Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the Commission's software are 2 to 5 years (2008-09: 2 to 5 years).

All software assets were assessed for indications of impairment as at 30 June 2010.

### **1.17 Taxation**

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

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

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

## Note 2: Events After the Reporting Period

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

**Notes to and forming part of the financial statements**  
for the period ended 30 June 2010

**Note 3: Expenses**

	2010 \$'000	2009 \$'000
<b>A: Employee Benefits</b>		
Wages and salaries	8,574	8,633
Superannuation:		
Defined contribution plans	648	590
Defined benefit plans	786	768
Leave and other entitlements	366	806
Separation and redundancies	534	169
Other employee expenses	104	70
<b>Total employee benefits</b>	<b>11,012</b>	<b>11,036</b>
<b>B: Suppliers</b>		
<b>Goods and services</b>		
Office consumables	97	104
Reference materials, subscriptions and licences	216	324
Printing and publications	322	455
Staff training	102	80
Insurance	45	64
Professional services and fees	2,115	1,841
Official Travel	1,562	1,816
General property operating expenses	675	560
Telecommunications	227	305
Postage and freight	57	88
Other	577	487
<b>Total goods and services</b>	<b>5,995</b>	<b>6,124</b>
Goods and services are made up of:		
Provision of goods – related entities	3	4
Provision of goods – external parties	563	756
Rendering of services – related entities	891	881
Rendering of services – external parties	4,538	4,483
<b>Total goods and services</b>	<b>5,995</b>	<b>6,124</b>
<b>Other supplier expenses</b>		
Operating lease rentals – related entities:		
Minimum lease payments	2,020	2,055
Workers compensation expenses	40	39
<b>Total other supplier expenses</b>	<b>2,060</b>	<b>2,094</b>
<b>Total supplier expenses</b>	<b>8,055</b>	<b>8,218</b>

## Note 3: Expenses continued

	2010 \$'000	2009 \$'000
<b>C: Depreciation and Amortisation</b>		
Depreciation:		
Infrastructure, plant and equipment:		
Computer, plant and equipment	232	175
<b>Total depreciation</b>	<b>232</b>	<b>175</b>
Amortisation:		
Infrastructure, plant and equipment:		
Leashold improvements	–	22
Deferred costs – make good	51	55
Intangibles:		
Computer software	19	14
<b>Total amortisation</b>	<b>70</b>	<b>91</b>
<b>Total depreciation and amortisation</b>	<b>302</b>	<b>266</b>
<b>D: Finance Costs</b>		
Unwinding of discount	28	25
<b>Total finance costs</b>	<b>28</b>	<b>25</b>
<b>E: Write-Down and Impairment of Assets</b>		
Financial assets:		
Bad debts expense	–	
Non-financial assets:		
Infrastructure, plant and equipment – written off	9	
<b>Total write-down and impairment of assets</b>	<b>9</b>	



**Notes to and forming part of the financial statements**  
for the period ended 30 June 2010

**Note 4: Income**

	2010 \$'000	2009 \$'000
<b>REVENUE</b>		
<b>A: Sale of Goods and Rendering of Services</b>		
Provision of goods – related entities	1	–
Provision of goods – external parties	7	5
Rendering of services – related entities	3,687	4,139
Rendering of services – external parties	666	415
<b>Total sale of goods and rendering of services</b>	<b>4,360</b>	<b>4,559</b>
<b>B: Other Revenue</b>		
<b>Rental Income</b>		
Operating lease:		
Sub lease rental income	632	605
<b>Total rental income</b>	<b>632</b>	<b>605</b>
<b>Other Income</b>		
Deferred revenue	–	49
<b>Total other income</b>	<b>–</b>	<b>49</b>
<b>Total other revenue</b>	<b>632</b>	<b>654</b>
<b>GAINS</b>		
<b>C: Other Gains</b>		
Resources received free of charge	48	45
Gain on reduction of prior year provisions	41	–
<b>Total other gains</b>	<b>89</b>	<b>45</b>
<b>REVENUE FROM GOVERNMENT</b>		
<b>D: Revenue from Government</b>		
Appropriations:		
Departmental outputs	13,711	13,550
<b>Total revenue from Government</b>	<b>13,711</b>	<b>13,550</b>

## Note 5: Financial Assets

	2010 \$'000	2009 \$'000
<b>A: Cash and Cash Equivalents</b>		
Cash on hand or on deposit	439	1,150
<b>Total cash and cash equivalents</b>	<b>439</b>	<b>1,150</b>
<b>B: Trade and Other Receivables</b>		
<b>Good and Services:</b>		
Goods and services – related entities	793	360
Goods and services – external parties	359	86
<b>Total receivables for goods and services</b>	<b>1,152</b>	<b>446</b>
<b>Appropriations receivable:</b>		
For existing outputs	4,750	6,212
<b>Total appropriations receivable</b>	<b>4,750</b>	<b>6,212</b>
<b>Other receivables:</b>		
GST receivable from the Australian Taxation Office	52	–
<b>Total other receivables</b>	<b>52</b>	<b>–</b>
<b>Total trade and other receivables (gross)</b>	<b>5,954</b>	<b>6,658</b>
<b>Total trade and other receivables (net)</b>	<b>5,954</b>	<b>6,658</b>
Receivables are expected to be recovered in:		
No more than 12 months	5,954	6,658
<b>Total trade and other receivables (net)</b>	<b>5,954</b>	<b>6,658</b>
Receivables are aged as follows:		
Not overdue	5,176	6,636
Overdue by:		
0 to 30 days	774	22
31 to 60 days	4	–
61 to 90 days	–	–
More than 90 days	–	–
<b>Total receivables (gross)</b>	<b>5,954</b>	<b>6,658</b>

Notes to and forming part of the financial statements  
for the period ended 30 June 2010

Note 6: Non-Financial Assets

	2010 \$'000	2009 \$'000
<b>A: Infrastructure, Plant and Equipment</b>		
Computer, plant and equipment:		
Gross carrying value (at fair value)	784	722
Accumulated depreciation	–	–
<b>Total computer, plant and equipment</b>	<b>784</b>	<b>722</b>
Leasehold improvements:		
Gross carrying value (at fair value)	382	691
Accumulated amortisation	–	–
Deferred costs – make good	388	388
Accumulated amortisation – make good	(332)	(281)
<b>Total leasehold improvements</b>	<b>438</b>	<b>798</b>
<b>Total infrastructure, plant and equipment</b>	<b>1,222</b>	<b>1,520</b>

All revaluations were conducted in accordance with the revaluation policy stated at Note 1. On 30 June 2010, an independent valuer (AON Valuation Services) conducted the revaluations.

Revaluation decrement of \$309,250 for leasehold improvements (2009: decrement of \$299,990) was debited to the revaluation reserve and a revaluation decrement of \$92,841 for computer, plant and equipment (2009: increment \$28,698) was debited to the asset revaluation reserve by asset class and included in the equity section of the balance sheet; no increments or decrements were expensed (2009: nil expensed).

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

No infrastructure, plant or equipment is expected to be sold or disposed of within the next 12 months.

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

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

	Computer, plant & equipment \$'000	Leasehold Improvements \$'000	Total \$'000
<b>Net book value as of 30 June 2010 represented by:</b>			
Gross book value	784	789	1,573
Accumulated depreciation	–	(351)	(351)
	<b>784</b>	<b>438</b>	<b>1,222</b>

	Computer, plant & equipment \$'000	Leasehold Improvements \$'000	Total \$'000
--	--	-------------------------------------	-----------------

### B: Reconciliation of the Opening and Closing Balances of Infrastructure, Plant and Equipment 2008-09

#### As at 1 July 2008

Gross book value	635	1,379	2,014
Accumulated depreciation and impairment	–	(226)	(226)
<b>Net book value 1 July 2008</b>	<b>635</b>	<b>1,153</b>	<b>1,788</b>
Additions:			
By purchase	245	22	267
By transfer	4	–	4
Revaluations and impairments recognised through equity	29	(300)	(271)
Depreciation/amortisation expense	(175)	(77)	(252)
Disposals:			
Other	(16)	–	(16)
<b>Net book value 30 June 2009</b>	<b>722</b>	<b>798</b>	<b>1,520</b>

#### Net book value as of 30 June 2009 represented by:

Gross book value	722	1,098	1,820
Accumulated depreciation	–	(300)	(300)
	<b>722</b>	<b>798</b>	<b>1,520</b>

Notes to and forming part of the financial statements  
for the period ended 30 June 2010

Note 6: Non-Financial Assets (continued)

	2010 \$'000	2009 \$'000
<b>C: Intangibles</b>		
Computer software (at cost):		
Internally customised – in use	31	28
Internally developed – in use	440	440
<b>Total computer software (gross)</b>	<b>471</b>	<b>468</b>
Accumulated amortisation	(452)	(432)
<b>Total computer software (net)</b>	<b>19</b>	<b>36</b>
<b>Total intangibles</b>	<b>19</b>	<b>36</b>

No indicators of impairment were found for intangible assets.

