



ANNUAL REPORT

05/06

adccq

ANTI DISCRIMINATION
COMMISSION QUEENSLAND

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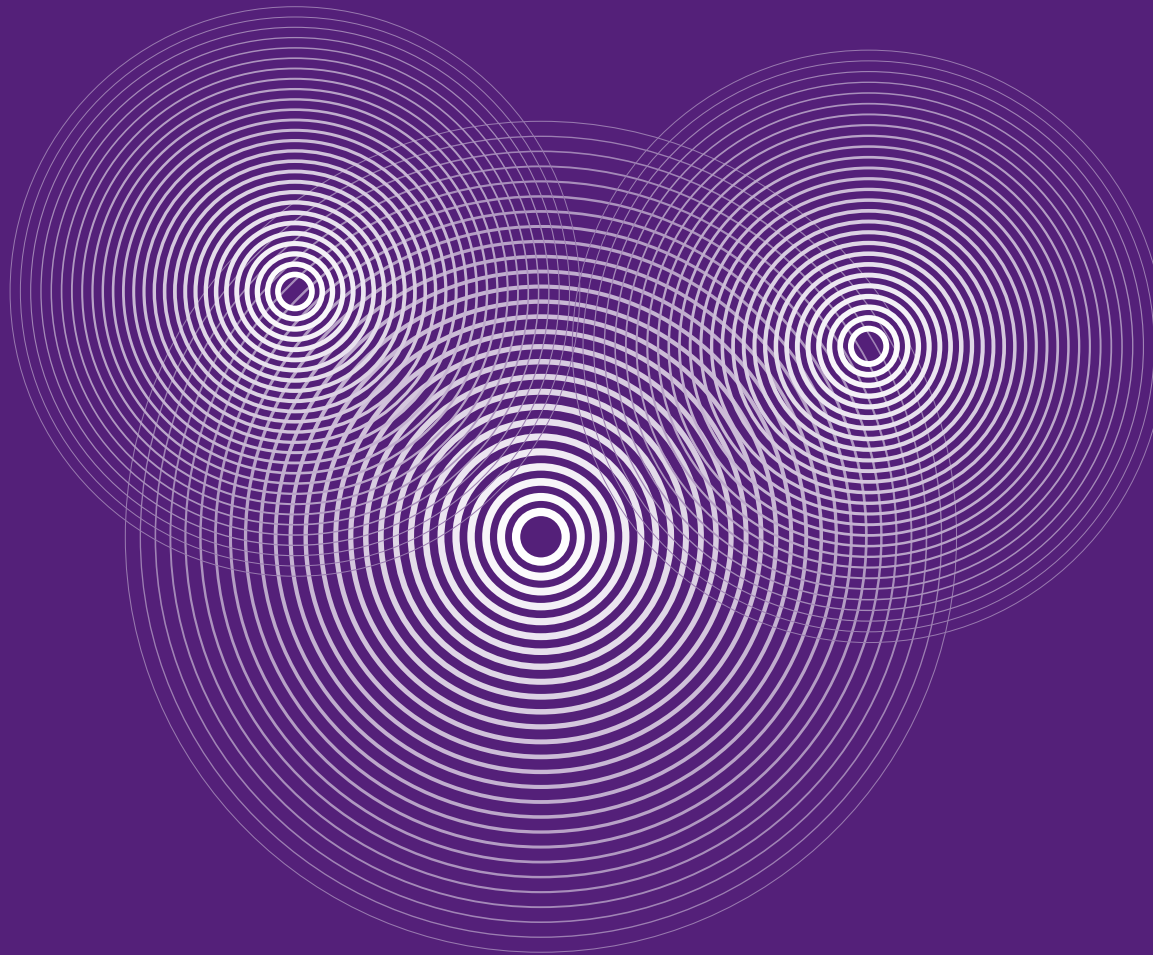
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Arabic: ا رغبتم ا قو حن بتهنة مترجم لأغراض هذا آ تقرير فنرجو أالاتصال بنا على رقم هاتف

Farsi: در صورت تمایل به داشتن ترجم برای ترجمه این تن، لطفا با ا با شماره تلفن ۱۳۰۰۱۳۰۶۷۰ تماس حاصل فرمائید.





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Upholding and Advancing Human Rights

Our Vision

A society reflecting individual and cultural diversity and equality of opportunity for all.

Our Mission

Human Rights Leadership in Queensland through:

- Upholding rights
 - Complaint Resolution
 - Complaint Determination
- Promoting rights
 - Information Services
 - Community Engagement
- Protecting rights
 - Human Rights Advocacy
 - Enhancing Governance

Our Services

- enquiry and complaint management
- advice and information services
- community relations
- human rights promotion

Our Goals

Complaint resolution

- To assess, conciliate and resolve complaints of discrimination, sexual harassment and vilification through a accessible, fair, effective and timely complaint resolution process

Complaint Determination

- To facilitate the effective determination of complaints, exemptions and opinions in an accessible, fair and timely manner within the Anti-Discrimination Tribunal

Information Services

- To provide authoritative and expert information about discrimination and human rights law

Community Engagement

- To promote understanding, acceptance and public discussion of human rights

Human Rights Advocacy

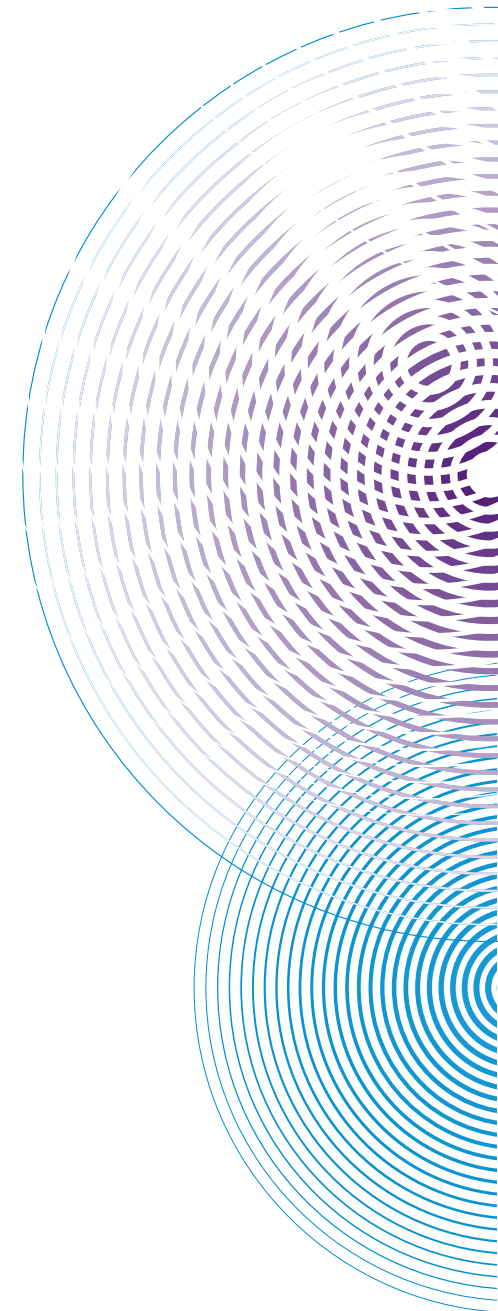
- To identify human rights issues within Queensland and then influence, advocate and effect change through innovative, proactive, independent leadership

Enhancing Governance

- To foster alliances and partnerships within public sector agencies to optimise human rights

Organisational Capability

- To facilitate an organisational culture of performance, management accountability, staff capability and capacity for change



At a Glance

The Anti-Discrimination Commission was established in December 1996 to administer the *Queensland Anti-Discrimination Act 1991*.

The Commission is an independent statutory body and employs 38.1 full-time equivalent staff, including a Commissioner, Susan Booth.

We have an office in Brisbane, and run three regional offices in Rockhampton, Townsville and Cairns.

In the 2005-05 financial year we received a grant of \$4.082M from the Queensland government.



Commissioner's Report

This year, we continued a strong focus on our core business of complaint handling and preventing discrimination.

