



humanrightscommission.vic.gov.au

Victorian Equal Opportunity
and Human Rights Commission

Annual Report 2017–18

Published by the Victorian Equal Opportunity and Human Rights Commission,
Level 3, 204 Lygon Street, Carlton, Victoria 3053. September 2018

Contact us
Enquiry Line 1300 292 153 or (03) 9032 3583
Fax 1300 891 858
Hearing impaired (TTY) 1300 289 621
Interpreters 1300 152 494
Email information@veohrc.vic.gov.au
Website [humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)

Victorian Equal Opportunity and Human Rights Commission
Annual Report 2017–18

Copyright © State of Victoria 2018

This publication is copyright. No part of it may be reproduced by any process except with permission from the Victorian Equal Opportunity and Human Rights Commission (the Commission) or in accordance with the *Copyright Act 1968*.

On request the Commission may give permission for this material to be reproduced provided it is for a purpose consistent with the objectives of the *Equal Opportunity Act 2010,* the *Charter of Human Rights and Responsibilities Act 2006* or the *Racial and Religious Tolerance Act 2001* and the Commission is acknowledged as the source.

Contact communications@veohrc.vic.gov.au for permission to reproduce material from the publication.

Accessible formats

This document is available for downloading from our website at [humanrightscommission.vic.gov.au/resources](http://www.humanrightscommission.vic.gov.au/resources) in PDF and RTF. Please contact the Commission if you require other accessible formats.

Privacy

The Commission complies with Victorian privacy laws and the confidentiality provisions of the Equal Opportunity Act. Our privacy policy is available online at [humanrightscommission.vic.gov.au/privacy](http://www.humanrightscommission.vic.gov.au/privacy) or by contacting us.

Disclaimer

This information is intended as a guide only. It is not a substitute for legal advice. This report was produced in September 2018, and relates to our work from 1 July 2017 to 30 June 2018. All information was correct at time of production.

Printed

Ordered to be published.
PP 4, Session 2018–19
ISSN 1836–1447 (print)

Contents

[Contents 3](#_Toc524536461)

[Responsible Body’s declaration 5](#_Toc524536462)

[Chairperson's message 6](#_Toc524536463)

[Commissioner's message 7](#_Toc524536464)

[Section 1: About the Commission 9](#_Toc524536465)

[Our laws 9](#_Toc524536466)

[Vision, mission and principles 9](#_Toc524536467)

[Our 2017–2022 Strategic Plan: Upholding human rights close to home 10](#_Toc524536468)

[Organisational structure 10](#_Toc524536469)

[Section 2: 2017–18 in review 12](#_Toc524536470)

[Resolve complaints 12](#_Toc524536471)

[Research 14](#_Toc524536472)

[Educate 15](#_Toc524536473)

[Advocate 18](#_Toc524536474)

[Monitor 21](#_Toc524536475)

[Enforce 22](#_Toc524536476)

[Building a stronger organisation 25](#_Toc524536477)

[Section 3: Compliance reporting 28](#_Toc524536478)

[Disclosure index 28](#_Toc524536479)

[Non-financial disclosures 30](#_Toc524536480)

[The Board 30](#_Toc524536481)

[Five year financial performance 33](#_Toc524536482)

[Current year financial review 33](#_Toc524536483)

[Occupational health and safety 34](#_Toc524536484)

[Employment and conduct principles 35](#_Toc524536485)

[Consultancy expenditure 37](#_Toc524536486)

[Government advertising expenditure 38](#_Toc524536487)

[Information and communication technology expenditure 38](#_Toc524536488)

[Compliance with Competitive Neutrality Policy 39](#_Toc524536489)

[Compliance with the *Building Act 1993* 39](#_Toc524536490)

[Compliance with the Protected Disclosure Act 2012 39](#_Toc524536491)

[Compliance with the Carers Recognition Act 2012 40](#_Toc524536492)

[Freedom of information 41](#_Toc524536493)

[Local Jobs First – Victorian Industry Participation Policy 42](#_Toc524536494)

[Compliance with the *Disability Act 2006* 43](#_Toc524536495)

[Additional Commission information available on request 43](#_Toc524536496)

[Office based environmental impacts 43](#_Toc524536497)

[Attestation for financial management compliance with Ministerial Standing Direction 5.1.4 44](#_Toc524536498)

[Appendix 1: Complaints data 47](#_Toc524536499)

[humanrightscommission.vic.gov.au 50](#_Toc524536500)

Responsible Body’s declaration

In accordance with the *Financial Management Act 1994*, I am pleased to present the Victorian Equal Opportunity and Human Rights Commission’s Annual Report for the year ending 30 June 2018.

Yours sincerely



Moana Weir
Chairperson,
Victorian Equal Opportunity
and Human Rights Commission

Commissioner's message

Making rights real for all Victorians is at the heart of the work we do at the Commission. This has been the Commission’s challenge for 40 years and it continued in 2017–18.

This year saw the development and introduction of our new five-year strategic plan, informed by key stakeholders and individual community members across Victoria. During this process we thought deeply about the types of issues that were most important to Victorians and how we could play the most effective role in working towards a fairer, more inclusive Victoria where all people feel valued and connected.

Our strategic plan, *Upholding human rights close to home,* identifies four key areas that we will focus on to achieve transformative change: embedding a human rights culture, workplace equality, reducing racism and protecting the rights of people in ‘closed environments’ such as prisons and mental health, disability and aged care facilities. It is an ambitious mandate, but a tremendously important one. We are a relatively small but deeply committed and high performing organisation. Part of our strategy has also been to understand how we can be more efficient, more innovative, more collaborative and better able to understand and track the progress of our work.

Every day at the Commission we hear stories of discrimination, harassment and exclusion. This year we received more complaints and enquiries than any other time in recent years. Within this context it is important to remember that Victoria has comparatively strong human rights and equality protections. But it is one thing to have these laws and quite another to know how to use them.

Embedding a human rights culture across the Victorian public sector has been a major endeavour in the past year. A human rights culture develops when governments act compatibly with human rights, when policies and law are informed by fairness, equality and respect and when services are delivered in a way that promotes human dignity.

Through a fantastic partnership with the Department of Justice and Regulation we have now provided tailored education on the Charter of Human Rights and Responsibilities to more than 5000 public sector employees. With the support of the Victorian Secretaries Board we have established a group of senior leaders across government to promote the Charter and next year will roll out online Charter learning to many more public sector employees.

For a number of years now the Commission has been at the forefront of working with organisations to make them more equitable, safe and inclusive. Over the past two years it has been a great privilege to work with Victoria Police as they lay the foundations for a more gender equitable workplace. We released our first audit of progress that Victoria Police have made against our 2015 recommendations and are now in the final phase of this work. Victoria Police is a large and complex organisation that plays an absolutely crucial role in the lives of all Victorians. Our work with Victoria Police is driven by commitment to eliminating sexual harassment and discrimination but also an understanding that a more inclusive, rights respecting culture internally will make for a more effective force that can better protect the rights of individuals and ensure community safety.

We also completed our independent review into equity and diversity in Victoria’s fire services. This was a review requested by the Victorian Government, triggered by concerns of a difficult workplace culture and extremely low representation of women. This has been a challenging project and the report remains the subject of litigation. That notwithstanding, our work with people from both CFA and MFB over the past 12 months has already prompted change and a commitment among many to deal with discrimination, harassment and bullying.

We’ve joined the long overdue global conversation about sexual harassment, brought to light through the #MeToo movement. It is encouraging to see a public debate to stamp out sexual harassment, and change behaviours that enable it and allow it to go unreported.

In part, as a result of #MeToo we have seen a 31 per cent increase in complaints of sex discrimination and almost 20 per cent increase in complaints about sexual harassment. Indeed we have seen a 20 per cent increase of complaints including, most noticeably, an 88 per cent increase in the number of complaints about race. We've also seen an increase in the number of people contacting the Commission to make enquiries about discrimination.

This year we used our investigation power to conduct an investigation into discrimination on the grounds of mental health in travel insurance. We are in the process of finalising the investigation but have already seen major insurers change their policies to make sure that they don’t discriminate against people with a mental health illness.

We've focused on promoting the distinct cultural rights of Aboriginal people to enjoy their identity and culture and have created resources to help public agencies consider cultural rights in decision making. We also made practical recommendations to government on how to better support cultural connections for Aboriginal children and young people in Victoria's youth justice centres.

We've responded to incidents of racism in politics and the media, to explain its harmful consequences, and have continued our engagement with multicultural and multi-faith communities to raise public awareness of racial and religious discrimination protections through discussion forums, information sessions and training workshops.

We are also extending our reach, with a 62 per cent increase in views of our social media posts that contribute to vital public conversations.

Finally, I want to thank the wonderful, dynamic and committed staff at the Commission who make it a privilege to work with them in building a fairer, more connected and understanding society.



**Kristen Hilton**Victorian Equal Opportunity
and Human Rights Commissioner

Chairperson's message

Imagine five year-old Sidak Singh Arora excitedly preparing for his first day of school, only to find out he was to be excluded from the nearby Melton Christian College because its uniform policy would not let him wear his patka, the head covering that is one of the requisites of his Sikh faith. I’m proud to say that the Victorian Equal Opportunity and Human Rights Commission intervened in this case and the court found that the college had discriminated against Sidak based on his religion. The college then changed its uniform policy, and Sidak enrolled.