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

	Computer software internally developed \$'000	Computer software customised \$'000	Total \$'000

**D: Reconciliation of the Opening and Closing Balances  
of Intangibles 2009-10**

**As at 1 July 2009**

Gross book value	28	440	468
Accumulated amortisation and impairment	(15)	(417)	(432)
<b>Net book value 1 July 2009</b>	<b>13</b>	<b>23</b>	<b>36</b>
Additions:			
By purchase	3	–	3
Amortisation	(8)	(12)	(20)
<b>Net book value 30 June 2010</b>	<b>8</b>	<b>11</b>	<b>19</b>

**Net book value as of 30 June 2010 represented by:**

Gross book value	31	440	471
Accumulated amortisation	(23)	(429)	(452)
	8	11	19

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

	Computer software internally customised \$'000	Computer software purchased \$'000	Total \$'000
<b>D: Reconciliation of the Opening and Closing Balances of Intangibles 2008-09</b>			
<b>As at 1 July 2008</b>			
Gross book value	28	410	438
Accumulated amortisation and impairment	(8)	(410)	(418)
<b>Net book value 1 July 2008</b>	<b>20</b>	<b>–</b>	<b>20</b>
Additions:			
By purchase	–	30	30
Amortisation	(7)	(7)	(14)
<b>Net book value 30 June 2009</b>	<b>13</b>	<b>23</b>	<b>36</b>
<b>Net book value as of 30 June 2009 represented by:</b>			
Gross book value	28	440	468
Accumulated amortisation and impairment	(15)	(417)	(432)
	13	23	36
		<b>2010</b>	2009
		<b>\$'000</b>	<b>\$'000</b>

### E: Other Non-Financial Assets

Prepayments	<b>86</b>	84
<b>Total other non-financial assets</b>	<b>86</b>	84

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

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

No more than 12 months	<b>10</b>	26
More than 12 months	<b>76</b>	58
<b>Total other non-financial assets</b>	<b>86</b>	84

Notes to and forming part of the financial statements  
for the period ended 30 June 2010

## Note 7: Payables

	2010 \$'000	2009 \$'000
<b>A: Supplier payables</b>		
Trade creditors and accruals	1,025	957
<b>Total supplier payables</b>	<b>1,025</b>	<b>957</b>
Supplier payables expected to be settled within 12 months:		
Related entities	687	186
External parties	338	737
Supplier payables expected to be settled in greater than 12 months:		
External entities	-	34
<b>Total supplier payables</b>	<b>1,025</b>	<b>957</b>

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

### B: Other Payables

Salaries and wages	181	136
Superannuation	31	25
GST Payable to the Australian Taxation Office	-	19
Other employee expenses	24	13
Revenue received in advance	2,858	2,416
<b>Total other payables</b>	<b>3,094</b>	<b>2,609</b>

Total other payables are expected to be settled in:

No more than 12 months	1,623	2,099
More than 12 months	1,471	510
<b>Total other payables</b>	<b>3,094</b>	<b>2,609</b>

## Note 8: Non-interest Bearing Liabilities

	2010 \$'000	2009 \$'000
<b>A: Non-interest Bearing Liabilities</b>		
Lease incentives <sup>1</sup>	48	97
<b>Total non-interest bearing liabilities</b>	<b>48</b>	<b>97</b>
Non-interest bearing liabilities are expected to be settled in:		
No more than 12 months	48	49
More than 12 months	-	48
<b>Total non-interest bearing liabilities</b>	<b>48</b>	<b>97</b>

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

## Note 9: Provisions

	2010 \$'000	2009 \$'000
--	----------------	----------------

### A: Employee Provisions

Leave	2,098	2,384
<b>Total employee provisions</b>	<b>2,098</b>	<b>2,384</b>

Employee provisions are expected to be settled in:

No more than 12 months	1,556	1,902
More than 12 months	542	482
<b>Total employee provisions</b>	<b>2,098</b>	<b>2,384</b>

### B: Other Provisions

Provision for contract obligations	288	19
Provision for restoration obligations	537	510
<b>Total other provisions</b>	<b>825</b>	<b>529</b>

Other provisions are expected to be settled in:

No more than 12 months	718	19
More than 12 months	107	510
<b>Total other provisions</b>	<b>825</b>	<b>529</b>

	Provision for contract obligations \$'000	Provision for restoration obligations \$'000	Total \$'000
<b>Carrying amount 1 July 2009</b>	<b>19</b>	<b>510</b>	<b>529</b>
Additional provisions made	285	–	285
Amounts used	(16)	–	(16)
Unwinding of discount	–	27	27
<b>Closing balance 2010</b>	<b>288</b>	<b>537</b>	<b>825</b>

The Commission currently has an agreement for the leasing of premises which has a provision requiring the Commission to restore the premises to their original condition at the conclusion of the lease. The Commission has made a provision to reflect the present value of this obligation.



**Notes to and forming part of the financial statements**  
for the period ended 30 June 2010

**Note 10: Cash Flow Reconciliation**

	2010 \$'000	2009 \$'000
<b>Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement</b>		
<b>Cash and cash equivalents as per:</b>		
Cash flow statement	439	1,150
Balance sheet	439	1,150
<b>Difference</b>	-	-
<b>Reconciliation of net cost of services to net cash from operating activities:</b>		
Net cost of services	(14,325)	(14,305)
Add revenue from Government	13,711	13,550
<b>Adjustments for non-cash items</b>		
Depreciation/amortisation	302	266
Finance costs and restoration obligations	28	25
Net write down of financial assets	-	(2)
Net write down of non-financial assets	9	16
Adjustment for prior year accounting error	-	(3)
Adjustment for changes in prior year provisions	-	146
<b>Changes in assets / liabilities</b>		
(Increase) / decrease in net receivables	(522)	1,244
(Increase) / decrease in prepayments	(2)	5
Increase / (decrease) in employee provisions	(286)	182
Increase / (decrease) in supplier payables	68	(423)
Increase / (decrease) in other payables	485	19
Increase / (decrease) in other provisions	269	730
Increase / (decrease) non-interest bearing liabilities	(49)	(49)
<b>Net cash from (used by) operating activities</b>	<b>(312)</b>	<b>1,398</b>

## Note 11: Contingent Liabilities and Assets

### Unquantifiable Contingencies

At 30 June 2010, the Commission was named as a respondent in one application before the Federal Court, one application before the High Court and one matter before the Administrative Appeals Tribunal.

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

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

	2010	2009
<b>A: Actual Remuneration Paid to Senior Executives</b>		
<b>Executive Remuneration</b>		
The number of senior executives who received:		
less than \$145,000 <sup>1</sup>	–	–
\$145,000 to \$159,999	1	–
\$160,000 to \$174,999	1	–
\$190,000 to \$204,999	–	2
\$250,000 to \$264,999	2	2
\$265,000 to \$279,999	–	1
\$280,000 to \$294,999	1	–
<b>Total</b>	<b>5</b>	<b>5</b>

<sup>1</sup> Excludes acting arrangements and part-year service.

	\$	\$
<b>Total expense recognised in relation to Senior Executive employment</b>		
Short-term employee benefits:		
Salary (including annual leave taken)	1,139,423	1,030,928
Changes in annual leave provisions	27,045	12,635
Other <sup>1</sup>	13,408	21,685
Total short-term employee benefits	1,179,876	1,065,248
Superannuation (post-employment benefits)	90,469	97,062
Other long-term benefits	21,180	18,510
<b>Total</b>	<b>1,291,525</b>	<b>1,180,820</b>

<sup>1</sup> 'Other' includes motor vehicle allowance and other allowances.

During the year the Commission paid \$259,530 in termination benefits to senior executives (2009: nil).

Notes to and forming part of the financial statements  
for the period ended 30 June 2010

Note 12: Senior Executive Remuneration (continued)

As at 30 June 2010			
	Number of Senior Executives	Base salary (including annual leave) \$	Total remuneration package <sup>2</sup> \$
Total remuneration:			
less than \$145,000 <sup>1</sup>	–	–	–
\$205,000 to \$219,999	1	165,000	215,410
\$250,000 to \$264,999	3	553,960	779,170
\$295,000 to \$309,999	1	180,400	300,020
<b>Total</b>	<b>5</b>		

<sup>1</sup> Excludes acting arrangements and part-year service.

<sup>2</sup> Non-salary elements available to senior executives include superannuation, motor vehicle and other allowances.

As at 30 June 2009			
	Number of Senior Executives	Base salary (including annual leave) \$	Total remuneration package <sup>2</sup> \$
Total remuneration:			
less than \$145,000 <sup>1</sup>	–	–	–
\$175,000 to \$189,999	2	272,156	361,068
\$235,000 to \$249,999	2	350,280	499,580
\$250,000 to \$264,999	1	187,530	256,880
\$280,000 to \$294,999	1	175,140	288,340
<b>Total</b>	<b>6</b>		

<sup>1</sup> Excludes acting arrangements and part-year service.

<sup>2</sup> Non-salary elements available to senior executives include superannuation, motor vehicle and other allowances.

Note 13: Remuneration of Auditors

	2010 \$'000	2009 \$'000
Financial statement audit services were provided free of charge to the Commission.		
The fair value of the services provided by the Auditor-General was:		
Financial Statement Audit	48	45

No other services were provided by the Auditor-General.

## Note 14: Financial Instruments

	2010 \$'000	2009 \$'000
--	----------------	----------------

### A: Categories of Financial Instruments

#### Financial Assets

Loans and receivables:

Cash and cash equivalents	439	1,150
Trade receivables	1,152	446
Appropriation receivable	4,750	6,212
GST receivable from the Australian Taxation Office	52	–
<b>Carrying amount of financial assets</b>	<b>6,393</b>	<b>7,808</b>

#### Financial Liabilities

Other liabilities:

Trade creditors and accruals	1,025	976
Lease incentives	48	97
Revenue received in advance	2,858	2,416
<b>Carrying amount of financial liabilities</b>	<b>3,931</b>	<b>3,489</b>

	Carrying amount 2010 \$'000	Fair value 2010 \$'000	Carrying amount 2009 \$'000	Fair value 2009 \$'000
--	--------------------------------------	---------------------------------	--------------------------------------	---------------------------------

### B: Fair Value of Financial Instruments

#### Financial Assets

Cash and cash equivalents	439	439	1,150	1,150
Trade receivables	1,152	1,152	446	446
Appropriation receivable	4,750	4,750	6,212	6,212
<b>Total</b>	<b>6,341</b>	<b>6,341</b>	<b>7,808</b>	<b>7,808</b>

#### Financial Liabilities

Trade creditors and accruals	1,025	1,025	976	976
Lease incentives	48	48	97	97
Revenue received in advance	2,858	2,858	2,416	2,416
<b>Total</b>	<b>3,931</b>	<b>3,931</b>	<b>3,489</b>	<b>3,489</b>

**Notes to and forming part of the financial statements**  
for the period ended 30 June 2010

**Note 14: Financial Instruments (continued)**

**C: Credit Risk**

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

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

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

	<b>Not past due nor impaired</b>	Not past due nor impaired	<b>Past due or impaired</b>	Past due or impaired
	<b>2010 \$'000</b>	2009 \$'000	<b>2010 \$'000</b>	2009 \$'000
<b>Loans and receivables</b>				
Cash and cash equivalents	439	1,150	-	-
Trade receivables	375	424	777	22
Appropriation receivable	4,750	6,212	-	-
GST receivable from the Australian Taxation Office	52	-	-	-
<b>Total</b>	<b>5,616</b>	<b>7,786</b>	<b>777</b>	<b>22</b>