It is pleasing to report that some significant milestones were reached this year. In 2005, the Commission eliminated a backlog of complaints, an achievement that has required a sustained and concentrated effort. There can be no doubt that delays in processing complaints, although often unavoidable, do affect access to justice. A speedy resolution of complaints is an important matter for both individual complainants and respondents. The challenge for the future is to continue to provide a timely complaint handling process and at the same time to further improve the quality of our service. We are on track to achieve these important goals.

After a decade of operation it was an appropriate time to complete an operational review. The elimination of the complaint backlog allowed the Commission to look to the future, and to ensure that the structure and operations that support the work of the Commission are appropriate. The review recommended a greater focus on preventative work through training and human rights promotion, as well as considering issues of risk management and succession planning.

Within budgetary restraints we have been able to implement the review recommendations, including preparation of a new CD-ROM training package and increased staffing levels within the support services area.

The introduction of the Australian Government's WorkChoices legislation identified a potential increase in work for the Commission with the removal of the right to bring unfair dismissal claims for some employees. Although the WorkChoices legislation may lead to an increase in work for State anti-discrimination commissions, so far it has had only a slight effect on complaint numbers.

This year I have responded to a growing community interest in a bill of rights for Queensland. With both the Australian Capital Territory and Victoria passing bills of rights it is unsurprising that in the past year, many people in Queensland have expressed an interest in similar legislation. As both New South Wales and Tasmania are beginning their consultation processes on a bill of rights, it is my view that it would be timely to have a similar consultation process in Queensland. The consultation could consider the potential for a bill of rights to protect rights of rural and remote communities and Aboriginal and Torres Strait Islander Queenslanders.

On International Women's Day 2006 the Commission launched the Review of Women in Prison Report, which detailed 68 recommendations concerning the treatment of women prisoners in Queensland. The report identified the need to ensure non-discriminatory processes for the treatment of all women prisoners, especially the majority of women prisoners who have mental health issues and Aboriginal and Torres Strait Islander women.

In all areas, the staff of the Commission have excelled this year. Staff achievements are substantial and diverse and I thank them for their efforts and their contribution to the work of the Commission.



Human Rights Promotion

The Anti-Discrimination Commission aims to identify human rights issues within Queensland, and works to influence, advocate and effect change through proactive leadership.

Highlights include:

- conducting a 'Getting in on the Act with Dismissals' forum for advocates and employers on the possible impact of Australian Government Industrial Relations legislation on the work of the Commission
- participating in the Human Rights and Equal Opportunity Commission (HREOC) Employment and Disability Inquiry.
- providing training in anti-discrimination law and practice in May and June 2006 for advocates, in conjunction with the Queensland Public Interest Law Clearing House (QPILCH) and the Bar Association of Queensland.
- working with the Office of Public Sector Merit and Equity to develop guidelines for Identified positions under the *Public Service Act 1996*.

The Commission also lodged a number of submissions including:

- a joint submission, in conjunction with state and territory Anti-Discrimination Commissions, in response to the HREOC discussion paper *Striking the Balance: Women, Men, Work and Family*;
- to the Department of Industrial Relations on the application of the International Labour Organisation (ILO) Conventions 87, 98, 100, 111 and 159;
- to the Brisbane City Council in relation to its Application for Declarations of notified areas at Kurilpa Park, King George Square and New Farm Park;
- a proposal to extend the definition of family responsibilities within the *Anti-Discrimination Act 1991*;
- a response to a request from the Guardianship and Administration Tribunal (GAAT) regarding nursing home placement for adults with impaired capacity;
- to the National Inquiry into Discrimination against People in Same Sex Relationships: Financial and Work-related being conducted by HREOC; and
- to the Office of Public Sector Merit and Equity in response to draft guidelines for the implementation of s85 of the *Public Service Act 1996*.

Report on Women in Prison

Production of the *Women in Prison* report was the single biggest undertaking by this Commission in 2005-06.

The 155 page report, which included 68 recommendations, was officially released on International Women's Day 2006, after briefings to the Attorney-General, the Minister for Corrective Services, and community organisations.

The Commission received a submission in mid-2004 from Sisters Inside, an advocacy/service



agency, requesting an inquiry into issues of alleged discrimination faced by women in prison.

The submission alleged a range of discriminatory practices on the basis of sex, disability and race in the classification system, the number of security beds, conditional and community release, work and other programs, and strip searching.

Given the wide range of matters raised by Sisters Inside Inc and the fact that women prisoners, despite their increasing numbers, had generally not accessed the complaint process, the Commission decided to conduct a review.

The focus of the Commission's research and consultation was to understand the extent to which the Department of Corrective Services had achieved its goal of 'community safety and crime prevention through the humane containment, supervision and rehabilitation of offenders', in relation to all female offenders, and whether the means of achieving that goal was done in a non-discriminatory way in accordance with anti-discrimination legislation in Queensland.

The Commission wrote to a range of stakeholders informing them of the review, placed information (including a pro

forma submission) on our website and in newspapers, and visited every prison in Queensland housing women prisoners. Staff also held meetings with groups of ex-prisoners and conducted individual interviews with interested parties.

We received 32 written submissions from individuals and organisations.

The report, while acknowledging improvements made by the Department of Corrective Services since the review began, also challenged it to do much more, especially regarding the treatment of Indigenous prisoners and women with disabilities.

The report found, among other things, that very few women prisoners were serious violent offenders, many were single parents with dependent children, more than half had been diagnosed with a mental illness and more than 40% were victims of non-consensual sexual activity, often when they were young girls.

Key recommendations in the report included:

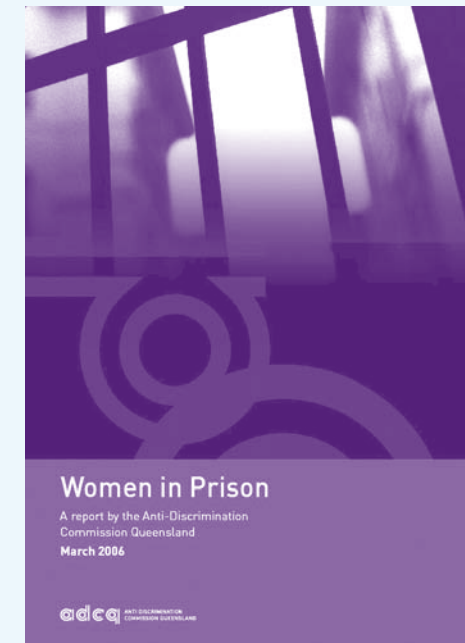
- legitimate concerns that classification instruments and procedures might result in over-classification of women prisoners;
- the needs of children of women prisoners requires further attention;

- mental health issues were often ignored or inadequately addressed; and
- Indigenous women were especially at risk of discrimination in prison.

Further recommendations were made on:

- changes to legislation, policy and practice;
- proper resourcing for implementation;
- transparency and accountability; and
- ongoing effective community involvement in rehabilitation work with prisoners.

The report is available from the Commission website at www.adcq.qld.gov.au



Community Relations

Overview

The community relations team manages much of the non-complaint work of the Commission. This includes training delivery, project management, publications development and distribution, community liaison, Indigenous outreach, website maintenance, policy advice provision, community advisory committee organisation and support, and other specific, usually one-off, tasks.

We have a dedicated team in Brisbane and a regional presence in Rockhampton, Townsville and Cairns.

Highlights included:

- delivery of a record 301 training sessions in Queensland, to more than 5500 people
- near completion of a new visual identity for the Commission
- development of a new DVD-based training resource on educating staff
- first delivery in Australia of harassment-free sport training
- development of the Commission's first multicultural and disability action plans
- launch of *Play by the Rules* online resource

'Re-branding' the Commission

The re-branding project commenced a year ago, and is nearing completion. The aim was to bring a fresh look to everything produced by the Commission, and to add more consistency to our presentation.

To date, the new 'identity' has been applied to the annual report, stationery and newsletter, *Balancing the Act*, brochures have been reviewed for content and style, the website has been re-vamped and upgraded, new merchandise has been produced, and posters (and other items) designed. We expect to complete the project early in 2006-07.