It’s a brilliant example of the *Equal Opportunity Act 2010* in action, providing real-life equality for Victorians like Sidak and his family. It’s been 40 years since the Act was fully implemented, and we’re fortunate to reflect on its long legacy of driving greater equality and the incredible impact it has on people’s daily lives.

Initially created to uphold the rights of women, the Act today protects against all kinds of discrimination in Victoria. It has expanded over the years to reflect our values and community and, with new generations of issues and advocates, it will continue to evolve.

The Act crucially recognises that access to opportunities is not equitably distributed throughout society, and that legal protections are required to help create a level playing field for families like Sidak’s. The Act puts pressure on powerful institutions to prevent discrimination, and to evolve alongside our community. And it empowers all of us to take responsibility for eliminating discrimination together – for the next 40 years, and beyond.



**Moana Weir**Chairperson

Section 1: About the Commission

Since its establishment as the Equal Opportunity Board in 1977, the Commission has played a critical role in challenging discrimination, inequality and disadvantage, and to progress substantive equality for all people in Victoria.

Our laws

The Victorian Equal Opportunity and Human Rights Commission is an independent statutory body that reports to Parliament through the Attorney-General.

The Commission has responsibilities under three laws:

* *Equal Opportunity Act 2010*
* *Racial and Religious Tolerance Act 2001*
* *Charter of Human Rights and Responsibilities Act 2006* (the Charter).

The Equal Opportunity Act makes it against the law to discriminate against people on the basis of a number of personal characteristics. It also prohibits sexual harassment and victimisation.

The Racial and Religious Tolerance Act makes it against the law to vilify people because of their race or religion.

The Charter identifies 20 human rights applicable to all Victorians, and requires government and public bodies to consider these rights when making laws and providing services.

Our vision

Our vision is for a fair, safe and inclusive Victoria where every person is respected and treated with dignity.

Our mission

Our mission is to engage and influence law and policy makers, institutions, communities and individuals to protect and promote human rights in Victoria.

Our 2017–2022 Strategic Plan: Upholding human rights close to home

In October 2017 we published the Commission’s five-year Strategic Plan, which will guide the Commission’s work from 2017–2022 to achieve our vision for a fair, safe and inclusive Victoria where everyone is respected and treated with dignity.

Our priorities

Over the next five years we will focus on four strategic priorities. We set these priorities based on how we can best contribute to the change we want to see, taking into account our mandate, expertise and the current needs in the community.

Embedding a human rights culture

Embedding a human rights culture across government and the broader community through increased knowledge and skills will lead to fairer decisions and outcomes for all Victorians.

Improving workplace equality

The Commission’s laws provide a strong framework for the protection of equality, safety and inclusion for women and other groups who continue to experience discrimination and harm in employment and workplaces.

Protecting human rights in closed environments

In certain closed environments, we see systemic inequality in the overrepresentation of certain groups, for example the significant overrepresentation of Aboriginal children and young people in out-of-home-care and youth custody.

Reducing racism

Significant levels of racism and discrimination are currently directed towards people based on their race and ethnic, cultural or religious background.

Our principles

The plan is also guided by four principles about how we will exercise our functions and deliver on our priorities over the next five years.

Make human rights real

We will prioritise storytelling as a vehicle for helping Victorians understand the importance of human rights to their work and lives. We will enhance our digital presence to ensure our information is accessible and well targeted through all parts of Victoria.

Lead with evidence

Our work will be informed by a rigorous evidence base drawing on our own and others’ research. We will prioritise reflective practice and improve our capability to monitor and evaluate our impact.

Create enduring change

We will focus on work that leads to transformative change. In doing this, we will develop and maintain strategic and influential relationships and partnerships across government, the community and business.

Be the best we can be

We will develop and maintain a high performing team that thinks critically and carefully about all of its work. We will lead by example by nurturing a diverse and respectful workplace. We will invest in our organisation and staff to build capability, be creative and ensure strong governance and operations.

Organisational structure

The Commissioner leads six branches to deliver the work of the Commission. These branches work in a collaborative way to bring different skills and expertise to bear on particular issues. The Commission has a Board of Governance comprising up to seven members appointed by the Governor-in-Council on the recommendation of the Attorney-General.

Executive Branch

Provides strategic and administrative support to the Commissioner and Executive Director, manages relationships with key government stakeholders, coordinates the Commission’s work flow and provides a secretariat function to the Board.

Legal and Dispute Resolution

Leads the Commission’s dispute resolution service, its court and tribunal intervention, Charter of Human Rights reporting and investigation functions. It also provides expert legal advice to the Commission.

Education and Engagement

Provides a range of services, including tailored and innovative digital information and education, face-to-face training and consultancy, community capacity building and workplace solutions. These services aim to reduce discrimination, overcome systemic and attitudinal barriers and incorporate an approach to service delivery and decision making that is based on human rights.

Policy and Research

Identifies and addresses systemic equal opportunity and human rights issues in Victoria by providing policy advice and conducting best practice research to build a strong evidence base. The branch also leads the Commission’s reviews of organisational programs and practices to determine compliance with the Equal Opportunity Act and the Charter of Human Rights and Responsibilities.

Communications and Campaigns

Manages campaigns to increase awareness, build compliance, and maintain a strong public voice on human rights and equal opportunity issues. The branch manages media liaison and provides specialist expertise and communication services across all the Commission’s functions.

Business Services

Supports and enables a professional, engaged and high-performing workforce and culture and provides organisational support for the Commission’s finance, people and culture, information management and technology, and office administration functions.

Section 2: 2017–18 in review

The Commission is an independent statutory body with responsibilities under Victoria’s key human rights laws: the Equal Opportunity Act, the Racial and Religious Tolerance Act and the Charter of Human Rights and Responsibilities.

Our role is to protect and promote human rights in Victoria, and we do this through a range of functions under our laws. These functions cover our important day-to-day work, as well as key projects and initiatives, and enable us to:

* resolve complaints
* research
* educate
* advocate
* monitor
* enforce.

In 2017–18 we undertook a wide range of work under these functions, as well as projects that aim to increase the impact of our work and build a stronger, more effective organisation.

Resolve complaints

**We resolve complaints of discrimination, sexual harassment, victimisation and racial and religious vilification through our free and confidential dispute resolution service.**

Dispute resolution service

The Commission provides a dispute resolution service under the Equal Opportunity Act and Racial and Religious Tolerance Act.

The dispute resolution service is central to the Commission’s role in protecting and promoting human rights. It is not just about resolving complaints, it is also an opportunity to achieve more systemic change, for example, through educating workplaces on their legal obligations, or facilitating changes to policies and practices for a sporting club, school, government department or hospital.

The Commission records data on the number of complainants who request access to the dispute resolution service. A complaint file is created for each complainant. A complaint file may contain a number of different complaint issues (for example, a complaint file might include an issue of sexual harassment in the workplace as well as discrimination on the basis of race).

Over the past three years, the Commission received the following number of complaint files:

**2015–16** 865 files raising 2116 issues

**2016–17** 748 files raising 1906 issues

**2017–18** 908 files raising 2246 issues

The Commission finalised 941 complaint files in 2017–18, including some files that were opened in the previous financial year.

This year we saw an 88 per cent increase in the number of complaints about **race**, a **31 per cent increase** of complaints about **sex** and an almost **20 per cent increase** in complaints about **sexual harassment**.

The Commission finalised 76 per cent of complaint files within six months of receipt. Of all complaint files finalised 31 per cent were resolved. Finalised files also consist of those withdrawn by complainant or respondent and where dispute resolution was not offered. Where conciliation was attempted 64 per cent were resolved. A **customer satisfaction rating of 98 per cent** was achieved by the Dispute Resolution Unit.

In 2017–18 we conducted an independent process review of our dispute resolution service to help guide us on how we can provide the best service to consumers. Recommendations from the review will be implemented in the coming year.

10 most common attributes of complaint under the Equal Opportunity Act and Racial and Religious Tolerance Act for 2017–18

|  |  |
| --- | --- |
| Attribute | Total |
| Disability | 663 |
| Sex | 226 |
| Race | 207 |
| Sexual harassment | 156 |
| Employment activity | 113 |
| Age | 94 |
| Carer status | 92 |
| Parental Status | 72 |
| Religious belief/activity | 65 |
| Sexual orientation  | 65 |

Respondent demographics

|  |  |  |  |
| --- | --- | --- | --- |
| Respondent Type | EOA | RRTA | Total |
| Clubs/incorporated associations | 6 |   | 6 |
| Commonwealth government statutory authority | 1 | 1 | 2 |
| Educational institution | 64 |   | 64 |
| Government business enterprise | 24 |   | 24 |
| Local government | 41 |   | 41 |
| Not-for-profit non-govt. org/non-educational religious org. | 47 | 1 | 48 |
| Other – please specify | 8 |   | 8 |
| Private enterprise | 564 | 7 | 571 |
| State government department | 123 |   | 123 |
| State government statutory authority | 5 |   | 5 |
| Total | 883 | 9 | 892 |

Detailed data on enquiries and complaints can be found in Appendix 1.