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

	<b>0 to 30 days</b>	<b>31 to 60 days</b>	<b>61 to 90 days</b>	<b>90+ days</b>	<b>Total</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
Trade receivables	774	4	-	-	778
<b>Total</b>	<b>774</b>	<b>4</b>	<b>-</b>	<b>-</b>	<b>778</b>

**Ageing of financial assets that were past due but not impaired for 2009:**

	<b>0 to 30 days</b>	<b>31 to 60 days</b>	<b>61 to 90 days</b>	<b>90+ days</b>	<b>Total</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
Trade receivables	22	-	-	-	22
<b>Total</b>	<b>22</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>22</b>

## Note 14: Financial Instruments (continued)

### D: Liquidity Risk

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

#### Maturities for non-derivative financial liabilities 2010:

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

#### Maturities for non-derivative financial liabilities 2009:

	On demand	within 1 year	1 to 2 years	2 to 5 years	> 5 years	Total
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Other liabilities</b>						
Trade creditors and accruals	–	976	–	–	–	976
Lease incentives	–	49	48	–	–	97
Revenue received in advance	–	2,056	360	–	–	2,416
<b>Total</b>	–	<b>3,081</b>	<b>408</b>	–	–	<b>3,489</b>

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

### E: Market Risk

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

Notes to and forming part of the financial statements  
for the period ended 30 June 2010

Note 15: Appropriations

**Table A1: Acquittal of Authority to Draw Cash from the Consolidated Revenue Fund for Ordinary Annual Services Appropriations**

Particulars	Departmental outputs		Total	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
Balance brought forward from previous period (Appropriation Acts)	7,359	7,758	7,359	7,758
Appropriation Act:			-	-
Appropriation Act (No. 1, 3 & 5) 2009-2010 as passed	13,711	13,550	13,711	13,550
Appropriations reduced (Appropriation Act sections 10, 11 & 12)	(1,227)	-	(1,227)	-
Advance to the Finance Minister (Appropriation Act section 13)	-	-	-	-
Indigenous Employment Special Account receipts (Appropriation Act section 14)	-	-	-	-
FMA Act:			-	-
Repayments to the Commonwealth (FMA Act section 30)	-	-	-	-
*Appropriations to take account of recoverable GST (FMA Act section 30A) <sup>1</sup>	58	59	58	59
Relevant agency receipts (FMA Act s 31)	5,263	6,465	5,263	6,465
Transfer of agency functions (FMA Act s 32)	-	-	-	-
<b>Total appropriation available for payments</b>	<b>25,164</b>	<b>27,832</b>	<b>25,164</b>	<b>27,832</b>
Cash payments made during the year (GST inclusive)	19,923	20,473	19,923	20,473
Appropriations credited to special accounts (GST exclusive)	-	-	-	-
Balance of authority to draw cash from the Consolidated Revenue Fund for ordinary annual services appropriations.	5,241	7,359	5,241	7,359
<b>Represented by:</b>				
Cash at bank and on hand	439	1,147	439	1,147
*Departmental appropriations receivable	4,750	6,212	4,750	6,212
*Undrawn, unexpired administered appropriations	-	-	-	-
*Net GST receivable from ATO	52	-	52	-
*Adjustments under s 101.13 of the Finance Minister's Orders not reflected above	-	-	-	-
<b>Total as at 30 June</b>	<b>5,241</b>	<b>7,359</b>	<b>5,241</b>	<b>7,359</b>

<sup>1</sup> The amounts in this line item are calculated on an accrual basis to the extent that an expense may have been incurred that includes GST but has not been paid by year end.

## Note 15: Appropriations (continued)

**Table B1: Acquittal of Authority to Draw Cash from the Consolidated Revenue Fund for Other than Ordinary Annual Services Appropriations**

Particulars	Non – operating Equity		Total	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'001
Balance brought forward from previous period (Appropriation Acts)	3	3	3	3
Appropriation Act:				
<i>Appropriation Act (No. 2, 4&amp;6) 2009-2010 as passed</i>	-	-	-	-
[Other annual appropriation acts as passed] (show each Appropriation Act as a separate line item)	-	-	-	-
Appropriations reduced (Appropriation Act sections 12, 13&14)	-	-	-	-
Advance to the Finance Minister ( <i>Appropriation Act</i> section 15)	-	-	-	-
<i>FMA Act:</i>				
Repayments to the Commonwealth ( <i>FMA Act</i> section 30)	-	-	-	-
*Appropriations to take account of recoverable GST ( <i>FMA Act</i> section 30A) <sup>1</sup>	-	-	-	-
Transfer of agency functions ( <i>FMA Act</i> s 32)	-	-	-	-
<b>Total appropriations available for payments</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>
Cash payments made during the year (GST inclusive)	(3)	-	(3)	-
Appropriations credited to special accounts (GST exclusive)	-	-	-	-
Balance of authority to draw cash from the consolidated revenue fund for other than ordinary annual services appropriations.	-	3	-	3
<b>Represented by:</b>				
Cash at bank and on hand	-	3	-	3
*Departmental appropriation receivable	-	-	-	-
*Undrawn, unexpired administered appropriations	-	-	-	-
*Net GST payable (to)/from ATO	-	-	-	-
*Adjustments under s101.13 of the Finance Minister's Orders not reflected above	-	-	-	-
<b>Total as at 30 June</b>	<b>-</b>	<b>3</b>	<b>-</b>	<b>3</b>

<sup>1</sup> The amounts in this line item are calculated on an accrual basis to the extent that an expense may have been incurred that includes GST but has not been paid by year end.



**Notes to and forming part of the financial statements**  
for the period ended 30 June 2010

**Note 16: Special Accounts**

The Commission has an 'Other Trust Monies' and a 'Services for Other Governments and Non Agency Bodies' special accounts. Both accounts were established under Section 20 of the Financial Management and Accountability Act 1997 (FMA Act). For the year ended 30 April 2010 both of these accounts had nil opening balances and there were no transactions debited or credited to them in the 2009-2010 financial year.

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

The purpose of the 'Services for Other Governments and Non Agency Bodies' special account is for expenditure in connection with the services performed on behalf of other Governments and bodies that are not agencies under the FMA Act. On 3 September 2009 the 'Services for Other Governments and Non Agency Bodies' special account was abolished under the *Financial Management and Accountability Determination 2009/28 – Services for Other Governments and Non-agency Bodies Special Accounts Abolition 2009*.

**Note 17: Compensation and Debt Relief**

The Commission made no payments for compensation or debt relief during the reporting period (2009: Nil).

**Note 18: Reporting of Outcomes**

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

	Outcome 1		Total	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000

**A: Net Cost of Outcome Delivery**

**Expenses:**

Departmental	19,406	19,563	19,406	19,563
<b>Total</b>	<b>19,406</b>	<b>19,563</b>	<b>19,406</b>	<b>19,563</b>

**Income from non-government sector:**

Departmental				
Activities subject to cost recovery	673	371	673	371
Other	632	49	632	49
<b>Total</b>	<b>1,305</b>	<b>420</b>	<b>1,305</b>	<b>420</b>

**Other own-source income:**

Departmental	4,319	4,793	4,319	4,793
<b>Total</b>	<b>4,319</b>	<b>4,793</b>	<b>4,319</b>	<b>4,793</b>

<b>Net cost of outcome delivery</b>	<b>13,782</b>	<b>14,350</b>	<b>13,782</b>	<b>14,350</b>
-------------------------------------	---------------	---------------	---------------	---------------

Net costs shown include intra-government costs that are eliminated in calculating the actual Budget Outcome. Refer to the Outcome Resourcing Table on page 104 of this Annual Report.

## Note 18: Reporting of Outcomes (continued)

	Outcome 1		Total	
	2010 \$'000	2009 \$'000	2010 \$'000	2009 \$'000
<b>B: Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcome</b>				
<b>Departmental expenses:</b>				
Employee benefits	11,012	11,036	11,012	11,036
Supplier expenses	8,055	8,218	8,055	8,218
Depreciation and amortisation	302	266	302	266
Finance costs	28	25	28	25
Other expenses	9	18	9	18
<b>Total</b>	<b>19,406</b>	19,563	<b>19,406</b>	19,563
<b>Departmental income:</b>				
Sales of goods and services	4,360	4,559	4,360	4,559
Revenue from government	13,711	13,550	13,711	13,550
Rental income	632	605	632	605
Other income	-	49	-	49
<b>Total</b>	<b>18,703</b>	18,763	<b>18,703</b>	18,763
<b>Departmental assets:</b>				
Cash and cash equivalents	439	1,150	439	1,150
Trade and other receivables	5,954	6,658	5,954	6,658
Infrastructure, plant and equipment	1,222	1,413	1,222	1,413
Intangibles	19	36	19	36
Other non-financial assets	86	191	86	191
<b>Total</b>	<b>7,720</b>	9,448	<b>7,720</b>	9,448
<b>Departmental liabilities:</b>				
Suppliers	1,025	510	1,025	510
Lease incentives	48	97	48	97
Employee provisions	2,098	2,558	2,098	2,558
Other provisions and payables	3,919	3,411	3,919	3,411
<b>Total</b>	<b>7,090</b>	6,576	<b>7,090</b>	6,576

## Appendices

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

**Table 37: Resources for outcome**

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

	Budget** 2009-10 \$'000	Actual Expenses 2009-10 \$'000	Variation \$'000
	(a)	(b)	(a)-(b)
<b>Output Group 1.1</b> – Australians have access to independent human rights complaint handling and public inquiries processes and benefit from human rights education, promotion and monitoring, and compliance activities.			
<b>Departmental Outputs</b>			
Ordinary annual services (Appropriation Bill No.1)	13 711	13 711	–
Revenues from independent sources (Section 31)	4 100	4 992	(892)
Expenses not requiring appropriation in the budget year	794	703	91
<b>Subtotal for Output Group 1.1</b>	18 605	19 406	(801)
<b>Total for Outcome 1</b>			
Departmental	18 605	19 406	(801)
<b>Average staffing level (number)</b>	<b>117</b>	<b>110</b>	