Community Advisory Committees

The five committees continue to work productively and co-operatively with the Commission and within their sectors.

Each committee (disability, youth, lesbian gay bi-sexual transgender and intersex, unions and advocates) meets twice a year to exchange information with Commission staff on issues of importance, and to provide expert sector advice and guidance to the Commission.

With the support and involvement of the committees, the Commission engaged in a range of activities this year, including:

- organisation of a forum to discuss the implications of the federal industrial

relations changes. The full day forum, *Getting in on the Act with Dismissals*, involved a range of speakers and included topics about how Queensland discrimination law operates, Commission complaint-handling processes, and tips for dealing with cases in the Tribunal. More than 60 people attended, from a range of employer groups, unions, community organisations, government departments and other interested agencies.

- development of a disability action plan for the Commission. This is the first time such a plan has been drafted, and was developed in response to the broad range of issues raised at the disability advisory committee meetings and through our complaints and training units. We believed we could better address these issues if we had a cohesive and comprehensive strategy rather than dealing with them in an ad hoc way as they arose.
- involvement with the LGBTI communities, including co-ordinating a submission to the national Human Rights and Equal Opportunity Commission's enquiry into same-sex work-related benefits and entitlements, a higher profile at Pride this year (specifically produced merchandise for the march and fair day, and a speech *The Rainbow Crystal Ball*, presented by the Commissioner).
- delivery of a specific half day course on the

Act to a range of community organisations, at no charge. Demand for this training led to a repeat delivery of the course.

The committees are a central part of the Commission's community engagement strategy, and continue to provide a unique opportunity for us to tap into 'grassroots' issues and views.

Launch of Play By The Rules (PBTR)

The *Play By The Rules* website (www.playbytherules.net.au) contains free online training, information and resources promoting fun, safe and fair sport. The website was initially developed in South Australia, and has since been updated and expanded to become a national resource supported by all state and federal anti-discrimination and sport and recreation bodies.



The 'new, improved' website was launched in Brisbane in late 2006 at a function attended by more than 80 people, including many high profile sports people including Glynis Nunn-Cearns OAM (Olympic and Commonwealth Games Gold Medallist), Vicki Wilson (Coach of the Queensland Firebirds and former Captain of the Commonwealth Games Gold Medal winning Netball team), Natalie Cook OAM (Olympic Gold Medallist, Beach Volleyball) and Brian Kerle (Olympian and former Coach of the Brisbane Bullets and Australian Basketball Team).

Speakers at the launch described the website as a dynamic, innovative and accessible tool for Australian club sport to address and manage situations involving discrimination, harassment and child protection issues.

The resource was launched jointly by this Commission and Sport and Recreation Queensland. We continue to work with sporting bodies and government agencies to promote the aims and work of the website.

Play by the Rules, Harassment-free Sport Strategy and 'Fair Go' in sport

Discrimination and sporting issues came together neatly this year in the delivery of eight sessions on harassment-free sport, presented in both Brisbane and Townsville.

We presented a suite of four courses (sport overview workshop, complaint resolution for clubs workshop, management briefing workshop and member protection information officer course) which had been specifically developed by the Australian Sports Commission. Most state and territory anti-discrimination agencies, in conjunction with their state sport and recreation departments have been contracted to deliver the courses in their own areas.

As the sporting industry is one with which we've had little contact, and in order to market the courses effectively, we worked with Sport and Recreation Queensland to publicise the training. As part of the presentation, we were also able to use visual scenarios produced by *Play by the Rules*, which is an online training resource designed for sporting clubs and organisations to promote fun, fairness and safety in sport.

We found the anti-discrimination message fitted well with the ideals and objectives of both *Play by the Rules* and programs developed by Sport and Recreation Queensland, and the collaboration was successful and worthwhile.

Based on the success of the courses, we hope to repeat the training during 2006-07, again working co-operatively with other agencies.

Special Events

As in past years, we celebrated many events in Queensland supporting diversity and inclusion. Commission staff participated in a number of functions in our role of ensuring the human rights message reached the community.

We had a presence at Pride festival functions, NAIDOC Week fair, the Ethnic Soccer Cup, Labour Day and the Multicultural Festival. We also contributed to or attended a number of other events including International Women's Day and Law Week.

Educating Staff Training Resource

This year, we developed a new training resource called *Educating Staff*. The product, a DVD, provides a complete package of tools and resources for the presentation of a two hour session on discrimination law in Queensland.

Contents include a slide presentation plus trainer's notes, visual scenarios, a book of case studies, lists of resources, sample policies, a section on 'tips and tricks', small group discussion topics, resource lists and a glossary of terms.

To accompany the product, we've developed a 'train the trainer' course. The full day session takes participants through the entire course, from preparing for the session and

using warm-ups, to content focus, dealing with difficult questions and people, how to select, present and discuss scenarios and how to end and evaluate the session.

The product can be used in a number of ways: as a stand-alone resource (aimed at employers who have 'in-house' trainers who are already comfortable presenting such a session, and looking for a discrete package), in conjunction with training from Commission trainers in how to use it (either at the worksite in the case of big organisations, or at our premises where one or two people from each organisation can register), or as a refresher tool for companies doing regular training with their staff. We are also offering the option of annual updates to content.

We hope production and use of the DVD will provide organisations with all the information and materials they need to keep their staff up to date with discrimination issues.

Indigenous Unit

The main priority for the unit this year was its contribution to the *Women in Prison* report. Indigenous staff were an integral part of the review throughout its 20 months, visiting each prison in Queensland housing women prisoners, giving advice on Indigenous issues and providing input to the written report.

Staff also travelled to a number of Indigenous communities during the year, delivering training and liaising with a range of organisations and individuals. Communities visited included Yarrabah, Mareeba, Cairns, Kuranda, Mantaka, Mona Mona, Cloncurry, Boulia, and Townsville.

The Unit was involved in a number of consultations/projects this year with:

- the Office of Public Service Merit and Equity in the development and finalisation of directives and guidelines on the use of Identified Positions in Queensland public sector entities.
- the Brisbane City Council in the lead up to the declaration of notified areas in parts of Brisbane, regarding the potential discriminatory impact on Aboriginal people, homeless people, young people and people with mental health issues.
- the Human Rights and Equal Opportunity Commission, to update the Queensland edition of *Tracking Your Rights*. The update will involve the development of a website version and a suite of training packages for Aboriginal and Torres Strait Islander communities in Queensland to raise awareness of human rights. This will be a major project in the coming year.
- other staff in the development of two new Identified positions of Indigenous Human Rights Assistant. These positions will be

located in Brisbane and Cairns and will be filled in the coming year.

- the Brisbane Indigenous community in organising representatives for each of the advisory committees.

Commission staff also attended the North Queensland Aboriginal and Torres Strait Islander Women's Legal Education Conference *Sharing our information...Keeping our Women Strong*, and ran two workshops on the Act.

NAIDOC Week was again a highlight, with information stalls set up in Brisbane, Rockhampton, Townsville and Cairns.

Training

Delivery of training is a major part of the Commission's core business. At the beginning of the year we offered a range of nine courses, from an overview of the Act to training for contact officers and investigating complaints. By the end of the year, we'd added another five courses – four harassment-free sport sessions and a newly developed course on *Educating Staff*. We also tailored a number of courses to meet client needs.

Throughout Queensland, we presented 301 sessions during the year, reaching more than five and a half thousand people. This represents an increase of more than 30% on last year's numbers.

The majority of training is delivered on-site, usually at a workplace, and the Commission also offers a suite of in-house courses. Twenty-three in-house sessions were offered during the year, including training for Contact Officers and courses on investigating complaints, raising awareness of discrimination issues in the workplace, and recruitment and selection. Two courses were offered exclusively at no charge to community sector organisations.

The average session was 2.5 hours in length, the most popular course was the overview of the law, and on average, 18 people attended each session delivered.

Responses by participants to the quality of training were consistent with previous years, with 99% of those surveyed rating the training as either 'excellent' or 'very good'.