Research

**We undertake research and policy work to understand and find solutions to systemic causes of discrimination and human rights breaches.**

Independent Equity and Diversity Review into CFA and MFB

In 2017 and 2018, the Commission’s review into the nature, prevalence, drivers and impacts of discrimination, sexual harassment and victimisation in the Country Fire Authority (CFA) and Metropolitan Fire Brigade (MFB) continued.

The review is part of the Victorian Government's response to the O'Byrne Review, which recommended that Victoria’s fire services address significant issues in the workplace cultures of CFA and MFB.

The review gathered information through an online survey, interviews, focus groups, written submissions, visits to CFA and MFB worksites, and an analysis of de-identified workforce data from the agencies, as well as a review of legislation, research and policy.

In June 2017, the United Firefighters Union of Australia (Victoria Branch) applied to the Supreme Court to prevent publication of the final report of the review. In December 2017, the Supreme Court rejected this challenge. It found that the review was validly constituted and that the matters being investigated by the Commission are within our statutory powers. It also found that the Commission's research methodology is reasonable and appropriate, and acknowledged that the Commission had followed best practice.

The union later appealed this decision. The Court of Appeal heard arguments related to that appeal on 16 April. It reserved its decision, which will be issued at a later date.

Although the report of the Review has not yet been published we have seen indications of increased understanding of workplace gender inequality, including the recruitment of diversity and inclusion leads at CFA and MFB and the appointment of CFA's first female Deputy Chief Officer.

Our work on gender equality in emergency services is also being progressed through the Commissioner's chairing of the national Male Champions of Change group of fire and emergency services.

Independent Review into Sex Discrimination and Sexual Harassment, Including Predatory Behaviour, in Victoria Police

In September 2017, the Commission completed and released Phase 2 of our Independent Review into Victoria Police, and in early 2018 we began Phase 3.

The Independent Review, first released in December 2015, revealed an entrenched culture of sexism, a high tolerance for sexual harassment, and significant personal and professional costs within Victoria Police. The organisation accepted all of the Review’s 20 recommendations and agreed to two Audits.

Phase 2 was the first Audit assessing progress towards implementing the recommendations. It provided important insights on systemic reform programs that are relevant across a broad range of sectors.

Phase 3, our final Audit, will assess the impact of the reforms to date, support ongoing implementation of our recommendations and provide Victoria Police with a framework to continue its progress toward gender equality.

Aboriginal Cultural Rights

In June 2018 the Commission launched two pieces of work related to the distinct cultural rights held by Aboriginal Victorians under the Charter.

The Aboriginal Cultural Rights collection of print and online resources outlines the relevant rights under the Charter, and offers practical advice on how people can exercise their rights, and how public authorities can act compatibly with cultural rights.

The research report *Aboriginal cultural rights in youth justice centres* was developed in partnership with the Victorian Commission for Children and Young People. The report and its recommendations are based on a series of consultations conducted with youth justice stakeholders and Aboriginal cultural knowledge holders about how young people in Victoria’s youth justice centres could be better supported to maintain and develop their connections to culture and community.

Equal Opportunity in Golf

In March 2018 the Commission released *Equal opportunity in golf,* the result of work done with Golf Victoria and Golf Australia to outline the obligations golf clubs have under the Equal Opportunity Act, particularly with regard to sex discrimination. This publication is a key part of the sport’s efforts to address the significant under-representation of women in golf. Less than 20 per cent of Australia’s golfers are women, and less than 10 per cent of Australia’s professional golfers are female, which is significantly out of step with other sports, and with contemporary Australian society.

Equitable Briefing Initiative: Aggregate Data Report

In July 2017 the Commission released an update report on the Equitable Briefing Initiative. The Equitable Briefing Initiative is a joint project from Commercial Bar Association of Victoria (CommBar), members of the judiciary and the Commission. It aims to increase briefing of women at all seniority levels of the CommBar, by engaging with the lawyers who brief the CommBar and working with these organisations to commit to real change.

The aggregate data report analysed results from the first stage of the initiative, and found that while there is no conclusive evidence of gender bias among the junior barrister cohort, at the senior barrister level there appears to be statistically significant bias toward men based on frequency and value of the briefs.

Educate

**We provide information to help people understand and assert their rights. We conduct reviews of programs and practices to help organisations comply with their equal opportunity and human rights obligations. We also provide an education and consultancy service to government, business and the community to drive leading practice in equality, diversity and human rights.**

Human Rights and Equal Opportunity Training

The Education and Engagement branch delivers the Commission’s human rights and equal opportunity education and training through open enrolment programs, tailored workshops and organisational consultancy. We work with community, corporate and government stakeholders to drive leading practice in diversity and inclusion, and take a collaborative approach to developing practical and tailored equal opportunity and human rights action plans.

In 2017–18 the Commission delivered **366 education and training sessions to 5338 participants**. This included 17 calendar sessions and 349 tailored sessions and speaking engagements delivered to private sector, government and community organisations. Our average **customer satisfaction rating for the year was 87 per cent**.

The Commission has also collaborated with WestJustice on the award-winning Train the Trainer program on Employment law, where we are training leaders from various culturally and linguistically diverse backgrounds including Ethiopia, Somalia, Papua New Guinea, Iraq, Karen and Chin communities.

To address the harmful and persistent occurrence of racism and racially based crimes in the inner eastern and northern suburbs of Melbourne, the Commission partnered with seven organisations: City of Yarra, Neighbourhood Justice Centre, Fitzroy Legal Service, Victoria Police, Carringbush Education, cohealth and MiCare on the Stand Together Project. This project involves the co-creation of accessible resources on ‘racial attacks and what to do’, training of multicultural and multifaith representatives, and community forums to large groups of culturally diverse communities that have experienced racism.

Charter Education Project

In July 2016, the Attorney-General announced the Victorian Government’s response to the Eight-Year Review of the Charter, which included funding for the Commission and Department of Justice and Regulation’s Human Rights Unit (HRU) to develop human rights resources and deliver education across the public sector and ‘further embed and improve the human rights culture in Victoria’.

More than 5000 public sector officials have now received human rights education and have a better awareness of how the Charter can apply and enliven their roles. In partnership with the Department of Justice and Regulation (DJR), the Commission also established the Charter Leaders Group, a senior cross-departmental group chaired by the Commissioner and the Deputy Secretary of DJR to provide public sector leadership on the Charter. This framework will be used in the Commission's next Charter Report and will help us recognise real progress and areas of focus.

Throughout 2017–18, the Commission and the HRU developed resources that include e-learning modules to help build a culture of human rights among the Victorian Public Sector.

The e-learning modules have been developed with the assistance of a specialty online training provider and feature a suite of videos that feature contributions from prominent Victorian human rights advocates, including youth LGBTI advocate Rory Blundell; disability advocate Uncle John Baxter; Victoria Police Multicultural Liaison Officer Dinesh Nettur; Transgender Victoria media representative and educator Sally Goldner; and Victorian Treaty Advancement Commissioner Jill Gallagher.

Information Service

The Commission provides an information service that manages phone, email, webchat, written and in-person enquiries about the Equal Opportunity Act, the Racial and Religious Tolerance Act and the application of the Charter. We also provide individuals and organisations with a range of printed materials that provide information and guidance on the legislation.

In 2017–18, the Commission received **8585 enquiries** from people, raising **10,675 issues** of discrimination.

In the past three years, the Commission received:

**2015–16** 8170 enquiries raising 11,823 issues
**2016–17** 8278 enquiries raising 11,210 issues
**2017–18** 8585 enquiries raising 10,675 issues

In response to direct requests from individuals and organisations, the Commission distributed more than 10,000 pieces of printed material in 2017–18, including brochures on discrimination, postcards, magnets, badges, guidelines and research reports.

 Enquiries received by contact mode

|  |  |  |  |
| --- | --- | --- | --- |
| How Received | 2015–16 | 2016–17 | 2017–18 |
| Email | 889 | 1445 | 1526 |
| Fax | 12 | 10 | 4 |
| In Person | 88 | 64 | 174 |
| Instant Message | 290 | 581 | 458 |
| Letter | 270 | 252 | 175 |
| Phone | 5799 | 5243 | 5070 |
| Web Form | 822 | 683 | 1178 |
| Total | 8170 | 8278 | 8585 |

10 most common issues raised from enquiries

|  |  |
| --- | --- |
| Issue | 2017–18 |
| Disability | 1845 |
| No jurisdiction | 1716 |
| Race | 630 |
| Sex | 447 |
| Sexual harassment | 432 |
| Victimisation | 346 |
| Age | 318 |
| Employment activity | 261 |
| Carer status | 234 |
| Employment Law | 224 |

Raise It: Conversations About Sexual Harassment and Workplace Equality

In 2018 the Commission developed a conversation-starter approach to addressing sexual harassment and discrimination related to pregnancy, parental leave, return-to-work, flexible work and part-time work in the workplace. ‘Raise It: Conversations about sexual harassment and workplace equality’ supports *Safe and Strong: A Victorian Gender Equality Strategy*, is funded by the Office of Prevention & Women's Equality and will be piloted in seven workplaces.