\* Refer outcome structure on page 2

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

## Appendix 2 – Website statistics

**Table 38: Visitors to the Commission website**

Section	Views of section home page	Views of all pages in section
<b>Commission homepage</b> www.humanrights.gov.au	53 112	n/a
<b>Aboriginal and Torres Strait Islander Social Justice</b> www.humanrights.gov.au/social_justice/	97 845	1 299 074
<b>Age Discrimination</b> www.humanrights.gov.au/age/	56 105	111 886
<b>Complaints Information</b> www.humanrights.gov.au/complaints_information/	62 666	341 006
<b>Disability Rights</b> www.humanrights.gov.au/disability_rights/	78 968	1 292 487
<b>Education Resources</b> www.humanrights.gov.au/education/	65 677	431 124
<b>Human Rights</b> www.humanrights.gov.au/human_rights/	144 166	1 133 443
<b>Information for Employers</b> www.humanrights.gov.au/info_for_employers/	32 891	260 251
<b>Job Vacancies</b> www.humanrights.gov.au/about/jobs/	46 121	55 802
<b>Legal Information</b> www.humanrights.gov.au/legal/	60 447	537 547
<b>Media Releases Index</b> www.humanrights.gov.au/about/media/media_releases/	18 085	835 128
<b>Publications</b> www.humanrights.gov.au/about/publications/	104 435	n/a
<b>Racial Discrimination</b> www.humanrights.gov.au/racial_discrimination/	68 302	460 221
<b>Sex Discrimination</b> www.humanrights.gov.au/sex_discrimination/	95 349	407 180

Appendix 3 – Staffing statistics

**Table 39: Commission staffing profile (as at 30 June 2010)**

Classification	Male	Female	Full time	Part time	Total Ongoing	Total Non-ongoing	Total
Statutory Office Holder	2	2	4			4	4
SES Band 2		1	1		1		1
SES Band 1							
EL 2 (\$95 306–\$114 519)	8	10	14	4	18	0	18
EL 1 (\$82 635–\$90 619)	5	20	19	6	18	7	25
APS 6 (\$66 063–\$74 044)	11	24	30	5	24	11	35
APS 5 (\$59 681–\$64 459)	4	3	6	1	4	3	7
APS 3/4 (\$48 009–\$58 097)	5	27	26	6	21	11	32
APS 1/2 (\$37 244–\$46 741)	1			1	1		1
<b>Total</b>							<b>123</b>

## Appendix 4 – Consultancy services

**Table 40: Consultancy services**

Consultant name	Description	Contract price	Selection process*	Justification**
Schofield Georgeson Lawyers	Project consultation for Intersections between the Law, Religion and the Human Rights project.	\$11 280	Open	B & C
Sonia Wutzke	Services for Phase 2 Evaluation of the Community Partnerships for the Human Rights Program.	\$14 520	Open	B & A
Phoenix Consulting	Research to identify impacts of hearing impairment and deafness in Aboriginal and Torres Strait Islander communities.	\$30 745	Select	A, B & C
<b>Total</b>		<b>\$56 545</b>		

\* Explanation of selection process terms drawn from the Commonwealth Procurement Guidelines (December 2008):

**Select tender:** A procurement procedure in which the procuring agency selects which potential suppliers are invited to submit tenders. This procurement process may only be used under certain defined circumstances.

**Open tender:** A procurement procedure which involves publishing a request for tender and receiving all submissions delivered by the deadline.

\*\* Justification for decision to use consultancy:

*A – skills currently unavailable within the agency*

*B – need for specialised or professional skills*

*C – need for independent research or assessment.*

The Commission's purchasing procedures adhere to the Procurement Policy Framework incorporating the Commonwealth Procurement Guidelines and Finance circulars issued by the Department of Finance and Deregulation. The procedures address a range of procurement situations, allowing managers flexibility when making procurement decisions, while complying with the Commonwealth's core procurement principle of value for money. There were no contracts exempt from publishing through AusTender in 2009-10.

### Appendix 5 – Commonwealth Disability Strategy: Performance Reporting Template

Policy advisor role Performance indicator # 1	
<b>Performance Indicator</b>	New or revised policy/program* assess impact on the lives of people with disabilities prior to decision
<b>Performance Measure</b>	Percentage of new or revised policy/program proposals that document that the impact of the proposal was considered prior to the decision making stage.
<b>Current level of performance 2009 – 2010</b>	<ul style="list-style-type: none"> <li>• Commission public Inquiries and exemption applications specifically seek the views of people with a disability.</li> <li>• National peak disability groups and selected regional groups are consulted on new projects in the development phase to seek their views on impact. In the Disability Rights Unit compliance is 100 per cent.</li> <li>• All submissions to Inquiries are taken in a range of formats, including verbal/audio (transcribed by the Commission), e-mail and handwritten letters.</li> <li>• All new initiatives are made publicly available through the Commission's website, social networking sites and key disability organisations are informed of developments through the Commission's e-alert and e-bulletin lists.</li> <li>• Through the use of the Commission's website, social networking sites and e-based networks the Commission provides extensive information about new and revised policies and programs and seeks feedback at any stage on their effect.</li> </ul>
<b>Goals for 2010 – 2011</b>	<ul style="list-style-type: none"> <li>• Promote implementation of the Disability Convention, including promotion of: effective review of laws, policies and programs; awareness of the Convention; and development of NGO strategies to use the Convention.</li> <li>• Promote adoption and implementation of Disability Discrimination Act Disability Standards.</li> <li>• In relevant policy documents and reports, the Sex Discrimination Commissioner will continue to raise the specific issues for women with disability.</li> <li>• Implement the Commission's revised Disability Action Plan to include strategies that ensure Commission activities involve assessment of impact on people with a disability.</li> </ul> <p>In relevant policy documents and reports, the Social Justice Commissioner will continue to raise the specific issues for Aboriginal and Torres Strait Islander people with disability.</p> <ul style="list-style-type: none"> <li>• Consultative Forum on Mature Age Participation Policy: The Age Discrimination Commissioner as a member of the Consultative Forum reviewed the Department of Education, Employment and Workplace Relations (DEEWR) Productive Ageing package. Part of this review considered policies on disability in mature age workers. SAGE worked in conjunction with DRU on the review of these policies and suggested recommendations for change.</li> </ul>

---

**Actions for  
2010 – 2011**

- The Disability (Access to Premises – Buildings) Standards (Premises Standards) are due to come into force on 1 May 2011. They will lead to significant improvements in the level of access required in new buildings and existing buildings undergoing renovation. The Disability Rights unit of the Commission will be holding information sessions across Australia from September to December 2010.
- The CEDAW Committee included recommendations for addressing gender equality of women with disabilities in its concluding observations for its review of Australia (July 2010). The Sex Discrimination Commissioner will be looking liaise with the Disability Discrimination Commissioner, the government and non-government organisations on the implementation of the CEDAW Committee’s recommendations.
- As part of the advocacy on unlawful age discrimination the Age Discrimination Commissioner will continue to raise awareness of instances where the use of age discrimination as a thin veil for disability discrimination. Stereotypes of older people supposedly being at a ‘higher risk of injury’ can reveal a reluctance in some employers to provide workplaces that reflect their diverse workforce.

---

\* You may wish to list the relevant policies and programs by name in your reporting

---

**Policy advisor role Performance indicator # 2**

---

**Performance  
Indicator**

People with disabilities are included in consultation about new or revised policy/program proposals\*.

**Performance  
Measure**

Percentage of consultations about new or revised policy/program proposals that are developed in consultation with people with disabilities.

**Current level  
of performance  
2009 – 2010**

- Consultation with people with disabilities and their representative organisations occurs at a number of levels, through:
- direct contact with representative organisations at a national and state/territory level
  - invitation to respond to new and revised policy/programs in writing, through the Commission’s website, e-based networks or by phone
  - public forums, conferences and public meetings.
  - New initiatives are made publicly available through the Commission’s webpage and disability organisations, and individuals are informed of developments through the Commission’s listserve.
  - Wherever possible, public consultation events occur in accessible venues, with hearing augmentation and sign language interpreters available.
  - A hearing loop and Auslan interpreters are provided for attendees at the annual Human Rights Medals and Awards.

**Goals for  
2010 – 2011**

- The Sex Discrimination Commissioner will ensure that women with disability do not experience barriers to participating in any consultation or policy development processes held by the Commission.

**Actions for  
2010 – 2011**

---

\* You may wish to list these policies and programs by name in your reporting



### Policy advisor role Performance indicator # 3

<b>Performance Indicator</b>	Public announcements of new, revised or proposed policy/program initiatives are available in accessible formats* for people with disabilities in a timely manner.
<b>Performance Measure</b>	Percentage of new, revised or proposed policy/program announcements available in a range of accessible formats. Time taken in providing announcements in accessible formats.
<b>Current level of performance 2009 – 2010</b>	<ul style="list-style-type: none"> <li>• All information about new Commission initiatives is available on a W3C/WAI compliant website, simultaneously with public release.</li> <li>• 100 percent of announcements and information material is available in accessible electronic format.</li> <li>• 100 percent of material produced is also available in standard print, large print, audio and Braille on request.</li> <li>• Time taken to produce in other than electronic format varies according to the size of the document, but generally within seven days.</li> <li>• Commission YouTube videos are captioned.</li> <li>• PodRights podcasts have transcripts as well.</li> <li>• The e-alerts and e-bulletins are also available in html</li> </ul>
<b>Goals for 2010 – 2011</b>	<ul style="list-style-type: none"> <li>• All videos and audio on the Commission’s website captioned and with transcripts to meet WCAG standards.</li> </ul>
<b>Actions for 2010 – 2011</b>	

\* Accessible formats include electronic formats such as ASCII (or .txt) files and html for the web. Non electronic accessible formats include braille, CD-audio, large print and easy English. Other ways of making information accessible include video captioning and Auslan interpreters.