In South-East Queensland a record 225 sessions were delivered, an increase of almost 50% on the 2004-05 financial year. As well, 16 sessions were delivered by Brisbane trainers in regional offices, and four harassment-free sport courses were presented in Townsville.

More than 50 sessions were provided to management and staff of mining companies, and more than 30 to energy companies, in remote and rural locations throughout

Queensland. Training in these two sectors comprised more than a third of all training delivered by South-East Queensland this year. 10 sessions were also delivered in the sport sector by training staff.

Some comments

'I am a trainer and I think this is the best training session I've ever been to. Held my attention easily for four hours. Engaging, interesting, intelligent, thought-provoking. Spoken clearly and passionately about a potentially dry topic.'

'Both sessions have been fantastically valuable and will help in life outside of work.'

'Perhaps a video indicating different types of discrimination etc would be interesting. Info on the history of anti-discrimination law.'

'...I would like to see this type of session presented to my staff. The best presenter I have witnessed in a very long time. Passionate and committed.'

'Well done - your passion and enthusiasm presenting the course was infectious. Very informative and enjoyable.'

Training

Delivery of training by sector

	South-East	Central	North	Far North	Total
Private	141	15	11	6	173
Public	42	16	7	1	66
Community	20	2	1	4	27
Sport	12	0	0	0	12
In-house	12	3	4	4	23
Total	227	36	23	15	301

Type of training

Number of sessions

	South-East	Central	North	Far North	Total
The law	179	25	10	9	223
Contract Officer	34	7	11	4	56
Sport	10	0	0	0	10
Other	4	4	2	2	12
Total	227	36	23	15	301

Complaint Management

Overview

The Complaint Management team has continued to show improvements in processes, timeliness and outcomes of complaints resulting in improved client satisfaction.

Overall, the number of new complaints has declined this year after significant growth over the last four years. This has allowed staff to continue to improve timeliness and outcomes for parties with more complaints resolved by the Commission and fewer complaints being referred for formal hearing in the Anti-Discrimination Tribunal.

State-wide Trends

This year 812 grounds of complaints were accepted. This represents a reduction in the number of accepted grounds of complaints. This trend reflects both a decrease in overall complaint numbers that mirrors a national decrease in complaints lodged with State based discrimination agencies and the successful elimination of the complaint file backlog in 2004-05.

The main grounds of accepted complaints include impairment, sexual harassment, sex, race and age. This is a similar pattern to recent years.

The largest number of accepted complaints, as in previous years, is impairment discrimination constituting 24.3% of accepted grounds of complaints. Sexual harassment complaints have remained comparatively steady, making up 13.2% of accepted complaint grounds. The majority of these complaints arose within the workplace.

Defying the overall trend was an increase in acceptance of vilification complaints. Since April 2003, vilification on the grounds of race, religion, sexuality or gender identity has been covered by the Act. Thirty-one vilification complaints were accepted in 2005-06, up from 24 in 2004-05. Vilification complaints now represent 6% of accepted complaints, with racial vilification and sexuality vilification comprising the majority.

Since April 2003, the Act has also covered family responsibilities, gender identity, relationship status and sexuality. Of these, family responsibilities is the most common ground of complaint, making up 3.7% of all accepted complaints.

Consistent with previous years, the main area of complaint is work which represents 59.6% of complaints this year, compared with 53.9% last year. The area of goods and services remains the second most common, representing 16.6% of complaints, which is

again consistent with last year.

There has been a small increase in complaints in the area of state laws and programs to 8.2%, up from 7.3% last year. The proportion of complaints in the education area remains steady at 3%, while complaints in the accommodation area have increased to 5.7% from 3.3% last year.

South-East Queensland Trends

Reflecting a similar decrease in the number of complaints being lodged this year, there was a decrease in the grounds of accepted complaints in South East Queensland in 2005-06 to 481.

Despite the overall decrease, there was an increase in accepted race complaints to 56, up from 54, with the proportion of race complaints increasing to 11.6% in 2005-06 from 7.8% in 2004-05. The Commission will continue to monitor these complaints to identify trends that may need to be addressed with increased community education and training.

Conciliation Conferences

During the year there were 352 conciliation conferences held across the State. Of those 214 (61%) were held in South-East Queensland compared with 385 (68%) from the previous year.

The decrease in the proportion of conciliation conferences being conducted in South-East Queensland is complemented by an increase in conciliation conferences being conducted through regional offices. This is as a direct result of the implementation of the state-wide complaint management system that distributes complaints across the state so that they can be dealt with promptly.

At the same time there has been a state-wide increase in complaints resolved with 48% of complaints conciliated, up from 45% in 2004-05, and 40% in 2003-04. This is an encouraging trend which reflects the Commission's added emphasis on the timely resolution of complaints.

Overall, 75% of accepted complaints were finalised within the Commission compared to 71% in 2004-05. The remaining 25% of accepted complaints were referred to the Tribunal, down from 29% in 2004-05.

The improvements in outcomes are reflected in the continuing increase in satisfaction with the commission's processes, with 88% satisfaction rate, up from 87% and 81% over the last two years.

Timeliness

With the introduction of the state-wide complaint management system, complaints are

now able to be assessed as they are lodged. 59% of complaints contained sufficient information to enable a decision to be made to accept or reject the complaint within the 28 day legislative timeframe. Those complaints not able to be accepted or rejected within that time were referred back for the complainant to provide further information.

77% of accepted complaints were conferenced within the 42 days allowed by legislation. Of the balance, postponement of the conference was most commonly requested because of the illness, unavailability or unreadiness of one of the parties.

58% of accepted complaints were finalised within 3 months, up from 50% last year, 88% of accepted complaints were finalised within 6 months, up from 81%, and a total of 97% of complaints were finalised within 9 months of acceptance, up from 93% in 2004-05. The timeliness with which complaints are now being dealt appears to have resulted in increased conciliation and satisfaction rates.

Judicial review

During 2005-06 the Commission responded to eight applications for judicial review made under the *Judicial Review Act 1991* to the Supreme Court of Queensland.

The applications concerned a range of

decisions made under the *Anti-Discrimination Act 1991*, including acceptance and non-acceptance of complaints, an out of time complaint and a referral. Of these, four related complaints were heard as one matter and allowed, one application was dismissed and in the final matter the Commission was directed to reconsider its decision.



Grounds of accepted complaints Queensland-wide*

	2005-06	%	2004-05	%
Impairment	197	24.3	303	27.1
Sexual harassment	107	13.2	136	12.2
Sex	105	12.9	150	13.4
Race	92	11.3	96	8.6
Victimisation	56	6.9	80	7.2
Age	46	5.7	69	6.2
Pregnancy	35	4.3	44	3.9
Family responsibilities	30	3.7	61	5.5
Unnecessary information	24	3	37	3.3
Sexuality	16	2	24	2.1
Sexuality vilification	14	1.7	5	0.4
Racial vilification	14	1.7	16	1.4
Parental status	13	1.6	38	3.4
Association with/attribute	13	1.6	8	0.7
Gender identity	10	1.2	6	0.5
Religious belief or activity	9	1.1	10	0.9
Encouraging contravention	7	0.9	2	0.2
Relationship status	7	0.9	17	1.5
Trade union activity	6	0.7	10	0.9
Lawful sexual activity	5	0.6	1	0.1
Religious vilification	2	0.2	1	0.1
Breastfeeding	2	0.2	0	0
Gender identity vilification	1	0.1	2	0.2
Discriminatory advertising	1	0.1	0	0
Political belief or activity	0	0	2	0.2
Totals	812	100	1118	100

*complaints may include multiple grounds

Areas of accepted complaints Queensland-wide*

	2005-06	%	2004-05	%
Work	358	59.6	411	53.9
Goods and Services	100	16.6	122	16
State laws and programs	49	8.2	56	7.3
Accommodation	34	5.7	25	3.3
Other (no area required)	34	5.7	44	5.8
Education	18	3	21	2.7
Insurance	4	0.7	4	0.5
Club membership and affairs	3	0.5	5	0.6
Local Government	1	0.2	2	0.2
Pre-work#	0	0	58	7.6
Pre-accommodation	0	0	14	1.8
Superannuation	0	0	0	0
Disposal of land	0	0	0	0
Totals	601	100	762	100

*complaints may include multiple areas

#pre-work figures included in work during 2005-06

**South-East Queensland
Main grounds for accepted complaints**

	2005-06	%	2004-05	%
Impairment	124	25.8	211	30.6
Sex	64	13.3	97	14
Sexual Harassment	59	12.3	75	10.9
Race	56	11.6	54	7.8
Victimisation	33	6.9	42	6.1
Age	28	5.8	42	6.1

481 grounds accepted in 2005-06

690 grounds accepted in 2004-05

Conciliated Outcomes

The following cases are examples of complaints settled in conciliation conferences. To maintain confidentiality, some details may have been changed.