An evidence review was finalised in May 2018, including collation of available complaints data from the Commission and workforce regulators, to inform the project design. The review shows a lack in confidence to have safe conversations related to discrimination in workplaces. The data reveals that few Victorians access formal complaints channels and that new approaches that emphasise communication skills over structural and process reforms may be very timely.

In June 2018, design workshops were hosted with project stakeholders and pilot sites to generate innovative toolkit prototypes. The toolkits will be implemented early in 2018–19, accompanied by an education program.

Advocate

**We raise awareness across all parts of the community about the importance of equality and human rights, encouraging meaningful debate, leading public discussion and challenging discriminatory views and behaviours.**

Events

Each year the Commission hosts a variety events for members of the public to attend as a way to educate people about equality and human rights, and to hear from community members about the issues that affect them. In 2017–18 these have included:

* the Human Rights Oration, which was delivered by Professor Megan Davis
* Equality Talks – Spice Up Your Rights, a one-on-one discussion with Commissioner Kristen Hilton and journalist Tracey Spicer
* Breaking News or Making News, a forum to discuss issues related to media reporting on African and Muslim communities
* the inaugural Human Rights Week, which featured a calendar of events and an essay competition for high school students.

Community Events

Community events are an important forum for the Commission to participate in, as they enable us to hear from individuals and communities about the issues that affect them, and allow us to better inform members of the public about their rights, and ways to protect them.

Each year the Commission is proud to be represented at a range of community events. In 2017–18 these included:

* Midsumma Carnival
* Pride March
* Victoria's Multicultural Festival
* Victoria Youth Week event hosted by African Women’s and Families Network and the Liberian Youth Association of Victoria
* We Stand Together forum
* Legal Laneway Breakfast, hosted by the Victoria Law Foundation.

Submissions

The Commission advocates for human rights and equality by making submissions into a range of government and legal processes. Through our submissions, we provide specialist and independent views on human rights and equal opportunity issues.

Our legal and policy submissions engage in government policy processes, inquiries and law reform activities to help ensure human rights and equality issues are considered. We make recommendations to improve human rights and equality outcomes in government activities and public life.

The Commission also makes legal submissions to courts and tribunals. In this role, the Commission makes submissions to advocate for and explain the laws we work with. We do this to assist the court. We do not represent individual parties. More information about our legal advocacy can be found in our legal interventions section.

In 2017–18 the Commission made the following submissions.

* Submission to the Independent Broad-based Anti-corruption Commission (IBAC) Parliamentary Committee inquiry into the external oversight of police corruption and misconduct in Victoria. Our submission addressed specific questions from the Committee on what kind of complaints about the police the Commission can receive, handle and investigate (April 2018).
* Submission to the Federal Freedom of Religion Inquiry. Our first submission (February 2018) expressed support for recommendations in the Australian Human Rights Commission's submission to which we contributed data, and outlined how freedom of religion is protected under Victorian law. Our further submission (April 2018) responds to specific questions from the expert panel.
* Submission to the Australian Human Rights Commission's consultation on the Optional Protocol Against Torture (July 2017).
* Submission to assist the Scrutiny of Acts and Regulations Committee’s consideration of the Justice Legislation Amendment (Terrorism) Bill 2018. The submission highlights potential human rights impacts that the Bill’s proposed reforms will have on children and vulnerable persons.

Engaging with the Media

**Throughout 2017–18, the Commission used the media to contribute to the public discourse and to ensure that our campaigns, reports and interventions reached communities throughout Victoria.**

The leading issue of the year was sexual harassment, and the Commission provided practical guidance via the media. The Commissioner’s opinion pieces on how to prevent and respond to sexual harassment were published in The Age (in March 2018 and May 2018) and The Big Issue; and an interview with the Commissioner on sexual harassment in lower-profile industries ran in the Herald-Sun. The Commissioner discussed #MeToo on ABC’s *Q&A* (February 2018), and the Lord Mayor of the City of Melbourne's sexual harassment case on ABC Radio (February 2018).

Other contributions to the public debate included:

* highlighting increasing discrimination in the rental market (August 2017)
* supporting the fight for marriage equality (September 2017)
* warning that restrictive school uniform policies may be gender discrimination (September 2017)
* explaining organisational reforms by Victoria Police around gender-based harm (September 2017)
* welcoming the ratification of OPCAT treaty on human rights (December 2017)
* standing up for the African community amid racist reporting of a gang crisis (January 2018)
* highlighting the importance of police compliance with the Charter of Human Rights (April 2018)
* supporting the Horsham community’s pushback to racism (May 2018)
* explaining how to remove barriers to female participation in golf on ‘Inside the Ropes’ (May 2018)
* standing against several incidents of racial or religious vilification (August 2017 and May 2018).

The Commission also hosted ‘Breaking News or Making News?’, a forum about media, race and public debates, which featured journalists and multicultural community representatives in response to the so-called ‘African Gangs’ issue in January 2018. The aim was to facilitate less race-based reporting of crime.

Social media

An important part of the Commission’s engagement comes from social media. Our social media channels, including Facebook, Twitter and LinkedIn, are used as an integral part of our communications and allow us to broadcast our messages, amplify the voices of others, and engage with the community online.

Throughout the year our social media posts were viewed a total of **4.6 million times, representing a 62 per cent increase** on our previous year's total. Across all our platforms we have a total of **15,758 fans**.

Find us at:

Facebook facebook.com/veohrc

Twitter @veohrc and @kristenahilton

YouTube youtube.com/veohrc

LinkedIn bit.ly/LI\_veohrc

Consultation

Disability Reference Group

The Disability Reference Group was established so the Commission could hear directly from people with disabilities about systemic discrimination and human rights issues that impact upon people with disabilities. The group includes members who have direct experience of disability, parents of children with disability, service providers and advocates.

The group meets four times a year and members are appointed for a two-year period. Members for the 2016–18 group are: Brent Philips (Chair), John Baxter, Jen Blyth, Jax Jacki Brown, Melissa Hale, Paul Gianni, Piers Gooding, Frank Hall-Bentick, Lauren Henley, Suzanne Lau Gooey, Vince Pirrottina, and Natalie Tomas.

Issues discussed at meetings in 2017–18 have included: accessibility of the Victorian electoral process for people with disabilities; implementation of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; accessible employment opportunities for people with disabilities; the Victorian justice system and people with disabilities; and a discussion of the work of the UN Special Rapporteur on the Rights of Persons with Disabilities.

Consultation Across Government and Community

The Commission participates in a range of consultative committees across government and community services.

There are a number of formal consultation mechanisms with key government departments and agencies. These forums progress action on systemic issues as well as collaborating on guidance, education and complaint handling improvements.

Some of these government and community consultative committees include:

* Aboriginal Justice Forum
* Aboriginal Justice Agreement 4 Development Steering Committee
* African community forum in March 2018
* Australian Council of Human Rights Authorities
* Australian Human Rights Commission, Violence against people with disabilities project consultation
* Australian Human Rights Commission, Special measures guidelines under the Sex Discrimination Act consultation
* Australia Optional Protocol on the Convention Against Torture (OPCAT) Network
* Charter Leaders Group, co-convened by the Commissioner. Executive VPS leaders who will meet on an ongoing basis to oversee the implementation of human rights culture change within their departments.
* Department of Education and Training and Victorian Equal Opportunity and Human Rights Commission Consultative Committee
* Department of Education Inclusive Education Expert Panel
* Department of Education and Training and VEOHRC Consultative Committee
* Department of Justice and Regulation and VEOHRC Disability Reference Group – Guardianship law reform consultation
* Disability Law Committee of the Law Institute of Victoria
* Equal Workplaces Advisory Council
* Federation of Community Legal Centres, Human Rights Working Group
* Independent Agencies of Older Australians
* Law Institute of Victoria, Disability Law Sub-Committee
* Law Institute of Victoria, Human Rights Sub-Committee
* Male Champions of Change – Fire and Emergency Group
* Migrant Workers Campaign Steering Group
* Ministerial Council for Women’s Equality
* Ministerial Taskforce on the Prevention of Family Violence and Violence against Women
* Play by the Rules – a partnership with the Australian Sports Commission and other human rights commissions providing free online resources, training programs and campaigns promoting fair, safe and inclusive sport
* Public Transport Victoria and Victorian Equal Opportunity and Human Rights Commission Consultative Committee
* Victorian Government’s Gender Equality Legislation consultation
* Victorian Government Anti-Racism Action Plan – Expert Advisory Group
* Victoria Police Human Rights Strategic Advisory Committee
* Victoria Police Portfolio Reference Groups (LGBTI, Disability)

On 13 February 2018, the Victorian Government Department of Justice and Regulation met with representatives of the Commission's Disability Reference Group regarding the government's proposals for guardianship law reform

Monitor

**We monitor the operation of the Charter of Human Rights and Responsibilities and track Victoria’s progress in protecting fundamental rights.**

Charter Report

Each year the Commission reports to the Attorney General on the operation of the Charter. The Commission’s report is an opportunity to consider the ways the Charter has an impact on the lives of Victorians.

The *2016 Report on the operation of the Charter of Human Rights and Responsibilities* was tabled in Parliament on 2 November 2017, and its focus was on how the Victorian Government is progressing with growing a human rights culture.