## Provider role Performance indicator # 1

**Performance Indicator** Providers have established mechanisms for quality improvement and assurance.

**Performance Measure** Evidence of quality improvement and assurance systems in operation.

### Current level of performance 2009 – 2010

#### Obtaining information about the needs of service users

- The Commission has processes in place to obtain information to ensure ongoing improvement of services. This includes an intake survey to gather information about disabilities of service users and any required assistance.
- In 09-10, 4 585 enquiries to the Commission's Complaint Information Service concerned disability related issues and the Commission received 1 057 complaints under the Disability Discrimination Act.
- Of those who made complaints to the Commission (under all legislation) and completed an intake survey, 50% reported a disability.
- In 09-10, 210 requests for assistance were recorded on the intake survey. Assistance provided included sign language interpreters, use of TTY, provision of information in alternative formats and assistance with writing.

#### Obtaining feedback about service delivery

- The Commission undertakes service satisfaction surveys, which include requests for feedback on the accessibility of the complaint service and invite suggestions for service improvements.
- In 09-10, 354 surveys were completed. 95% of surveyed parties reported that they were satisfied with the service and 58% rated the service as 'very good' or 'excellent'.

#### Obtaining information & feedback from the community

- The Commission's Complaint Service undertakes community liaison visits in various locations around Australia. These enable direct feedback on service delivery.
- In 09-10 organisations involved in such visits included legal & other advocacy services for people with disabilities.

#### Ensuring appropriate referrals

- The Commission's Complaint Information Service provides a referral service for people with disabilities.
- In 09-10, referral information was reviewed and updated to ensure accuracy.

#### Ensuring appropriate staff knowledge and skills

- Training for staff of the Commission's Complaint Service includes specific training on service delivery for people with disabilities.
- A number of such training sessions were held in 2009-10.

## Appendices

---

### **Goals for 2010 – 2011**

- Ensure processes are in place to identify needs of people with disabilities and enable feedback on service delivery.
- Ensure ongoing improvement of service delivery for people with disabilities by utilising this data and feedback in annual planning activities, service reviews and staff training.

---

### **Actions for 2010 – 2011**

- Review of intake and service satisfaction surveys to ensure appropriate information is obtained to assist ongoing improvement of service provision for people with disabilities.
  - Ongoing targeted community liaison activities with key stakeholders.
  - Review and update referral information for people with disabilities.
  - Ongoing staff training regarding service provision for people with disabilities.
-

## Provider role Performance indicator # 2

**Performance Indicator** Providers have an established service charter that specifies the roles of the provider and consumer and service standards which address accessibility for people with disabilities.

**Performance Measure** Established service charter that adequately reflects the needs of people with disabilities in operation.

**Current level of performance 2009 – 2010**

- The Commission's Charter of Service was introduced in 1997-98. The Charter includes a specific commitment to ensuring accessibility of services for people with disabilities. A copy of the Charter of Service is provided to all parties to a complaint. The Charter is available on the Commission's website and is also available in alternative formats on request. In 09-10 the Commission demonstrated its service commitment through the following actions:
- Ensuring information about the law and the complaint process is available online, in electronic formats and in other formats on request.
- Providing an email complaint information service and an online complaint lodgement process.
- Providing a captioned audio-visual conciliation resource.
- Providing a TTY service and sign language interpreters, where required.
- Providing correspondence and other documentation in accessible formats.
- Providing accessible venues for meetings and conciliation conferences.
- Providing referrals to support/advocacy services for people with disabilities.

**Goals for 2010 – 2011**

- Maintain a flexible approach to service delivery that reflects stated service standards.

**Actions for 2010 – 2011**

- Ongoing review of all aspects of service delivery to ensure accessibility for people with disabilities.

### Provider role Performance indicator # 3

**Performance Indicator** Complaints/grievance mechanisms, including access to external mechanisms, in place to address concerns raised about performance.

**Performance Measure** Established complaints/grievance mechanisms, including access to external mechanisms, in operation.

**Current level of performance 2009 – 2010**

- The Commission’s Charter of Service outlines how complaints about the service can be addressed, including an option for a formal complaint to be made to the Executive Director.
- In 2009-10, only three complaints were received under this formal process and none of these complaints raised concerns about accessibility of the service.

**Goals for 2010 – 2011**

- Ongoing provision of a fair and effective process to address concerns about service provision.
- Ensure issues about service provision identified through this mechanism are feedback into service improvement activities.

**Actions for 2010 – 2011**

- Efficiently and effectively address concerns about service delivery, including concerns raised through the Charter of Service complaint process.
- Concerns raised in Charter of Service complaints are considered as part of annual planning activities, service reviews and staff training.

## Glossary

### A

ADA	<i>Age Discrimination Act 2004</i>
AHRCA	<i>Australian Human Rights Commission Act 1986</i>
APF	Asia Pacific Forum of National Human Rights Institutions – A member-based organisation that supports the establishment and strengthening of independent human rights institutions in the Asia-Pacific region.
APS	Australian Public Service
ASTRA	Australian Subscription Television Association
ASX	Australian Securities Exchange
ATSIC	Aboriginal and Torres Strait Islander Commission
AusAID	Australian Agency for International Development
Action Plan	A voluntary mechanism for organisations to structure their own compliance efforts.
Amicus curiae	'Friend of the court' – The role of an <i>amicus curiae</i> is to provide special assistance to the court in resolving issues raised by the case and to draw attention to aspects of the case that might otherwise have been overlooked.

### B

Braille	A tactile form of reading and writing used by people who are blind or vision impaired, invented by Louis Braille in 1829.
---------	---

### C

CDS	Commonwealth Disability Strategy
CEDAW	<i>Convention on the Elimination of All Forms of Discrimination Against Women</i>
COAG	Council of Australian Governments
CSW	United Nations Commission on the Status of Women
Commission, the	The Australian Human Rights Commission
Consultancy contract	A contract that typically defines the nature, purpose and duration of the task to be performed, but not (in any detail) the manner in which the task is to be performed by a consultant. The consultant is usually paid on completion of milestones or in a lump sum.
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.

## Glossary

Corporate Social Responsibility	The concept of Corporate Social Responsibility is generally understood to mean that corporations have a degree of responsibility not only for the economic consequences of their activities, but also for the social and environmental implications. This is sometimes referred to as a 'triple bottom line' approach that considers the economic, social and environmental aspects of corporate activity.
<b>D</b>	
DDA	<i>Disability Discrimination Act 1992</i>
DPO	Disabled People's Organisations
DTP	Diplomacy Training Program
<b>E</b>	
EL	Executive Level
EMRIP	Expert Mechanism on the Rights of Indigenous Peoples
Expert Mechanism	Expert Mechanism on the Rights of Indigenous Peoples – Composed of five experts (from Congo, Malaysia, Norway, Costa Rica and the Philippines), the Expert Mechanism provides thematic expertise on the rights of indigenous peoples to the Human Rights Council, the main human rights body of the United Nations.
<b>F</b>	
FaHCSIA	Department of Families, Housing, Community Service and Indigenous Affairs
<b>G</b>	
GST	Goods and Services Tax
General Assembly	The United Nations General Assembly – One of the five principal organs of the United Nations and the only one in which all member nations have equal representation. Its powers are to oversee the budget of the United Nations, appoint the non-permanent members to the Security Council, receive reports from other parts of the United Nations and make recommendations in the form of General Assembly Resolutions.
<b>H</b>	
HRTC	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.
<b>I</b>	
ICCPR	<i>International Covenant on Civil and Political Rights</i> – A multilateral treaty adopted by the United Nations General Assembly on December 16, 1966, and in force from March 23, 1976, which commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial.
IHRNA	Indigenous Human Rights Network Australia
ILO	International Labour Organization – The world's only tripartite multilateral agency, which is dedicated to bringing decent work and livelihoods, job-related security and better living standards to the people of both poor and rich countries.

---

IPO	Indigenous Peoples Organisations Network of Australia – An association of Aboriginal and Torres Strait Islander organisations promoting and protecting the human rights of the Aboriginal and Torres Strait Islander peoples in Australia.
-----	--

## K

K-12	A designation for the sum of primary and secondary education. The expression is a shortening of <b>K</b> indergarten (4-6-year-old) through <b>12</b> th grade or grade 12 (16-19 years old), the first and last grades of free education in the United States, Australia and English Canada
------	--

## L

LOTE	Language Other Than English
------	-----------------------------

## N

NAIDOC	National Aboriginal and Islander Day Observance Committee
--------	---

NDIS	National Disability Insurance Scheme
------	--------------------------------------

NES	National Employment Standard
-----	------------------------------

NGO	Non Government Organisation – A legally constituted organization created by natural or legal persons that operates independently from any government. The term is usually applied only to organisations that pursue some wider social aim that has political aspects.
-----	---

NHRI	National Human Rights Institution
------	-----------------------------------

NT	Northern Territory
----	--------------------

NTER	Northern territory Emergency Response
------	---------------------------------------

National Action Plan	National Action Plan to Build on Social Cohesion, Harmony and Security
----------------------	--

National 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.
----------	---

---



## Glossary

Outputs	The goods or services produced by agencies on behalf of government for external organisations or individuals. Outputs include goods and services produced for other areas of government external to an agency.
<b>P</b>	
Pacific Disability Forum	The peak non-government organisation in the Pacific representing Pacific Islanders with disabilities, their rights and entitlements. Its purpose is to promote and facilitate Pacific regional cooperation on disability-related concerns for the benefit of people with disabilities.
Permanent Forum	United Nations Permanent Forum on Indigenous Issues – An advisory body to the United Nations Economic and Social Council with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights.
<b>R</b>	
RAP	Reconciliation Action Plan – A self-generated plan that helps organisations build positive relationships between Indigenous and non-Indigenous people, through engagement within their sphere of influence, in the national effort to close the gap in life expectancy between Indigenous and other Australians.
RDA	<i>Racial Discrimination Act 1975</i>
RMIT	Royal Melbourne Institute of Technology
<b>S</b>	
SDA	<i>Sex Discrimination Act 1984</i>
SES	Senior Executive Service
SMS	Short message service – text messaging on a mobile telephone.
Service charter	Public statements about the service that a department or agency will provide.
Special Rapporteur	A title given to individuals working on behalf of the United Nations who bear a specific mandate from the UN Human Rights Council to investigate, monitor and recommend solutions to human rights problems. This appointment is made by the UN Secretary General.
<b>T</b>	
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.
<b>U</b>	
UN	The United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization – Established on 16 November 1945 and based in Paris, UNESCO is a specialized agency of the United Nations which has 193 Member States and seven Associate Members. Its stated mission is to contribute to the building of peace, the eradication of poverty, sustainable development and intercultural dialogue through education, the sciences, culture, communication and information. UNESCO's two global priorities are Africa and gender equality.