Age in (pre) work and requesting or encouraging a contravention

A prospective employer advertised that they were seeking applicants for employment within a 5 year age group. A prospective applicant, who was not within that age group, maintained that he could successfully fulfill the occupational requirements of the position and that there was no need for an age criteria.

The employer explained that the reason they sought applicants within that particular age group was because they thought those applicants would not be set in their ways and would be good with computers. They accepted that there was no genuine occupational requirement for the age criteria and provided an apology to the prospective applicant.

The media organisation that published the advertisement also explained that it had mistakenly overlooked the reference to the age criteria and agreed to publish an article outlining some of the benefits of employing a mature aged workforce.

Impairment in access to good and services

A complaint was lodged by a man who said he'd been denied entry to a nightclub because of his disability. When the complainant, who has a physical disability as a result of a car accident, attempted to show the nightclub security officer a card outlining his disability he was allegedly called names inferring he was on drugs.

At conciliation, the respondents agreed to tender a written apology, provide training for all company staff, adopt anti-discrimination policies, and pay \$4500 in compensation.

Parental status and family responsibility in goods and services

A parent with a child in a stroller was not allowed to enter a store as they had a policy stating "No prams, bags or strollers". This policy was introduced on the advice of police in order to reduce theft from the store.

As a result of conciliation store management agreed to change the policy and allow prams inside the store. The store management introduced new anti-theft strategies that accommodated parents wishing to enter with children in prams.

Sexual harassment in work

An employee claimed that he was being sexually harassed by his male manager. He alleged the manager simulated sex with him, grabbed his inner thigh, placed his hands up his shirt, and questioned him about sex. The manager denied these events and the company owner claimed to have reasonable policies and procedures in place to protect staff from sexual harassment. The employee left the job because of the harassment.

At conciliation the owner agreed to pay the complainant \$15000 in compensation, including all outstanding entitlements.

Racial and religious vilification

The complainant was walking passed Parliament House in Brisbane and was verbally abused and had his turban slapped off his head by three youths. The police were called and the youths were subsequently convicted of being a public nuisance.

The complainant lodged a complaint with the Anti-Discrimination Commission to have an opportunity to convey his concerns over the incident and to explain the religious importance of his turban to the respondents. At conciliation the respondents provided a full written apology to the complainant.

Impairment in access to goods and services

A complaint was lodged by a man with a hearing impairment who was charged for interpreter fees by his Accountant. The complainant believed that as he had already paid the Accountant for the taxation services provided he should not have to pay an additional fee for the Interpreter.

During the conciliation the respondent stated that he had not thought to make clear the process of interpreter payments. The respondent agreed, as a gesture of goodwill to that client, that he would pay the interpreter fees himself on that occasion. The accountant explained to the complainant that the interpreter fees would be tax deductible.

Reports from the Regions

The Commission has three regional offices located in Rockhampton, Townsville and Cairns. The Regional offices, each with a staff of three, offer a full range of services to the community comprised of complaint management, community relations and training services.

The value of a local presence is evidenced by the Regional offices ability to respond quickly to issues, deal with local enquiries, and provide training and information to the local community.

Summary of regional work

	Central Qld	North Qld	Far North Qld	Total
Complaints managed	109	127	79	315
Training sessions	36	23	15	74

Central Queensland

Community relations

The primary focus for community relations activities for 2005-06 were in the areas of disability and race. The Commissioner, Susan Booth, was present in Rockhampton on a number of occasions, with the aim of increasing the exposure of the Commission and to improve the community’s awareness and understanding of race and disability issues. The Commissioner was invited to open the Better Living Expo, a major event run in conjunction with Disability Action Week, and gave an address at the Central Queensland University as part of National Sorry Day celebrations.

Staff also participated in the Reflections on Racism forum conducted by Multicultural Affairs Queensland. The aim of the forum was to provide an avenue for key stakeholder groups and interested parties to gather and discuss current race issues and develop strategies to combat racism.

Training and education

Thirty-six training and education sessions were held in the region, generating revenue of \$33241. Training requests were spread across a wide range of industries and private and public sector organizations. A notable

trend in training requests was the focus of employers on shorter training sessions for their workforce.

Complaint handling

A total of 110 grounds of complaint were accepted in 2004-05, compared with 160 last year. As in previous years complaints of impairment, sex discrimination and sexual harassment were the top three types of complaints accepted. 56% of accepted complaints were finalized within 3 months and 90% of clients expressed satisfaction with complaint management services.

Main grounds of accepted complaints

	2005-06	%	2004-05	%
Impairment	27	24.5	33	20.6
Sex	17	15.5	20	12.5
Sexual Harassment	12	10.9	20	12.5
Race	12	10.9	13	8.1
Pregnancy	9	8.2	6	3.7

110 grounds accepted in 2005-06

160 grounds accepted in 2004-05

North Queensland

Community Relations

The Commissioner spoke at the Indigenous Women's Legal Conference in Townsville in June, and staff from the Indigenous Unit and the North Queensland office presented discrimination workshops.

Regional staff also participated in the NAIDOC march in Townsville in July and held an information stall at the celebrations. The Regional Manager delivered a speech for Ergon Energy's International Women's Day breakfast.

Training and education

Twenty-three sessions were conducted during 2005-06 and revenue of \$20750 was generated. The North Queensland office continues to support Burdekin Catholic College and William Ross State High School in their innovative student training by providing annual training in discrimination and sexual harassment. The office also continued to provide annual training in anti-discrimination issues to the Townsville Police Academy.

Complaint handling

A total of 127 grounds of complaint were accepted in 2005-06, compared with 151 last year. 81% of accepted complaints were finalised within 3 months and 96% of

clients expressed satisfaction with complaint management services.

Impairment, sexual harassment, sex discrimination, victimisation, and race were the main types of complaint. Work was the main area of complaint increasing to 61% of accepted matters in 2005-06, while the area of goods and services increased to 17% this year.

Main grounds of accepted complaints

	2005-06	%	2004-05	%
Impairment	25	19.7	29	19.2
Sexual Harassment	20	15.7	30	19.8
Sex	17	13.4	25	16.5
Victimisation	13	10.2	12	7.9
Race	12	9.4	10	6.6

127 grounds accepted in 2005-06

151 grounds accepted in 2004-05

Far North Queensland

Community Relations

The Commissioner travelled to Cairns to meet with representatives of the legal fraternity, members of community groups in Cairns, Mossman, Mareeba and Kuranda, and key people working in disability, multi-cultural services and employment services. The visit provided an opportunity to introduce the Commission's Women in Prison Report and talk about the Anti-Discrimination legislation. The Deputy Commissioner, Neroli Holmes, also visited the region to address the Anti-Racism Forum convened in regional centres by Multicultural Affairs Queensland.

This year the Regional Manager was invited as guest speaker to the inaugural International Women's Day luncheon hosted by Ergon Energy. The platform was shared with several speakers from the multi-cultural and indigenous communities speaking on the theme *"Women bringing a sense of wellbeing and peace in the community"*.

Training and Education

The Regional Manager and the Co-ordinator of the Commission's Indigenous Unit, Liz Bond, traveled to Mount Isa and Boulia to provide training and information sessions to community based organizations and legal

services. Fifteen training and education sessions were presented this year producing \$5876 in revenue.