We surveyed public authorities, including local councils to track if and how they consider human rights in their everyday decisions and service delivery. We surveyed three cultural influences: senior leadership and organisational vision, operational capacity and external input and oversight. The report draws from the 2015 independent review of the Charter, and aligns with the Commission’s work in educating and engaging public sector entities on embedding a human rights culture.

Our report indicates that, overall, public authorities are taking some steps to strengthen their human rights culture, but they could be doing more. For example, only half (54 per cent) of surveyed entities advised that they took steps to improve their approach to human rights after the 2015 Charter Review made recommendations on the need to do so.

We have used the report as a tool to encourage government to do more to strengthen its human rights culture. The report is available for download from our website at [humanrightscommission.vic.gov.au/resources](http://humanrightscommission.vic.gov.au/resources).

In 2017–18 we engaged PwC Australia to assist with creating and implementing a set of metrics to better monitor improvements in human rights culture across the Victorian Government. We anticipate implementing any recommendations from this report in 2018–19 (within the 2018 Charter of Human Rights report).

Enforce

**We intervene in court proceedings to bring an expert independent perspective to cases raising equal opportunity and human rights issues. We conduct investigations to identify and eliminate systemic discrimination.**

Interventions

The Charter and the Equal Opportunity Act enable the Commission to intervene in legal proceedings initiated by other parties. The purpose of the Commission’s power to intervene is for it to be an independent advocate for the interpretation and application of the Charter and the Equal Opportunity Act. In its interventions, the Commission aims to promote the protection of human rights and eliminate discrimination, sexual harassment and victimisation to the greatest possible extent.

Interventions under the Equal Opportunity Act

Arora v Melton Christian College

In February 2016 the parents of five-year-old Sidak Singh applied to enrol him in Melton Christian College (MCC) as a prep student for 2017. Sidak’s application was rejected because as a practising Sikh he wore a patka and had long hair. MCC’s uniform policy stated that boys must have short hair and may not wear any head coverings related to a non-Christian faith.

Sidak and his family made a discrimination complaint under the Equal Opportunity Act to VCAT. MCC relied upon two exceptions in the Act to exclude Sidak from the school. These exceptions were under section 39, which allows an educational authority that operates a school for students of a particular religious belief to exclude students who are not of that religious belief; and section 42, which allows an educational authority to set and enforce reasonable standards of dress, appearance and behaviour for students.

The Commission intervened in this matter because the exceptions relied upon by MCC had not been tested in Court before. Our submissions focused on providing a framework for VCAT to interpret sections 39 and 42 of the Act, including the role the Charter plays in interpreting these provisions.

The Commission submitted that the general prohibition on discrimination in education in the Act should be read in a broad and beneficial manner, and the exceptions should be interpreted narrowly and in accordance with the human rights under the Charter. Therefore in this instance, we argued that the MCC could not rely on the Equal Opportunity Act exceptions to exclude Sidak from the school.

VCAT found in favour of Sidak. VCAT found that MCC unlawfully discriminated against Sidak because of its requirement that he comply with the uniform policy and that neither exception to unlawful discrimination argued by the school was applicable in the circumstances.

Owners Corporation OC1-POS539033E v Black

In 2013, Ms Anne Black purchased an apartment to live in. She later developed disabilities that affected her mobility, and she found the heavy apartment doors and entrances at the apartment made it difficult to enter and exit her home. Ms Black took a complaint of discrimination to VCAT, alleging that the owners corporation at the apartment complex was obliged to provide reasonable adjustments to enable her to access the apartment. In February 2018, VCAT agreed, and set a hearing to determine whether the adjustments sought by Ms Black were reasonable. The Owners Corporation appealed VCAT’s decision to the Supreme Court.

The Commission sought to assist the Victorian Supreme Court in determining what legal obligations there are for owners corporations under Victoria’s Equal Opportunity Act. The Commission submitted that in line with the history and purpose of the law, a ‘service’ is to be interpreted broadly, and that it does include services provided by an owners corporation. The Supreme Court confirmed that owners corporations do provide a service, and they must therefore make reasonable adjustments to buildings for tenants and visitors with a disability, or they risk being discriminatory. The Supreme Court dismissed the Owners Corporations’ appeal, and returned the matter to VCAT to assess whether Ms Black’s request for adjustments was reasonable.

Interventions under the Charter

Cemino v Cannan

In April 2017, Zayden Cemino, an Aboriginal man, applied to the Magistrates’ Court to transfer nine criminal charges he was facing to the closest Koori Court. Although the charges related to non-violent offences and the Koori Court had jurisdiction to deal with the proceedings, the Magistrates’ Court refused the application and ordered the proceedings to be heard in the Magistrates’ Court.

Mr Cemino appealed to the Supreme Court, arguing that his rights under sections 19(2) (cultural rights) and 8(3) (equality before the law) of the Charter had been limited by this decision. The Commission intervened in the appeal to assist the Court in interpreting these rights, particularly as cultural rights have not been fully considered by the Victorian court.

The Commission submitted that the Magistrates' Court should have taken into account the plaintiff’s rights under sections 19(2) and 8(3) of the Charter when making its decision on whether to transfer the proceedings to the Koori Court. The Commission also provided assistance to the Court on the interpretative provisions raised in the case – sections 6(2)(b), 32 and 38(1).

The Court had yet to make a decision on this case at the time of publication.

Charter notifications and interventions

|  |  |  |
| --- | --- | --- |
| **Year** | **Notifications** | **Interventions** |
| **2008–09**  | 49 | 5 |
| **2009–10**  | 44 | 7 |
| **2010–11**  | 55 | 9 |
| **2011–12**  | 31 | 5 |
| **2012–13**  | 30 | 6 |
| **2013–14**  | 17 | 5 |
| **2014–15** | 25 | 3 |
| **2015–16** | 26 | 4 |
| **2016–17** | 29 | 5 |
| **2017–18** | 38 | 2 |

Investigation into Discrimination in Travel Insurance

The Commission has launched an investigation into potential unlawful systemic discrimination against people with a mental health disability by the travel insurance industry in Victoria. The investigation was prompted by recent VCAT findings about this issue.

The investigation is in progress. The Commission has contacted five insurers, based on Australian market share, requesting information about their process and policies and in some instances asking them to explain the basis for their policies and/or reliance on the exception for insurers under the Equal Opportunity Act. We have also engaged with the consumer advocates and industry bodies, including with the Insurance Council of Australia in relation to the review of its Code of Practice.

This is the first time we have used our investigation power, including as a means to examine an entity’s legislative duty under the Equal Opportunity Act to take reasonable and proportionate measures to eliminate discrimination. We will use the investigation to educate entities on this obligation and to drive changes in insurer’s policies to complying with equal opportunity legislation, and prevent discrimination.

Building a stronger organisation

Embedding our Monitoring and Evaluation Framework

In 2017–18 the Commission engaged a consultant to support us to develop and implement a monitoring and evaluation framework for our strategic plan. The monitoring and evaluation framework will help us to evaluate the impact of our work and how we are contributing towards the goals identified in our strategic plan. The reflection and evidence that results from monitoring and evaluation will inform our project and activity planning and help us to continuously improve its work.

People and Culture Plan

The Commission delivered on its first People and Culture Plan during 2017–18. The aims of the plan were to strengthen and support our internal capability to deliver on our goals through improving staff engagement, building capability, enabling high performance and fostering a positive culture.

Through the 2017–18 People and Culture Plan, the Commission implemented a new performance management system and learning and development framework, established a range of new and enhanced workplace policies, implemented new technologies and equipment to better support flexible work, developed a values and behaviours framework, implemented an integrity framework and associated training program for staff and conducted a comprehensive staff survey to inform the Commission's new Diversity and Inclusion Plan.

Developing our Digital Strategy

Developing our capacity to use digital products, services, platforms and campaigns to increase our reach, accessibility, efficiency and impact is a key focus in our strategic plan.

This year we developed our first digital strategy and partnered with Code for Australia to set up an internal digital lab. The lab is a team of three people who will work with us internally throughout 2018–19 to run experiments to solve problems using technology.

Multicultural and Multifaith Engagement Action Plan

The Commission has developed a Multicultural and Multifaith Engagement Action Plan (MMEAP) which builds on the insight and recommendations from multicultural and multifaith leaders, representatives and organisations that took part in the Commission's consultation process and dialogue forums from 2017–18. The MMEAP also documents the Commission's partnerships and collaborations with state and local government, peak bodies and community agencies dedicated to addressing persistent and harmful racism incurred by multicultural and multifaith communities, including Aboriginal and Torres Strait Islander people.

A focus of the MMEAP is the delivery of tailored education to community groups with multiple protected attributes (intersectional discrimination) and addressing their compounded barriers to accessing the Commission's services. Its four objectives are:

* influencing law and policy to protect and promote the rights of multicultural and multifaith communities
* empowering multicultural and multifaith individuals to understand and exercise their rights
* contributing to an informed evidence base
* increasing awareness of anti-racism responses.

 Disability Action Plan

The Commission has established a working group to deliver a Disability Action Plan for 2018 and beyond, and has extended the 2015–17 plan to remain active for the interim period.