UNPFII	United Nations Permanent Forum on Indigenous Issues – An advisory body to the Economic and Social Council, with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights.
UPR	Universal Periodic Review – A State-driven process under the auspices of the Human Rights Council which involves a review of the human rights records of all 192 UN Member States once every four years. It provides the opportunity for each State to declare the actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations.
Universal Declaration of Human Rights	Adopted unanimously by the members of the United Nations on 10 December 1948, it is the foundation on which much international law has been based. It sets out the fundamental rights of all people, including the right to life; freedom from slavery, torture and arbitrary arrest; freedom of thought, opinion and religion; the right to a fair trial and equality before the law; the right to work and education; and the right to participate in the social, political and cultural life of one's country.
<b>W</b>	
WCAG	Web Content Accessibility Guidelines
Workplace diversity	The central principle of workplace diversity is the creation of workplaces free from discrimination, harassment and bullying.

# Index

## A

Aboriginal and Torres Strait Islander peoples  
alcohol restrictions and, 63  
complainants, 78  
education about rights, 20, 24  
family violence, 32  
health inequality, 43  
hearing project, 51  
homelands movement, 8, 13, 54–5  
income management, 42  
justice reinvestment, 8, 23, 52–3  
land tenure, 13  
National Apology, 13  
over-representation in the justice system, 8, 13, 52–3  
participation in UN system, 64, 68–9  
Stolen Generations, 13  
*see also* Aboriginal and Torres Strait Islander Social Justice; *Native Title Report*; Northern Territory; *Social Justice Report*

Aboriginal and Torres Strait Islander Social Justice Commissioner, 23, 43  
new appointment, 12  
specific responsibilities, 7  
statement, 13  
*see also* Calma, Tom; Gooda, Mick

Academy of the Social Sciences and Universities Australia, 36

accountability, 98

achievements, key, 8–9

Administrative Appeals Tribunal, 100

*Administrative Decisions (Judicial Review) Act 1977 (Cth)*, 100

Administrative Review Council, 38

advertising and market research, 101

Afghanistan, 56

African Australians review, 9, 27

age discrimination, 15, 39–40  
case study, 39  
Productive Ageing Package, 40  
research and legal reform, 15  
workplace, 15, 23, 39–40

*Age Discrimination Act 2004 (Cth)*  
complaint case study, 39  
complaints statistics, 72, 77, 78, 86–7  
objectives, 6  
temporary exemptions, 100

Age Discrimination Commissioner  
*see* Commissioner for Age Discrimination

alcohol restrictions, 63

amicus curiae, 7, 63  
role, 7, 62

Arab Film Festival Australia, 30

*Article 18: Freedom of Religion and Belief*, 30

arts projects, 30

Asia Pacific Forum of National Human Rights Institutions, 51  
Memorandum of Understanding, 69

Association for the Prevention of Torture, 51

*ASX Corporate Governance Principles and Recommendations*, 47

asylum seekers, 12, 23, 55–7  
suspension of processing of applications, 56  
*see also* Christmas Island; immigration detention

Attorney-General, 7, 38, 48, 56  
reports to, 52, 59, 61

Attorney General, Victoria, 13

Attorney General's departments, 39

Audit Committee, 98

audit report, 104–5

*Aurukun Shire Council & Anor v CEO Office of Liquor Gaming and Racing in the Department of Treasury*, 63

AusAID, 64, 65, 66, 69

Australia Council of the Arts, 30

Australian and New Zealand Race Relations Roundtable 2009, 8

Australian Building Codes Board, 48

Australian Council of Trade Unions, 40

Australian Electoral Commission, 51

*Australian Human Rights Commission Act 1986 (Cth)*, 4, 5, 7, 52, 59, 61, 62  
complaints, 61  
complaints statistics, 72, 77, 88–90  
human rights definition, 5

Australian Industrial Relations Commission, 63

Australian Multi-Cultural Advisory Committee, 14

Australian Multicultural Foundation, 29, 30

Australian National Audit Office, 104–5

Australian Public Service Commission, 95, 98  
Indigenous Pathways, 95

Australian Services Union, 46

Australian Sports Commission, 25, 61

## B

*Bankstown Area Multicultural Network*, 30

beyondblue, 50

Biwako Millenium Framework, 64

Branson, the Hon. Catherine, 23, 31  
photo, 10  
profile, 16  
statement, 11–12  
*see also* President; Human Rights Commissioner

Broderick, Elizabeth, 15, 23, 41, 68  
profile, 17  
*see also* Commissioner responsible for Age Discrimination; Sex Discrimination Commissioner

bullying, 36, 37  
cyber bystanders, 37

business sector, 6, 9, 15, 40, 44, 45, 46, 47

## C

Calma, Tom, 43, 54  
retirement, 12  
*see also* Aboriginal and Torres Strait Islander Social Justice Commissioner

case studies  
age discrimination, 39  
disability discrimination, 73  
cyber-racism, 37  
employment and criminal record, 60

immigration detention, 56  
sexual harassment, 33  
Centre of Excellence for Policing and Security, 29  
Certified Agreement, 94, 96  
*Challenging Racism Project*, 34  
Chief Executive Instruction, 56  
Chief Executive Officer  
see President  
childcare, 41  
and flexible work arrangements, 45  
China  
–Australia Human Rights Dialogue, 65  
technical cooperation, 64, 66–7  
Christensen Fund, 24  
Christmas Island, 12, 57  
children being detained, 12, 57  
overcrowding, 12, 57  
see also immigration detention  
cinema industry, 14, 49  
Close the Gap campaign, 43  
Close the Gap Statement of Intent, 43  
additional signatories, 43  
Closing the Gap, 43  
Prime Minister’s second report on, 23  
code of conduct, 98  
Comcare, 96  
Commission meetings, 98  
Commissioner Responsible for Age Discrimination, 17, 23  
statement, 15  
see also Broderick, Elizabeth  
*Commonwealth Death Penalty Abolition Act 1973*, 51  
Commonwealth Disability Strategy, 95  
performance reporting, 146–52  
policy adviser role, 146–8  
provider role, 149–52  
Commonwealth Fraud Control Guidelines, 98  
community education/awareness, 12, 20, 22–31, 38  
ageism, 15  
community arts projects, 30  
priority themes, 11  
Community Language Schools Human Rights  
Curriculum Resource and Campaign Project, 29  
Community Languages Australia (CLA), 29  
Community Partnerships for Human Rights Program, 26  
Community Policing Partnership Project, 29  
compensation, 33, 39, 56, 61  
complainants  
demographic data, 73, 78  
by state/territory, 76  
survey of, 99  
complaint handling, 7, 9, 58, 61, 70–3  
Complaint Information Service, national, 58  
investigation training, 61  
Complaint Service Charter, 99  
complaints, 58–63  
ADA, 86–7  
AHRCA, 88–90  
case studies, 33, 37  
DDA, 83–5  
enquiries by state/territory, 75  
grounds for, 79, 81, 84, 88  
issues, 74–5  
number received, 9, 72, 74  
number successfully resolved, 9, 72  
outcomes, 76, 80, 81, 82, 83, 85, 87, 90  
overview, 76–8  
process, 22, 59  
RDA, 79–81  
received and finalised by Act, 77, 78  
remedies, 61  
satisfaction rating, 9, 99  
SDA, 81–3  
by State/Territory of complainant, 76  
statistics, 74–91  
termination, 59, 60  
timeliness of finalisation, 9, 78, 99  
conciliation rate, 72, 99  
conciliation, 33, 37, 58, 60, 72  
training, 61  
website register, 60  
Concise Complaint Guide, 22  
Conroy, Minister, 49  
Constitution, 14  
consultancy services, 101, 145  
Consultative Forum on Mature Age Participation, 40  
*Convention Concerning Discrimination in Respect of  
Employment and Occupation*, 5  
*Convention on the Elimination of All Forms of  
Discrimination Against Women*, 5  
Convention on the Rights of Older People, 40  
*Convention on the Rights of Persons with Disabilities*, 49  
*Convention on the Rights of the Child*, 2, 5, 64  
Co–Op Bookshop, 31  
Coroner’s Courts, 63  
corporate governance, 98  
Council of Australian Governments, 32, 42, 43  
Council on the Ageing, 40  
councils  
access to public buildings, 25  
anti-racism initiatives, 26  
Crimes Legislation Amendment (Torture Prohibition and  
Death Penalty Abolition) Bill 2009, 51  
criminal record, 60, 72  
cyber-racism, 36–7  
case study, 36  
summit, 24, 36

**D**  
Darwin Community Arts, 30  
death penalty, 51  
*Declaration on the Rights of the Child*, 2, 5  
*Declaration on the Elimination of All Forms of Intolerance  
and of Discrimination Based on Religion or Belief*, 2, 5  
*Declaration on the Rights of Disabled Persons*, 2, 5  
*Declaration on the Rights of Mentally Retarded  
Persons*, 2, 5  
Department of Education, Employment and  
Workplace Relations, 39

## Index

Department of Families, Housing, Community Services and Indigenous Affairs, 69, 95  
Department of Foreign Affairs and Trade, 68  
Department of Immigration and Citizenship, 12, 31, 56  
developing countries, 64  
Diplomacy Training Program, 24  
*Disability (Access to Premises – Buildings) Standards*, 8, 14, 24, 48  
disability discrimination  
  access to health services, 50  
  access to premises, 14, 25, 48  
  building design, 25, 48  
  captions and audio description, 14, 49  
  case study, 73  
  employment, 50  
  intellectual, 73  
  *The good, the bad and the ugly CD*, 25  
  mental illness, 50  
  provision of goods and services, 73  
  vision impaired, 14, 24, 49, 50–1  
  public transport, 14  
*Disability Discrimination Act 1992* (Cth)  
  complaint case study, 73  
  complaints statistics, 72, 77, 78, 83–5  
  objectives, 6  
  temporary exemptions, 49, 100  
Disability Discrimination Commissioner, 7, 17, 24  
  statement, 14  
  see also Innes, Graeme  
Disability Employment Services Reference Group, 50  
Disability Project, Pacific, 64  
Disabled People’s Organisations, 64  
domestic violence  
  see family violence