Complaint Handling

Just under 60% of the complaints accepted by the Far North Queensland region were in the area of work. A total of 79 grounds of complaint were accepted this year, compared to 117 in 2004-05. 72% of accepted complaints were finalised within 3 months and 93% of clients expressed satisfaction with complaint management services

Impairment complaints, although down on last year, represents 22% of accepted complaints; sexual harassment complaints increased from 9.4% to 17% of accepted complaints; and race complaints dropped from 16% to 12.8%.

Main grounds of accepted complaints

	2005-06	%	2004-05	%
Impairment	21	22.3	30	25.6
Sexual Harassment	16	17.0	11	9.4
Race	12	12.8	19	16.2
Sex	7	7.4	8	6.8
Age	6	6.4	6	5.1

79 grounds accepted in 2005-06

117 grounds accepted in 2004-05

Resource Management

The Support Services Unit provides the Commission with effective resource management through the provision of financial, human resource, information management and asset services.

We aim to:

- implement human resource practices that encourage staff participation; promote diversity; recognise individual needs; and provide flexible workplace policies.
- develop and maintain effective financial management systems and procedures to ensure compliance with Government fiscal objectives
- develop and maintain an efficient and effective information management framework that promotes the delivery of quality, timely and accessible services.

Achievements for 2005-06

Ongoing training was provided to staff on the upgraded complaint management system, CHARMS, and new statistical reports were developed for complaint handlers.

Construction of the Commission's intranet site, Compass, was completed in June 2006 and is scheduled to 'go live' on 3 July 2006. This site provides staff with up to date, easily accessible

information on policies, procedures, forms, precedents and industry developments.

A review of records management functions within the Commission was commenced and an external records management contractor was engaged to develop a Strategic Recordkeeping Implementation Plan (SRIP) and a Business Classification Scheme. On completion of the project the Commission will have an efficient and user-friendly records system that complies with whole-of-government recordkeeping standards.

The Queensland State Archivist approved the Retention and Disposal Schedule for Commission-specific complaint files in December 2005 and a project team has been formed to audit all files as outlined in the new guidelines.

For the Future – 2005-06

- complete the review of records management functions, and implement updated records management classification system.
- Complete the Retention and Disposal Schedule evaluation of all complaint files.
- investigate new complaint and data management systems to replace the current CHARMS database.
- acquire a new contact management systems to enable more efficient management of

the Commissions contact and mailing list information.

- finalise Strategic Plan for 2006-10
- continue to investigate options regarding relocation of the Commission's Brisbane office into the CBD.

Financial statements

Full financial statements are provided on the CD-ROM inside the back cover of this report. If you require a hard copy of the financial statements contact the Commission on telephone number 1300 130 670.



Anti-Discrimination Tribunal

The Tribunal hears and determines complaints of discrimination, harassment, vilification and victimisation which have been referred to it by the Commission.

The Tribunal may also grant exemptions from the Act, provide opinions to the Commissioner about the application of the Act, grant interim orders and review the Commissioner's decision to lapse complaints for delay.

During 2005-06 there were 175 matters referred to the Tribunal by the Commission, a decrease of 17% from the 210 matters referred the previous year.

A total of 212 complaints, received either during the current year or in 2004-05, were finalised by the Tribunal, an increase of 15% from the 184 finalised during 2004-05.

This year 81% of matters finalised at the Tribunal were resolved before the final hearing by conciliation conference, settlement, withdrawal or by an interlocutory hearing. Of these cases finalised, 65% were settled at the Tribunal conciliation conference stage or by negotiation between the parties.

Twenty-one matters proceeded to a final public hearing and 3 matters settled after the

final hearing had commenced. Thirty-seven complaints heard in this or previous years were finalised by a decision delivered after a final public hearing, although three decisions related to more than one complaint. Of these final hearings 22 complaints were upheld and 15 complaints were dismissed.

An appeal to the Supreme Court was lodged in relation to the decision affecting 8 complainants in *Hopper and others v Virgin Blue Airlines Pty Ltd* [2006] QADT 9. This appeal has been heard by the Supreme Court, but the decision has not yet been delivered. Of another 4 appeals to the Supreme Court, one was withdrawn, two are still pending and one relating to two complaints has been remitted to the Tribunal for further consideration.

Exemptions

The Tribunal also hears and decides applications for exemptions from the operation of particular provisions of the Act. Six applications for exemptions were received this year and 5 of these were heard and decided - 3 applications were allowed and 2 were withdrawn. Two of the exemptions allowed related to the provision of accommodation for people over the age of 55 and one exemption permitted employment of female sales consultants and service drivers for its sanitary disposal business. Two applications

for exemption are awaiting finalisation.

Interim orders

Applications to the Tribunal can be made for orders prohibiting a person from doing something that might prejudice the investigation or conciliation of a complaint or an order the Tribunal might make after a hearing.

Three applications for interim orders were received this year. One application was granted, one application was withdrawn and one matter is continuing.

Tribunal Members

In April 2006, 6 new Members were appointed to the Tribunal and 5 current Members were re-appointed. There are now 10 members based in Brisbane, 3 members in Cairns and 1 member in Townsville.

Projects

The Tribunal Self Help Kit was developed and published on the Commission web-site. The kit was developed to provide self-represented parties, the majority of Tribunal clients, easy to understand information on how the Tribunal works. Introduction of the kit has improved access to the Tribunal for self-represented people and appears to have led to a decrease in the number of calls received in the Registry. The kit will be updated in 2006-07.

Matters received

	2004-05	2005-06
Complaints referred	210	175
Exemption application	6	5
Request for opinion	2	0
Interim application	4	3
Interlocutory applications	43	24
Miscellaneous	0	1
Total	265	208

Matters finalised

	Dismissed	Upheld	Settled/ conciliated/ withdrawn prior to hearing	Other	Total
Complaints referred	15	22	160	15	212
Exemption application	-	3	2	-	5
Request for opinion	-	-	-	2	2
Interim application	-	1	1	-	2
Interlocutory applications	12	-	-	-	12
Totals	15	26	163	17	221



Case notes of some matters determined by the Tribunal

Hopper and others v Virgin Blue Airlines Pty Ltd

Heard by: Member Douglas Savage SC

Eight former Ansett flight attendants applied for cabin crew positions with Virgin Blue after Ansett ceased operation. All women were experienced flight attendants, aged between 36 and 56. It was alleged that they were discriminated against by Virgin Blue on the grounds of age in the recruitment process.

The recruitment process consisted of a number of stages including the requirement to attend a group assessment (because of the large number of candidates). Groups of about 60 people were divided into 6 groups of 10, with at least one assessor. The assessor was looking for 'behavioural competencies' such as assertiveness, team work, communication, and 'Virgin Flair'. Candidates were required to prepare and perform a dramatic routine under the scrutiny of the assessors as a way of testing for such competencies.

Member Savage found that the assessors were unconsciously discriminating on the basis of age, and found that factors contributing to flaws in the assessment process included:

- The group assessment system was designed for much smaller groups of applicants.
- Most of the assessors had comparatively little training in psychological assessment procedure and no system had been established to test the results.
- Formal behavioural interview training undertaken by senior recruitment staff through an external training organisation did not include training in the assessment of the behavioural competency 'Virgin Flair'.

The Member found that 'the complainants and others of their age had no prospect of employment.'

In assessing economic loss, the Member considered the economic value of loss of a chance to be judged on merit and possibly obtain paid employment. The Member found that the work experience and maturity of each applicant should have made it more likely that they would obtain employment.

Economic loss was calculated as 20% of the difference between the income each complainant would have earned for a one year period had she been employed by the respondent as a member of the cabin crew, and the actual income for that period. Interest on economic loss was allowed at the rate of 5% per annum.

Each complainant was awarded \$5000 in respect of general damages. In assessing personal loss the Member accepted that the complainants were in a vulnerable position and Ansett employers were led to believe they had a future with Virgin Blue. While the respondent was not malicious either in the recruitment process or at hearing, its actions exacerbated the complainants' affront. Their concerns about the recruitment process were trivialised and Virgin Blue publicly contended that there was no basis for the complaints.