The Disability Action Plan reflects our obligations under the *Disability Act 2006* by:

* reducing barriers to people with disabilities accessing the Commission’s goods, services and facilities
* reducing barriers to people with disabilities obtaining and maintaining employment with the Commission
* promoting inclusion and participation in the community of people with disabilities
* achieving tangible changes in attitudes and practices that discriminate against people with disabilities.

The plan will also form part of the Commission’s overall strategy of meeting its obligations under the Equal Opportunity Act, including the duty under section 15 of the Act to take steps to prevent and eliminate discrimination.

The Commission updates progress on the Disability Action Plan on the website at humanrightscommission.vic.gov.au/about-us/disability-action-plan. A report card on the three main objectives can be seen below.

|  |
| --- |
| Disability Action Plan Report Card |
| OBJECTIVE: To reduce barriers to accessing the Commission’s goods, services and facilities. | The Commission obtained and maintained accessibility accreditation, improved the accessibility of its premises, events and communication materials and provided training to staff on disability awareness and accessible communication.Areas for future work include increasing the number of people with disabilities who contribute to research and assessing the Commission's training and evaluation processes for improvements.  |
| OBJECTIVE: To reduce barriers to obtaining and maintaining employment with the Commission. | The Commission conducted a survey of staff to identify understanding of disability and potential barriers to employment. This showed staff with disabilities reported being able to participate in the working and social life of the Commission.Areas for future work include establishing strategies to improve the recruitment and retention of employees with a disability. |
| OBJECTIVE: To promote inclusion and participation in the community and achieve tangible changes in attitudes and practices that discriminate against people with disabilities. | The Commission undertook projects to reduce barriers to participation in public life, promoted the positive contribution people with disabilities make to the community, and consulted the Commission's Disability Reference Group on its Strategic Plan 2017 – 2022 priority areas.Areas for future work include increasing the Commission's ability to monitor and evaluate the impact of these actions and others. |

Section 3: Compliance reporting

Disclosure index

The annual report of the Commission is prepared in accordance with all relevant Victorian legislations and pronouncements. This index has been prepared to facilitate identification of the Department’s compliance with statutory disclosure requirements.

| Legislation | Requirement | Page reference |
| --- | --- | --- |
| Ministerial Directions & Financial Reporting Directions |
| Report of operations  |
| **Charter and purpose** |
| FRD 22H | Manner of establishment and the relevant Ministers | Page |
| FRD 22H | Purpose, functions, powers and duties  | Page |
| FRD 8D  | Departmental objectives, indicators and outputs | Page |
| FRD 22H | Key initiatives and projects | Page |
| FRD 22H | Nature and range of services provided | Page |
| **Management and structure** |
| FRD 22H | Organisational structure  |  |
| **Financial and other information** |
| FRD 10A  | Disclosure index | Page |
| FRD 22H | Summary of the financial results for the year  | Page |
| FRD 22H | Significant changes in financial position during the year  | Page |
| FRD 22H | Major changes or factors affecting performance  | Page |
| FRD 22H | Subsequent events | Page |
| FRD 15E  | Executive officer disclosures | Page |
| FRD 22H | Occupational health and safety policy | Page |
| FRD 22H | Employment and conduct principles | Page |
| FRD 22H | Consultancy expenditure  | Page |
| FRD 22H | Government advertising expenditure | Page |
| FRD 22H | Information and Communication Technology (ICT) expenditure | Page |
| FRD 22H | Compliance with the Competitive Neutrality Policy  | Page |
| FRD 22H | Compliance with the Building Act 1993  | Page |
| FRD 22H | Compliance with the Protected Disclosure Act 2012 | Page |
| FRD 22H | Compliance with the Carers Recognition Act 2012 | Page |
| FRD 22H | Application and operation of Freedom of Information Act 1982  | Page |
| FRD 22H | Statement of availability of other information  | Page |
| FRD 25C | Compliance with the Victorian Industry Participation Policy | Page |
| FRD 29C | Workforce data | Page |
| FRD 22H | Additional information available upon request | Page |
| FRD 22H | Office based environmental impacts | Page |
| **Compliance attestation and declaration** |
| SD 5.1.4 | Attestation for compliance with Ministerial Standing Direction | Page |
| SD 5.2.3 | Declaration in report of operations | Page |
| Financial statements |  |
| **Declaration** |  | Page |
| SD 5.2.2 | Declaration in financial statements | Page |
| **Other requirements under Standing Directions 5.2** |
| SD 5.2.1(a) | Compliance with Australian accounting standards and other authoritative pronouncements | Page |
| SD 5.2.1(a) | Compliance with Ministerial Directions | Page |
| **Other disclosures as required by FRDs in notes to the financial statements (a)** |
| FRD 21C | Disclosures of Responsible Persons, Executive Officers and other Personnel (Contractors with Significant Management Responsibilities) in the Financial Report | Page |
| FRD 103G [pending] | Non‑Financial Physical Assets  | Page |
| FRD 110A  | Cash Flow Statements | Page |
| **Other requirements under Legislation** |
| Disability Act 2006 s.38(3) | Statement of compliance with the Disability Act 2006 | Page |
| Equal Opportunity Act 2010 s.179 | Information on education programs; the review of Acts undertaken; and research undertaken | Page |
| Financial Management Act 1994 s.45(1) | Letter of Transmission to the Attorney-General and statement of compliance with the Financial Management Act 1994 | Page |
| Freedom of Information Act 1982 Part 7, s.7(1) and s.7(4) | Statement of compliance with the Freedom of Information Act 1982; procedures for lodging a FOI Request with the Commission; and FOI Statistics | Page |
| Protected Disclosure Act 2012s.70(1) | Statement of compliance with the Protected Disclosure Act 2012 and procedures for making a Protected Disclosure | Page |
| Victorian Industry Participation Policy Act 2003 s.9(1) | Statement of compliance with the Victorian Industry Participation Policy Act 2003 | Page |

Non-financial disclosures

Organisational chart

|  |
| --- |
| **The Board** |
| Moana Weir (Chair) |  | Tim Goodwin |  | Laurinda Gardner |
| Jennifer Huppert |  | Faddy Zouky |  | Matt Finnis |
|   |   | Rebecca Dabbs |   |   |
|  |   |  |   |  |  |   |   |
| Audit and Risk Committee |   | Kristen Hilton (Commissioner) |   | Remuneration Committee |
|   |   |
|  |  |  |   |   |  |  |  |
|  |  |   |   |  |  |  |
|  |  |  | Catherine Dixon (Executive Director) |  |  |  |

The Board

The Commission has a Board of Governance comprising up to seven members appointed by the Governor-in-Council on the recommendation of the Attorney-General. The Board is responsible for setting the organisation’s strategic direction, as well as policies, priorities and strategies. The Board members provide important links to the broader Victorian community, ensuring the Commission’s work remains relevant and responsive to the human rights issues that touch people every day.

Moana Weir (Chairperson)
March 2015-current

Moana Weir is a lawyer by background and Board member, with professional experience as company secretary and general counsel of ASX listed entities such as REA (realestate.com.au) and SEEK, as well as serving on the board for V/Line Corporation (2010 to 2013). Moana is currently Director of External Relations at Bupa ANZ. Ms Weir has 18 years’ senior management experience, leading such areas as legal, regulatory, corporate affairs and risk management. She also recently held the role of Acting Managing Director for the Bupa Dental business January to June 2018. She has a passion for driving real change and better outcomes in equal opportunity and human rights, including in the areas of diversity and inclusion in the workplace.

Tim Goodwin

Tim Goodwin is a barrister at the Victorian Bar and practices primarily in commercial and public law. Prior to joining the Bar, Tim worked at Allens as a solicitor for three years in commercial litigation, and in banking and finance.

Tim has a Bachelor of Arts and Laws (with Honours) from the Australian National University and a Master of Laws from Harvard Law School.

Tim is a member of the Yuin people of the South East Coast of New South Wales. He serves on a number of boards, including as a Board Member of the Human Rights Law Centre and a Trustee of the Roberta Sykes Indigenous Education Foundation.

Jennifer Huppert

Jennifer Huppert is a lawyer with nearly 30 years’ experience, practising largely in the area of commercial property, and is currently a special counsel at KHQ Lawyers.

Ms Huppert has a long involvement with the community and not-for- profit sector. She is currently president of the Jewish Community Council of Victoria, and has previously served on the Boards of the B’nai B’rith Anti-Defamation Commission, Youth Connect and the National Council of Jewish Women of Australia.

From February 2009 until November 2010 Jennifer was a member of the Legislative Council of the Parliament of Victoria, and prior to that served as a director of the Emergency Services and State Superannuation Board.

Laurinda Gardner

Laurinda Gardner has more than 20 years’ experience working for not-for-profit, state and local government boards, and as a senior government executive leading large policy and operational teams.

Ms Gardner is one of three Administrators appointed in April 2016 by the Victorian Government to manage the responsibilities of the City of Greater Geelong Council. She has also consulted for a wide variety of government bodies including the Victorian Ombudsman, Victoria Police and the Victorian Managed Insurance Authority.

Ms Gardner served as Deputy Secretary for Organisational Reform, Corporate Strategy and Services, and Strategic Management within the Victorian Department of Treasury and Finance between 1998 and 2013. She is a current board member and former chair of Berry Street, a not-for-profit association which helps young people and families recover from the effects of violence, abuse and neglect.