## E

e-alerts, 22  
e-bulletins, 22  
ecologically sustainable development, 96  
education  
  after-hours community language schools, 29  
  in higher education, 21  
  importance of, 11  
  resources for students, 8  
  resources for teachers, 8, 21  
  *rightsEd*, 8, 21  
  specialist, 22  
  in schools, 20–1, 29  
  UN Declaration on the Rights of Indigenous Peoples, 24  
  website views, 21  
education and communications program, aims, 20  
e-forum project, cultural diversity, 28–9  
*El Masri v Commonwealth*, 56  
Electoral Act, amendments to, 24, 50–1  
electoral voting, 14, 24, 50  
employment discrimination, 75  
  ADA, 15, 23, 39–40, 72  
  AHRCA, 61, 89  
  case studies, 39, 60

  DDA, 72, 84  
  RDA, 72, 79, 80  
  SDA, 72, 82  
enabling legislation, 2, 3  
environmental performance, 98  
Equal Opportunity in the Workplace Agency, 34  
Equal Pay Alliance, 46  
ethics, 97  
external scrutiny, 104–5

## F

*Fair Work Act 1996* (Cth), 2, 7, 45, 46  
Fair Work Australia, 7, 34  
Fair Work Ombudsman, 50  
family balance, 44–5  
  see also parental leave, paid  
family violence, 32, 42, 65, 66  
Federal Court, 7, 59, 62, 63, 100  
Federal Magistrates Court, 7, 59, 62, 63, 100  
financial management, 98  
  *Financial Management and Accountability Act 1997* (Cth), 98  
financial statements, 102–41  
flexible work arrangements, 45  
Fraud Control Plan 98  
freedom of information  
  contact officer, 101  
  documents available, 100  
  number of requests, 100  
  procedures, 101  
*Freedom of Information Act 1982* (Cth), 100–1  
Freedom of Religion and Belief in the 21st Century, 30  
Frontline Project, 30  
functions, 5–7, 61  
funding, new  
  community education role, 20  
  Productive Ageing Package, 40

## G

gender equality, 15, 41, 44  
breastfeeding, 15  
paid parental leave, 9, 15, 23, 41, 44–5  
pay, 45–7  
women’s leadership, 15, 23, 41, 47  
General Elections, 14, 24  
*General Equality Blueprint 2010*, 9, 15, 32, 34, 41  
  priority areas, 9, 41  
Get To Know Your Rights poster, 22  
Goldfields Land and Sea Council, 24  
*The good, the bad and the ugly CD*, 25  
Gooda, Mick, 12, 23, 43  
  profile, 16  
  see also Aboriginal and Torres Strait Islander Social Justice Commissioner  
governance, 98  
Governance Handbook, 98  
Greater Union, 49

## H

Health and Safety Management Arrangements, 96  
health inequality, Indigenous peoples, 43  
High Court, 63  
highlights, 8–9  
House of Representatives Standing Committee on Employment and Workplace Relations, 46  
Hoyts, 49  
human resources, 94–7  
    average staffing level, 97, 142  
    employee survey, 69  
    Ethics Contact Officer, 97  
    performance, 94  
    profile, 96, 144  
    recruitment, 96, 97  
    support services, 94  
    training and development, 94  
    workplace flexibility, 94  
Human Rights Act, national proposed, 8, 11, 38  
    Government response, 8, 11, 38  
Human Rights Commissioner, 7, 12, 16, 23, 34  
    see also Branson, the Hon. Catherine  
Human Rights Day, 31  
Human Rights Education Program, 20  
Human Rights Framework, 8, 14, 20  
Human Rights Law Seminars, 23  
Human Rights Medals and Awards, 31  
Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill, 38  
Human Rights (Parliamentary Scrutiny) Bill, 38  
*Hurlrya and Her Sisters*, 30

## I

iHR Australia, 31  
immigration detention, 55–7  
    community support, 12  
    complaint case study, 56  
    inspection of facilities, 57  
    legal assistance, 12, 57  
    policy, 12  
    religious support, 12  
    specialist health care, 12  
    staff training, 61  
    torture and trauma counselling, 12, 57  
    see also Christmas Island  
*In our own words – African Australians: A review of human rights and social inclusion issues*, 9, 27  
income management, 42  
Indigenous peoples, 7, 8, 12, 14, 16, 20  
    deaths in custody, 23  
    languages, 8, 13, 52, 53–4  
    National Apology, 13  
    National Congress, 9, 13  
    see also Aboriginal and Torres Strait Islander Social Justice Commissioner; Aboriginal and Torres Strait Islander peoples  
Indigenous Engagement Toolkit, 95

Indigenous Human Rights Network Australia (IHRNA), 24–5  
Indigenous Peoples Organisations Network, 68–9  
Information and Cultural Exchange, 30  
Innes, Graeme, 14, 24, 27, 48  
    profile, 17  
    see also Disability Discrimination Commissioner; Race Discrimination Commissioner  
Institute for Cultural Diversity, 28  
Institute for Family Studies, 23  
*International Convention on the Elimination of All Forms of Racial Discrimination*, 5  
International Conventions, 5, 88  
*International Covenant on Civil and Political Rights*, 2, 5, 56  
international engagement, 64–9  
    China, 64–5  
    Pacific Disability Project, 64  
    technical cooperation, 64, 66–7  
    Vietnam, 64, 66–7  
    visitors to Australia, 65  
*International Labour Organization (ILO) Convention 156*, 5  
*International Labour Organization Convention 111*, 7  
international students, 8, 35–6  
    draft International Student Compact, 8  
internet  
    accessibility, 51  
    racial discrimination and hatred, 36  
    social networking sites, 22, 34, 36, 37  
    see also cyber-racism; websites  
Internet Industry Association, 36  
intervention issues, 62–3  
investigations training, other organisations, 61  
Islamic Spectrum of Australia Project, 30

## J

Joint Parliamentary Committee on human rights, proposed, 38  
judicial review, 100

## K

key performance indicators, 61, 99

## L

Law Council of Australia, 31  
legal analysis and assistance, 62–3  
legislation  
    anti-terrorism laws, 30  
    proposed consolidation of federal discrimination, 34  
legislation, new  
    impact on human rights, 11  
letter of transmittal, 1  
Lexis Nexis, 31  
*Liquor Act 1992* (Qld), 63  
local government  
    liquor licences, 63  
    partnerships, 25

## Index

### M

Mabo, 55  
Macquarie University, 26  
*Making it Fair: pay equity and associated issues related to increasing female participation in the workforce*, 46  
market research, 101  
Marrickville Council, 25  
McClelland, Robert, 7  
medals and awards, 31  
media engagement, 23–4  
    interviews, 23  
    media releases, 23  
    number of inquiries, 23  
media, access issues, 49  
Memorandum of Understanding  
    Asia Pacific Forum, 69  
    Play by the Rules forum, 25  
Mental Health Council of Australia, 50  
merits review, 100  
Migration Act, 56, 57  
Migration Amendment (Complementary Protection) Bill 2009, 56  
Migration Amendment (Immigration Detention Reform) Bill 2009, 56  
Minister for Foreign Affairs and Trade, 69  
Minister responsible, 7  
    powers, 7  
mission, 2  
Monash University, 30  
Muslim communities  
    Community Arts and Culture Initiative, 30  
    Community Partnerships for Human Rights program, 26  
    Community Policing Partnership Project, 29–30  
    Cultural Diversity e-Forum Project, 27–8  
    Freedom of Religion and Belief in the 21st Century, 30

### N

National Action Plan to Build on Social Cohesion, Harmony and Security (NAP), 26  
National Apology, 13  
National Close the Gap Day, 43  
National Congress for Indigenous Peoples, 9, 13  
    founding Directors appointment, 9  
national depression initiative, 50  
National Dialogue on Universal Housing Design, 48  
National Disability Insurance Scheme, Productivity Commission inquiry, 42  
National Disability Strategy, 14, 42  
National Employment Standard, 45  
National Human Rights Consultation, 8, 11, 20, 23, 38  
    Consultation Committee, 11  
    report, 38  
National Human Rights Institutions, 68  
National Mental Health and Disability Employment Strategy, 50  
National Plan (concerning violence against women), 32  
National Seniors, 40  
native title, 6

    land tenure, 13  
    reform, 13, 55  
    settlement framework, Victoria, 13  
*Native Title Act 1993 (Cth)*, 2, 7, 55  
*Native Title Report 2009*, 13, 55  
New Zealand, 35–6  
    Complaint Information Service training, 61  
Nexus Multicultural Arts Centre, 30  
non-government organisations (NGOs), 24, 40, 41, 68  
Northern Australian Indigenous Land and Sea Management Alliance, 24  
Northern Territory  
    emergency response, 13, 42  
English education, 54  
Frontline Project, 30  
homelands movement, 8, 54  
reinstatement of Racial Discrimination Act, 13, 14, 23, 42

### O

occupational health and safety, 96  
Office of the Privacy Commissioner, 61  
online resources  
    education resources, 21, 22  
    online complaints form, 22  
    *rightsEd*, 8, 21  
    Play by the Rules forum 25  
    see also websites  
*Optional Protocol to the Convention against Torture (OPCAT)*, 12, 51  
organisational chart, 4  
outcome  
    resources for, 142  
    structure, 2  
output, 2  
Oxfam Australia, 24

### P

Pacific Disability Project, 64  
Pacific Public Sector Linkages Program, 64  
Pacific Regional Strategy on Disability, 64  
Paid Parental Leave Bill 2010, 9, 45  
parental leave, paid, 9, 15, 23, 41, 44–5  
    AHRC, 94, 96  
partnering with other organisations, 24, 25, 27, 28, 29, 30, 35, 36, 48  
Pathways to Resolution DVD, 22  
pay equity, 45–7  
performance, 18–91, 61  
    key performance indicators, 99  
    report, 99–101  
    summary, 8–9  
Performance Management Scheme, 94  
Play by the Rules forum, 25  
President, 31, 38, 61, 98  
    specific responsibilities, 7, 58  
    statement, 11–12  
Prime Minister, 23, 42  
Productive Ageing Package, 40