Member Savage stressed the point that 'the personal injury which each suffered was not a consequence of not being employed, but of being discriminated against in the employment process'. This decision is presently on appeal in the Supreme Court of Queensland.

I on behalf of BI v State of Queensland

Heard by: President Jean Dalton SC

The complaint was brought by the mother (I) on behalf of her son (BI), a teenage high school student, with severe schizophrenia and Autism Spectrum Disorder. The complaint alleged discrimination on the ground of impairment in the area of education, in that BI's school enrolment was cancelled because of a poor attendance record.

In the year 2000 when he was almost 16, BI was the only child in Queensland taking a drug which is considered a last line treatment for adults. The side effects of this drug are considerable and often made BI quite ill. Despite BI often being very unwell, either with his schizophrenia or because of the side effects of the drug, his mother was intent on securing some form of schooling and social interaction for him.

Arrangements were made for BI's schooling, based on an assessment of that disorder, and he was enrolled at a State High School. An individual education program was put in place and BI was to attend school twice a week for periods of 2 hours. His attendance for the last month of the 2000 school year was satisfactory. Between the end of January and 18 May 2001, BI attended school on only 4 occasions.

BI's mother claimed that she regularly telephoned the school to advise when BI was too unwell to attend and produced telephone records to confirm this. It appears that the messages left with the office staff were either not passed on, or not collected by those in charge of BI's program. The school cancelled BI's enrolment and notified his mother by letter on 18 May 2001. There had been no warning letter or discussion beforehand. As a result BI was without schooling for the remainder of 2001.

The School Principal claimed that the enrolment was cancelled purely on the grounds of non-attendance and that he was unaware of the medical reasons for BI's non-attendance.

The District Office of Education Queensland overturned the school's decision to cancel the enrolment and helped to implement a program at another high school.

The President found that although there was no case of direct discrimination, indirect discrimination had occurred. The President noted that officers at Education Queensland recognised that a mistake had been made in cancelling BI's enrolment and succeeding in mitigating the hurt suffered by BI in implementing a helpful program at his new school.

Evidence of BI's hurt was provided by psychologists from the Department. He was described as 'significantly depressed' and as 'at significant risk of suicide' particularly because schooling was an important support for BI given his state of mind.

Compensation of \$25000 for emotional distress and lost educational opportunity was awarded plus interest of \$2000.

C v A

Heard by: Member Douglas Savage SC

The complainant, C resided in an apartment in a multi-level residential building at South Brisbane, described as a ‘community title scheme’. Residents of the apartments had access to a common recreational area on the ground floor, including a pool, and access from the street via a courtyard.

C had a serious medical condition. She relied on an assistance dog because of vision and hearing impairments; used a motorised wheelchair for mobility; relied on a portable respirator; and had frequent epileptic seizures. C could not access parts of the building and common areas without assistance from another person. In particular she was unable to enter and leave the building; travel between her apartment and the street entrance; access the pool; or other common recreational areas. Access to each of these areas required a separate locking mechanism or security device. A complaint of indirect discrimination on the grounds of impairment in accommodation and the supply of goods and services was brought by C against the body corporate, A.

Member Savage found that under the *South Bank Corporation Act 1989*, it is an essential function of the body corporate to do all things reasonably necessary for the control,

management and administration of the common property, and that the recreational facilities included the access areas are part of that common property. The Member also found that the Act applies to community title schemes.

The Member found that the exemption in s46 (2) for a person who supplies community services did not apply, and said: ‘The phrase refers to the service of the community (for example, by charitable works) not service of a community by maintaining doors to an apartment building.’

The Member found that the body corporate indirectly discriminated against C because it imposed a term that residents had to use an electronic or other device or otherwise manually operate the doors, and C could not comply with the term because of her impairments. He found that this term was not reasonable, and said that access could have easily been provided by provision of a ‘proximity device’ to C.

Compensation of \$25000 was ordered to be paid.

McNamara v Golonaise Pty Ltd v Jones

Heard by: Member Daryl Rangiah

The complainant uses a trained guide dog to assist him with his mobility. He wanted to attend an event being held at Cleveland decided to stay in Cleveland for the weekend with his wife and two daughters.

He contacted the Redlands Shire Tourist Bureau some two months before the event and was told of the Cleveland Vista Villa Motel. The complainant took the unit and paid for it with his credit card. The manager of the motel refused to accept the booking from the Tourist Bureau claiming that the public liability insurance would not cover 'damage caused as a result of pets running out onto the road.

Two weeks before the event the complainant called the motel to ask about including an extra person and he was told that there was no booking. He was 'dismayed and distressed' by this news and was unable to find any alternative accommodation. As a result he could only make a day trip, was forced to miss the part of the event and could not present a speech.

Member Rangiah found the motel manager 'less than frank.' The respondent managed the hotel on behalf of Golonaise Pty Ltd and it was found that the manager was acting on

instructions when he discriminated against the complainant by refusing to supply him with accommodation because of his guide dog.

The complainant was treated in a 'high-handed and arrogant way' by the respondents. His hurt, humiliation, distress and embarrassment were acute. \$10000 was awarded to compensate him for this suffering. The manager was ordered to pay \$2500 of this and Golonaise Pty Ltd to pay the balance. A total of \$8580 was also awarded to the complainant to cover his solicitor's costs and travelling expenses incurred to attend conferences and hearings.

Appendices

Appendix 1

Location of Commission Offices

Brisbane

Level 1, 189 Coronation Drive Milton
PO Box 2122 Milton Q 4064

Telephone 1300 130 670 (statewide)
TTY 1300 130 680 (statewide)
Facsimile (07) 3247 0960

Rockhampton

1st floor, James Larcombe Place
209 Bolsover Street Rockhampton
PO Box 1390 Rockhampton Q 4700

Telephone 1300 130 670 (statewide)
TTY 1300 130 680 (statewide)
Facsimile (07) 4938 4459

Townsville

Level 2, St James Place, 155-157 Denham Street
Townsville Q 4810

Telephone 1300 130 670 (statewide)
TTY 1300 130 680 (statewide)
Facsimile (07) 4799 7021

Cairns

McLeod Chambers
78 Spence Street Cairns
PO Box 4699
Cairns Q 4870

Telephone 1300 130 670 (statewide)
TTY 1300 130 680 (statewide)
Facsimile (07) 4039 8609

Email info@adcq.qld.gov.au
Website <http://www.adcq.qld.gov.au>

Anti-Discrimination Tribunal

Level 1, 189 Coronation Drive Milton Q 4064
GPO Box 487 Brisbane Q 4001

Telephone (07) 3239 6408
TTY (07) 3239 0718
Facsimile (07) 3239 6397
Email ADT@adcq.qld.gov.au

Appendix 2

Publications

Guides for employers: available from the website

- Discrimination in employment
- Discrimination in the provision of goods and services
- Discrimination in the provision of accommodation
- Discrimination in the provision of education services

Brochure series

- Your guide
- Legislative changes
- Making a complaint
- Responding to a complaint
- All about conciliation conferences
- Sexual harassment
- Gender identity and sexuality vilification
- Lawful sexual activity
- Family responsibilities discrimination
- Breastfeeding discrimination
- Sexuality discrimination
- Training and other Commission work
- Racial and religious vilification
- Impairment discrimination
- Race discrimination
- Age discrimination
- Pregnancy discrimination
- Sex, relationship and parental status discrimination

Brochures (in partnership with other Commissions)

'It's OK to complain' – in Amharic, Arabic, Mandarin, Croatian, Dari, English, Farsi, Samoan, Somali, Spanish, Tigrinya, Vietnamese

Posters

- Race discrimination
- Impairment discrimination
- Pregnancy discrimination
- Sexual harassment
- Universal Declaration of Human Rights
- “It’s OK to complain’ – in partnership with other Commissions)

Postcards

- Race discrimination
- Sexual harassment

Rights Cards

- Aboriginal and Torres Strait Islander communities
- Sexual harassment
- Young people
- LGBTI (lesbian, gay, bi-sexual, transgender) communities
- Racial and religious vilification (in Arabic, Bosnian, Indonesian, Farsi and English)