Faddy Zouky OAM

Faddy Zouky is the founding President of the Australia Lebanon Chamber of Commerce & Industry, a member of the Multicultural Commission of Victoria’s Small Business Ministerial Council, and the current Managing Partner of Zouki Lawyers and the Executive Director of the Zouki Group of companies.

Mr Zouky has a Master of Laws and has taught commercial law as an assistant lecturer at Monash University. He is a respected member of the Australian Lebanese community and has served as a United Nations Australian Ambassador for the UNDP Live Lebanon Project.

As a migration agent, Mr Zouky has assisted hundreds of people seeking to settle in Australia and was awarded the Order of Australia Medal in 2012 for his services to business and Victoria’s multicultural community.

Matt Finnis

Matt Finnis was appointed Chief Executive Officer of the St Kilda Football Club in 2014.

Prior to joining St Kilda, Matt was CEO of the AFL Players’ Association, representing the interests of current, future and former AFL players in a range of industrial, commercial and development matters.

Before his roles in the AFL Matt worked as a commercial lawyer advising numerous sporting organisations, businesses, athletes and government. Matt also has extensive experience on boards supporting community causes and organisations including; Ladder, AFL SportsReady, Surfing Australia, Surf Life Saving Victoria and HeartKids Australia.

Matt has been a founding member of the Sport Male Champions of Change Group since 2015, working with influential leaders to redefine men’s role in taking action on gender inequality. In 2016 he was awarded the Straight Ally of the Year at the GLOBE Community Awards.

Rebecca Dabbs

Rebecca Dabbs is a Partner at Ernst & Young in the Climate Change and Sustainability Services team, working on sustainability and health, safety and environment engagements. Prior to becoming a partner in 2016, she worked as a Sustainability consultant and a Chartered Accountant for Ernst & Young since 2004. She also worked as a Chartered Accountant for BNP Paribas in London.

Rebecca was a board member of Cambodian Kids Can, a volunteer-staffed charity that supports children’s welfare, education and community projects in Cambodia, from 2014–17. She was a board member and the finance committee chair of the Norman Wettenhall Foundation, an environmental foundation, from 2011–14.

Megan Boston (until November 2017)

Megan Boston is a chartered accountant with skills and expertise in the areas of finance, audit, risk management and governance.

Megan is the Deputy Chair at AMES Australia and Chairperson of the Audit & Risk Management Committee. She is also a Non-Executive Director and Chair of the Finance, Audit and Risk Management Committee at Benitec Ltd (ASX:BLT).

Abeselom Nega (until August 2017)

Abeselom Nega is the CEO of iEmpower – a highly respected specialist youth services organisation – and has previously served as the General Manager AMES Employment, Chairperson of the Federation of African Communities Council, a Commissioner of the Victorian Multicultural Commission (VMC) and Board member of the National Accreditation Authority for Translators Interpreters (NAATI).

Audit and risk committee

Laurinda Gardner (Chair)
Moana Weir
Jeff Floyd
Sue Madden

Audit and Risk Management Committee report

The primary role of the Audit and Risk Management Committee is to provide independent oversight and governance of the Commission’s business processes, risk management and financial management, performance and sustainability. The Committee considers reports from the Commission and auditors that provide assurance about the integrity of the financial controls, processes, systems and reporting of the Commission. It also monitors the Commission's compliance with the Financial Management Act 1994 and the 2016 Standing Directions of the Minister for Finance. The Audit and Risk Management Committee advises the Board and the Commission on matters of compliance, accountability, risk management and internal controls affecting operations.

The 2017–18 Audit and Risk Management Committee consisted of Laurinda Gardiner (Chair), Moana Weir, Jeff Floyd and Sue Madden. External audits of the Commission are undertaken by the Victorian Auditor-General’s Office.

Five year financial performance

The following financial performance tables are not subject to audit by the Victorian Auditor-General’s Office and are not prepared on the same basis as the Commission’s financial statements.

Five-year financial performance summary

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| *Five year financial summary* | *2018* | *2017* | *2016* | *2015* | *2014* |
| Income from government | 9,527,853 | 9,201,051 | 8,360,828 | 7,985,054 | 7,956,113 |
| Total income from transactions | 9,527,853 | 9,201,051 | 9,221,073 | 8,489,476 | 8,276,363 |
| Total expenses from transactions | 9,495,431 | 9,176,646 | 9,432,264 | 9,086,616 | 8,426,871 |
| Net result from transactions  | 32,422 | 24,405 | -211,191 | -597,140 | -150,508 |
| Net result for the period | 46,792 | 13,380 | -226,232 | -630,589 | -142,709 |
| Net cash flow from operating activities | 129,703 | -202,863 | -273,538 | -26,070 | 167,681 |
| Total assets | 3,427,466 | 3,166,137 | 3,135,810 | 3,263,880 | 3,663,326 |
| Total liabilities | 1,902,318 | 1,687,782 | 1,670,835 | 1,572,672 | 1,341,528 |

Current year financial review

A summary of the Victorian Equal Opportunity and Human Rights Commission's financial performance in 2017–18 is shown below. Full financial details for 2017–18 are outlined in the Financial Statements.

The Victorian Government considers the net result from transactions to be the appropriate measure of financial management that can be directly attributed to government policy. This measure excludes the effects of revaluations (holding gains or losses) arising from changes in market prices and other changes in the volume of assets shown under 'other economic flows' on the comprehensive operating statement, which are outside the control of the Commission.

In 2017–18 the Commission reported a positive net result from transactions of $32,422, an increase of $8,017 from the previous financial year. Both total income and total expenses have steadily increased since 2014/15 predominantly because of the review work undertaken by the Commission. The Commission continues to generate additional revenue from its education and training function.

The overall net result of $46,792 is a significant turnaround from the negative results in previous years.

Total net assets has grown marginally over the last three years as a result of minor increases in the total asset base.

Net cash inflows from operating activities have varied over the past five years partly as a result of changes in provisions for employee entitlements, accruals and receivables. There was also a receipt of one hundred thousand dollars in 2017–18 from the Department of Premier and Cabinet to commence work on the Government's Anti-Racism Action Plan.

Financial Performance

Income from Government has increased significantly since 2015–16. This is due to funding for the Independent Review into sex discrimination and sexual harassment, including predatory behaviour in Victoria Police and Equity and Diversity review of Victoria's Country Fire Authority and Metropolitan Fire Brigade. In 2016–17 the Commission also engaged in an education program on the Charter of Human Rights in the Victorian Public Service which has continued into 2017–18. There has been a corresponding increase in expenditure during this period.

Financial position - balance sheet

Total assets increased by $261,329 over the year mainly due to an increase of $338,495 in financial assets, offset by a reduction of $77,166 in non-financial assets. The increase in financial assets is due to an increase in cash and receivables. The cash increase is mainly due to the receipt of $100,000 from the Victorian Multicultural Commission (Multicultural Affairs and Social Cohesion division) under the Department of Premier and Cabinet for the Government's Ant-Racism Action Plan and the Commission's Reducing Racism strategic priority. The increase in receivables are of a statutory nature and represent funding for all commitments incurred and are drawn from the Consolidated Fund as the commitments fall due.

Total non-financial assets decreased due to the decrease in the net book value of wintangible assets and plant and equipment.

Total liabilities increased mainly due to increased payables resulting from creditors and accrued expenses.

Cash Flows

The total cash surplus of $107,831 for the 2017–18 financial year was the result of a net cash inflow of $129,703 for operating activities driven by increased cash funding from Government. The net cash outflow from investing activities was $16,826 representing a decrease of $16,899 from the previous year. This is due to the disposal of a motor vehicle and the purchase of a new one. In 2016–17 a new one was purchased with no disposals.

Net cash outflows from financing activities was $5044 resulting from the repayment of finance lease liabilities in respect of motor vehicles.

Occupational health and safety

The goal of the Commission’s occupational health and safety (OH&S) arrangements is to ensure all staff remain safe and healthy at work. The Commission uses the Department of Justice and Regulation Accident Information Reporting System (AIRS) to manage and monitor incidents that have OH&S implications.

The Commission also has its own local Incident Management Team (IMT) and Incident Management Plan aimed at enhancing workplace safety and security, and for ensuring safe systems of work. During the 2017–18 financial year, the Commission reviewed its Incident Management Plan to improve the health and safety of staff.

The Commission has very few OH&S incidents each year. However, after any incident and in each debriefing, the IMT assesses whether there are or could be any OH&S implications, and takes action accordingly. The following OH&S incident and injury statistics come from the departmental Accident Information Reporting System.

|  |  |  |  |
| --- | --- | --- | --- |
| VEOHRC AIRS Statistics | 2015–16 | 2016–17 | 2017–18 |
| Incidents \* | 2 | 2 | 2 |
| Injuries requiring first aid or medical treatment | 2 | 2 | 1 |
| Injuries resulting in WorkCover claims | 1 | 0 | 0 |
| WorkCover claims resulting in lost work time | 0 | 0 | 0 |

\* As related to employees (therefore excluding members of the public, contractors, etc).
Incidents are defined as including hazards, near misses, and injuries.