Productivity Commission inquiries  
 National Disability Insurance Scheme, 42  
 Paid Maternity, Paternity and Parental leave, 44  
 Proposed Redevelopment of Villawood Immigration  
 Detention Facility, 56  
 public consultation  
   see National Human Rights Consultation  
 publications, 22-3  
   number distributed, 22  
   requests for, 22

## Q

Queensland Commission for Children, Young People and  
 Child Guardian, 25  
 Queensland Court of Appeal, 63  
 Queensland Crime and Misconduct Commission, 23  
 Queensland Supreme Court, 63

## R

Race Discrimination Commissioner, 7, 17, 24, 27, 35  
   statement, 14  
   see also Innes, Graeme  
 Race Relations Roundtable, 35-6  
 racial discrimination, 14, 36, 63  
*Racial Discrimination Act 1975 (Cth)*, 5, 63  
   complaints statistics, 72, 77, 78, 79-81  
   main aims, 5  
   Northern Territory reinstatement, 13, 14, 23, 42  
 racial hatred, 36  
   complaint statistics, 80  
 Racism and the Student Experience Policy Research  
 Workshop, 36  
 racism and violence, 34-5  
 Readings, 49  
 Reconciliation Action Plan, 95  
 Refugee Review Tribunal, 63  
 refugees  
   see asylum seekers; see also immigration detention  
 Religion, Cultural Diversity and Safeguarding Australia, 30  
 resources summary, 142  
 respondents to complaints  
   demographic data, 73  
   survey of, 99  
 retirement income system, 47  
*rightsEd*, 8, 21  
   DVD, 21  
 risk management, 98  
 RMIT, 30  
 role, 5-7  
 Royal Australian College of General Practitioners, 50

## S

Safe Work Australia, 50  
 SANE Australia, 50  
 schools, 20-2  
   children with a disability, 24  
   curricula, 20, 21  
   secondary, 21

  see also students  
*Second Optional Protocol to the International Covenant  
 on Civil and Political Rights*, 51  
 seminars, Human Rights Law, 23  
   see also workshops/seminars  
 Senate Community Affairs Legislation Committee, 44  
 Senate Legal and Constitutional Affairs Committee Inquiry  
 into the Effectiveness of the Sex Discrimination Act  
 1984 (Cth) in Eliminating Discrimination and Promoting  
 Gender Equality, 34, 44  
*Sex Discrimination Act 1984 (Cth)*  
   complaints statistics, 72, 77, 78, 81-3  
   main aims, 5  
   modernising and updating, 15, 34, 44, 45  
   temporary exemptions, 100  
 Sex Discrimination Commissioner, 23, 34, 41, 44, 47  
   specific responsibilities, 7  
   Statement, 15  
   see also Broderick, Elizabeth  
 sexual harassment, 23, 33-4  
   case study, 33  
   school students, 15, 34  
   workplace, 15, 33, 34, 41  
 Sexual Harassment Prevention Strategy, 34  
*Social Justice Report 2005*, 43, 52  
*Social Justice Report 2006*, 24  
*Social Justice Report 2008*, 24  
*Social Justice Report 2009*, 8, 52  
 Social Security and Other Legislation Amendment  
 (Welfare Reform and Reinstatement of Racial  
 Discrimination Act) Bill 2009, 42  
 South Australian Equal Opportunity Commission, 61  
 speeches, 21, 22, 23, 42  
 sport, 25, 61  
 Sri Lanka, 56  
 staff  
   see human resources  
 statistics  
   complaint, 74-91  
   webpage views, 21, 22, 74, 143  
 strategic goals, 3  
 Strategic Plan, 38, 96, 98  
 students, 20-1  
   community languages, 29  
   education tools, 8, 21  
   see also international students  
 submissions, 52, 56  
 superannuation, 47  
 surveys  
   complainants and respondents, 99  
   staff, 69

## T

Tahu, Timana, 14  
 teachers  
   resources for, 6, 8, 21, 22, 29  
   resources for ESL, 27  
   training program, 21



## Index

temporary exemptions, 49, 100

torture, 51

training

building professionals, 48

China, 66

discrimination in, 15

other organisations, 61

Pacific Island, 64

staff, 94, 95

statutory investigation and conciliation, 61

teachers and educators, 21, 29

Vietnam, 67

see also community education/awareness; workshops

transmittal letter, 1

Treasury, 39

### U

United Nations, 67–9

Commission on the Status of Women, 68

Expert Mechanism on the Rights of Indigenous Peoples, 68, 69

Human Rights Council, 67

Permanent Forum on Indigenous Issues, 69

Special Rapporteur on the rights and fundamental freedoms of Indigenous peoples, 13, 68

Universal Periodic Review Mechanism, 64, 67

see also International Conventions

United Nations Declaration on the Rights of Indigenous Peoples, 20, 24

education materials, 24

United States, 52, 53

University of Western Sydney, 35

### V

Vibe Australia, 31

Vietnam

technical cooperation, 64, 66–7

Women's Union, 67

Village, 49

Villawood Immigration Detention facility, 56

violence, 20, 32, 37

Aboriginal and Torres Strait Islander communities, 32

African Australian, 27

bullying, 37

and racism, 34–5, 36

against women, 9, 32, 41, 44, 67

Virgin Blue, 24

vision, AHRC, 2

### W

Web 2.0 technologies, 22, 51

websites, 22

complaint handling, 74

cultural diversity, 28–9

education resources, 22

electronic mailing lists, 22

Indigenous Human Rights Network, 24–5

statistics, 21, 22, 143

StepOne, 26

Universal Periodic Review Mechanism, 64, 67

see also internet; online resources

women

community sector workers, 46

with disability, 64

sexual harassment against, 33, 34

UN Commission on the Status of Women, 68

violence against, 9, 32, 41, 44, 67

see also gender equity

*Workers with a mental illness: a practical guide for managers*, 50

workplace diversity, 47, 95

workplace relations, 96

workshops/seminars, 22, 23, 48, 94, 96, 100

Asia–Pacific Forum, 69

China, 65–6

customised for IDC staff, 61

foundation cases, for staff, 94

Indigenous Peoples, 69

Laos, 68

OPCAT, 51

Vietnam, 66, 67

World Health Organization, 51

World Programme for Human Rights Education, 20

World Refugee Day, 57

### Y

Young Muslim Women's Short Animation Film Project, 30

Young People's Human Rights Medal, 31

## Note – Use of the terms ‘Aboriginal and Torres Strait Islander peoples’ and ‘Indigenous peoples’

The Aboriginal and Torres Strait Islander Social Justice Commissioner recognises the diversity of the cultures, languages, kinship structures and ways of life of Aboriginal and Torres Strait Islander peoples. There is not one cultural model that fits all Aboriginal and Torres Strait Islander peoples.

Aboriginal and Torres Strait Islander peoples retain distinct cultural identities whether they live in urban, regional or remote areas of Australia.

Throughout this report, Aborigines and Torres Strait Islanders are referred to as ‘peoples’. This recognises that Aborigines and Torres Strait Islanders have a collective, rather than purely individual, dimension to their livelihoods.

Throughout this report, Aboriginal and Torres Strait Islander peoples are also referred to as **‘Indigenous peoples’**.

The use of the term ‘Indigenous’ has evolved through international law. It acknowledges a particular relationship of Aboriginal people to the territory from which they originate. The United Nations High Commissioner for Human Rights has explained the basis for recognising this relationship as follows:

Indigenous or aboriginal peoples are so-called because they were living on their lands before settlers came from elsewhere; they are the descendants – according to one definition – of those who inhabited a country or a geographical region at the time when people of different cultures or ethnic origins arrived, the new arrivals later becoming dominant through conquest, occupation, settlement or other means... (!)Indigenous peoples have retained social, cultural, economic and political characteristics which are clearly distinct from those of the other segments of the national populations.

Throughout human history, whenever dominant neighbouring peoples have expanded their territories or settlers from far away have acquired new lands by force, the cultures and livelihoods – even the existence – of indigenous peoples have been endangered. The threats to indigenous peoples’ cultures and lands, to their status and other legal rights as distinct groups and as citizens, do not always take the same forms as in previous times. Although some groups have been relatively successful, in most part of the world indigenous peoples are actively seeking recognition of their identities and ways of life.

The Social Justice Commissioner acknowledges that there are differing usages of the terms ‘Aboriginal and Torres Strait Islander’, ‘Aboriginal’ and ‘indigenous’ within government policies and documents. When referring to a government document or policy, we have maintained the government’s language to ensure consistency.

United Nations High Commissioner for Human Rights,  
*The Rights of Indigenous Peoples*, Fact Sheet No 9 (Rev 1) (1997).  
At [http://www.ohchr.org/Documents/Publications/Fact\\_Sheet9rev.1en.pdf](http://www.ohchr.org/Documents/Publications/Fact_Sheet9rev.1en.pdf)  
(viewed 24 November 2009).

## Further Information

### Australian Human Rights Commission

Level 8, Piccadilly Tower  
133 Castlereagh Street  
SYDNEY NSW 2000

GPO Box 5218  
SYDNEY NSW 2001  
Telephone: (02) 9284 9600

Complaints Infoline: 1300 656 419  
General enquiries and publications: 1300 369 711  
TTY: 1800 620 241  
Fax: (02) 9284 9611  
Website: [www.humanrights.gov.au](http://www.humanrights.gov.au)

For detailed and up to date information about the Australian Human Rights Commission visit our website at: [www.humanrights.gov.au](http://www.humanrights.gov.au)

To order more publications from the Australian Human Rights Commission download a Publication Order Form at: [www.humanrights.gov.au/about/publications/index.html](http://www.humanrights.gov.au/about/publications/index.html) or call: (02) 9284 9600, fax: (02) 9284 9611 or email: [publications@humanrights.gov.au](mailto:publications@humanrights.gov.au)



**Australian  
Human Rights  
Commission**

---

*everyone, everywhere, everyday*

[www.humanrights.gov.au](http://www.humanrights.gov.au)