Video/CD/DVD series

‘Fair Go’ (captioned format)

‘Working it Through’ - the conciliation process (captioned format)

Newsletter

‘Balancing the Act’

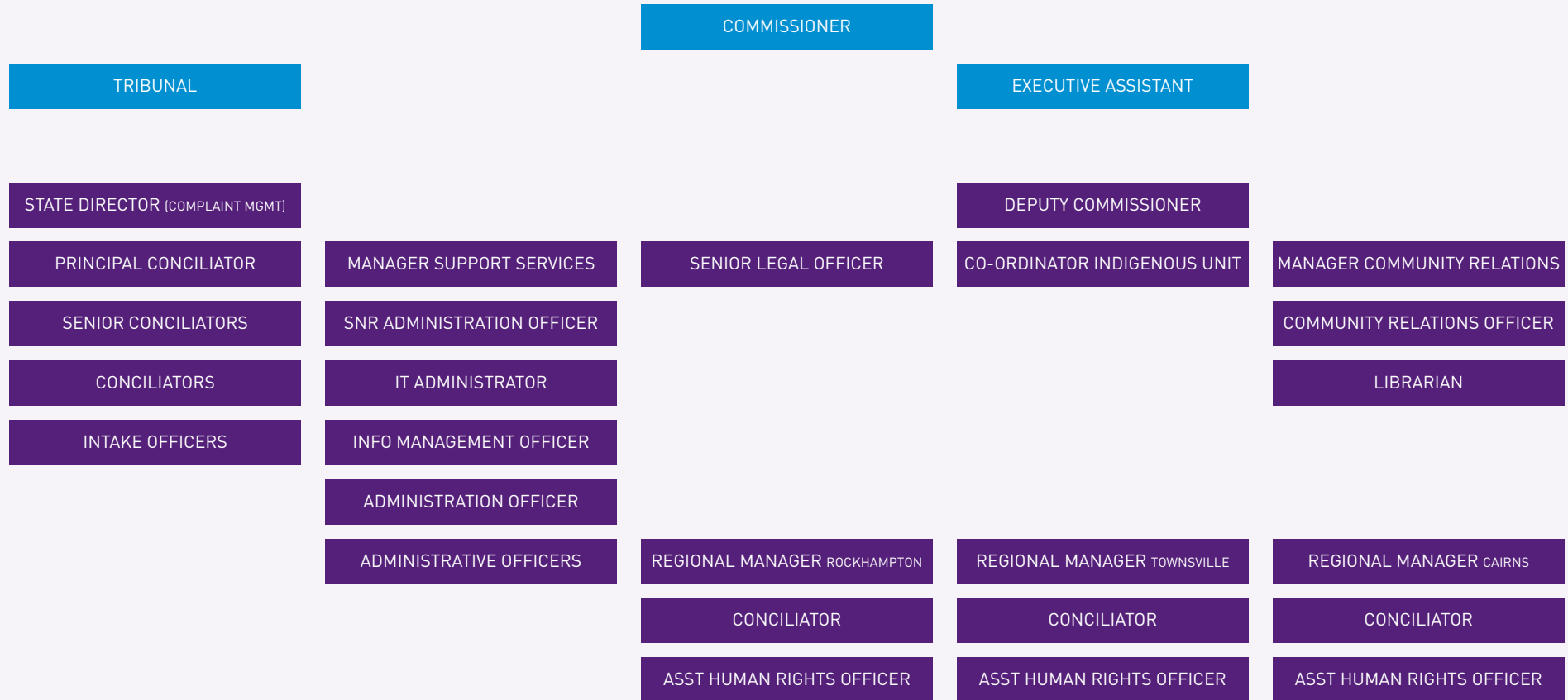
Appendix 3

Organisational Chart

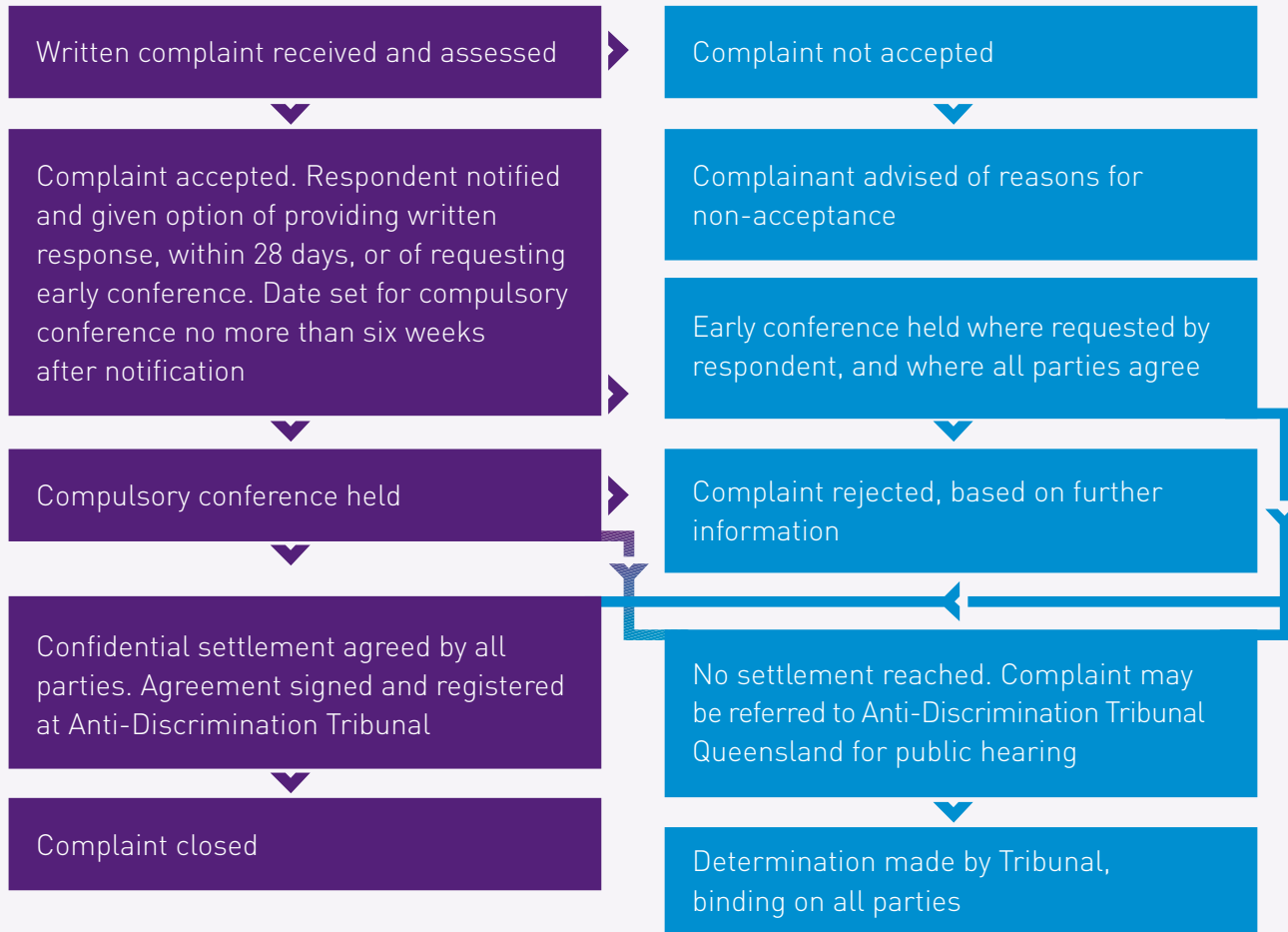
Appendix 4

Complaint handling process

Organisational Chart



Complaint Handling Process at the Anti-Discrimination Commission Queensland



ANTI DISCRIMINATION
COMMISSION QUEENSLAND

Tollfree 1300 130 670 (statewide)

TTY 1300 130 680 (statewide)

Fax 07 3247 0960

www.adcq.qld.gov.au