Employment and conduct principles

The Commission is committed to applying merit and equity principles when appointing staff. The selection processes ensure that applicants are assessed and evaluated equitably and fairly on the basis of the key selection criteria and other accountabilities without discrimination.

Public sector values and employment principles

In addition to the Victorian Public Sector Commission’s (VPSC) role under the *Public Administration Act 2004* to advocate for public sector professionalism and integrity and to strengthen overall Victorian public sector efficiency, effectiveness and capability, the Commission also has a broad role under its three governing Acts[[1]](#footnote-2), to protect and promote human rights and equal opportunity in employment and related areas for all Victorian organisations.

The Commission’s role also extends to other settings including education, provision of goods and services, transfer of land, accommodation, clubs and in sport. The Commission’s external work in these areas in 2017–18 is reported elsewhere in this Annual Report.

Internally, in addition to promoting public sector values and employment principles, the Commission developed its own set of values in 2017–18 – Creativity, Accountability, Rigour and Empathy. These values describe what’s important to us in how we act with our colleagues, our partners and the people and communities we work with.

Workforce inclusion policy

The Commission has an inclusive working environment where equal opportunity and diversity are valued. During 2017–18, the Commission conducted a comprehensive survey of staff to inform a program of work over the next two years to enhance diversity and inclusion at the Commission.

The Commission values staff with non-binary gender identities. However, the Commission acknowledges that due to historic and current barriers to disclosure of non-binary gender identities, staff may not choose to disclose this information and have not been surveyed as such. As a result, the following tables in the Comparative Workforce Data section still only reflect binary gender categories.

Comparative workforce data

The following tables disclose the head count and full-time equivalent (FTE) of all active public service employees of the Commission, employed in the last full pay period in June of the current reporting period (2018), and in the last full pay period in June of the previous reporting period (2017). Employees have been correctly classified in workforce data collections.

Workforce data trends

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Ongoing | Fixed Term | Casual | Total |
|  | Number (Headcount) | FTE | Number (Headcount) | FTE | Number (Headcount) | FTE | Number (Headcount) | FTE |
| June 2017 | 43 | 38.9 | 19 | 17.3 | 0 | 0 | 62 | 56.2 |
| June 2018 | 40 | 36.1 | 17 | 15.3 | 0 | 0 | 57 | 51.4 |

Details of employment levels in June 2018

|  |  |
| --- | --- |
|  | June 2018 |
| All employees | Ongoing | Fixed term and casual |
| Headcount | FTE | Headcount | FTE | Headcount | FTE |
| **Demographic data** | **Gender** |  |  |  |  |  |  |
| Male | 12 | 11.1 | 7 | 6.9 | 5 | 4.2 |
| Female | 45 | 40.3 | 33 | 29.2 | 12 | 11.1 |
| Self Described | 0 | 0 | 0 | 0 | 0 | 0 |
| **Age** |  |  |  |  |  |  |
| Under 25 | 1 | 0.6 | 0 | 0 | 1 | 0.6 |
| 25-34 | 18 | 16.1 | 9 | 8.2 | 9 | 7.9 |
| 35-44 | 22 | 19.1 | 16 | 13.3 | 6 | 5.8 |
| 45-54 | 12 | 11.6 | 12 | 11.6 | 0 | 0.0 |
| 55-64 | 3 | 3.0 | 2 | 2.0 | 1 | 1.0 |
| Over 64 | 1 | 1.0 | 1 | 1.0 | 0 | 0.0 |
| **Classification data** | **Classification** |  |  |  |  |  |  |
| Executive Officers | 1 | 1.0 | 1 | 1.0 | 0 | 0.0 |
| Principal Solicitor | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Senior Solicitor | 2 | 2.0 | 1 | 1.0 | 1 | 1.0 |
| Solicitor 3 | 1 | 0.6 | 1 | 0.6 | 0 | 0.0 |
| VPS 2 | 1 | 1.0 | 1 | 1.0 | 0 | 0.0 |
| VPS 3 | 7 | 6.0 | 3 | 3.0 | 4 | 3.0 |
| VPS 4 | 14 | 12.6 | 9 | 7.6 | 5 | 5.0 |
| VPS 5 | 23 | 20.4 | 19 | 16.9 | 4 | 3.5 |
| VPS 6 | 8 | 7.8 | 5 | 5.0 | 3 | 2.8 |
|  | **Total Active\* employees** | 57 | 51.4 | 40 | 36.1 | 17 | 15.3 |

Note: “Active employees” has the same meaning as in Financial Reporting Direction 29C and includes employees on WorkCover leave receiving make up pay. Active employee numbers do not include:

1. Separated employees that ceased employment with your organisation during the 12 months from the first pay period of July 2017 until the end of the last full pay period of June 2018.
2. Casual employees who were not employed and paid for work in the final full pay period of June 2018.
3. People who are added to the payroll in the last full pay period in June 2018 solely for the purpose of paying outstanding entitlements.
4. Volunteers, employment agency staff, contractors, consultants or board members.

Consultancy expenditure

Details of consultancies (valued at $10 000 or greater)

In 2017–18, there were nine consultancies where the total fees payable to the consultants were $10,000 or greater. Details of individual consultancies are outlined below. Total expenditure incurred during 2017–18 related to these consultancies is $301,689 (excluding GST).

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Consultant | Purpose of consultancy | Start date | End date | Total approved project fee (excl. GST) | Expenditure 2017–18 (excl. GST) | Future expenditure (excl. GST) |
| ARC PUBLIC PTY LTD | Research into communication insights | 7/06/2018 | 29/06/2018 | 24,500 | 24,500 |   |
| PRACTICUS AUSTRALIA PTY LTD | Review of the dispute resolution function | 26/03/2018 | 30/06/2018 | 44,995 | 44,995 |   |
| CODE FOR AUS PTY LTD | Digital lab | 7/06/2018 | 2/01/2019 | 180,000 | 60,000 | 120,000 |
| SOCIAL VENTURES AUST LTD | Review of consulting model and review function | 14/05/2018 | 24/08/2018 | 77,225 | 38,613 | 38,613 |
| SOCIAL VENTURES AUST LTD | Complementary measures project | 22/05/2018 | 17/05/2019 | 104,581 | 52,291 | 52,291 |
| PRICEWATERHOUSECOOPERS CONSULTING AUST PTY LTD | Framework for tracking improvement in human rights culture in public authorities | 14/04/2018 | 30/06/2018 | 27,273 | 27,273 |   |
| SIX O'CLOCK ADVISORY PTY LTD | Media consultancy services | 23/02/2018 | 29/06/2018 | 10,369 | 10,369 |   |
| L LANDES DATA SCIENCE | Advice and statistical analysis | 8/11/2017 | 23/01/2018 | 11,150 | 11,150 |   |
| CLEAR HORIZON CONSULTING PTY LTD | Monitoring and evaluation framework | 1/03/2018 | 30/06/2018 | 32,500 | 32,500 |   |

Details of consultancies under $10 000

In 2017–18, there were six consultancies engaged during the year, where the total fees payable to the individual consultancies was less than $10,000. The total expenditure incurred during 2017–18 in relation to these consultancies was $ 24,328 (excl. GST).

Government advertising expenditure

In 2017–18, there were no government advertising campaigns with total media spends of $100,000 or greater (exclusive of GST).

Information and communication technology expenditure

Details of information and communication technology (ICT) expenditure

For the 2017–18 reporting period, the Commission had a total ICT expenditure of $70,010, with the details shown below.

|  |  |
| --- | --- |
| All operational ICT expenditure Business As Usual (BAU) ICT expenditure (excl. GST)\* | ICT expenditure related to projects to create or enhance ICT capabilities |
| Non Business As Usual (non BAU) ICT expenditure (excl. GST) | Operational expenditure (excl. GST) | Capitalexpenditure (excl. GST)  |
| 70,010  | - | 70,010  | - |

\* Note: ICT expenditure refers to the Commission’s costs in providing business enabling ICT services within the current reporting period. It comprises Business As Usual (BAU) ICT expenditure and Non-Business As Usual (Non-BAU) ICT expenditure. Non-BAU ICT expenditure relates to extending or enhancing the Commission’s current ICT capabilities. BAU ICT expenditure is all remaining ICT expenditure which primarily relates to ongoing activities to operate and maintain the current ICT capability.

Compliance with Competitive Neutrality Policy

Competitive neutrality requires government businesses to ensure where services compete, or potentially compete with the private sector, any advantage arising solely from their government ownership be removed if it is not in the public interest. Government businesses are required to cost and price these services as if they were privately owned. Competitive neutrality policy supports fair competition between public and private businesses and provides government businesses with a tool to enhance decisions on resource allocation. This policy does not override other policy objectives of government and focuses on efficiency in the provision of service.

The Commission is working to ensure it fulfils its requirements on competitive neutrality under the Victorian Government’s **Competition Principles Agreement**. In 2017–18, the Commission reviewed its fee structure which it applies to those services against which charges may be applied, to ensure that such charges are based on commercial market rates. The fees were adjusted by conducting market research on rates charged by organisations delivering similar services, including rates charged by companies who could be direct competitors.

Compliance with the *Building Act 1993*

The Commission does not own or control any government buildings and consequently is exempt from notifying its compliance with the building and maintenance provisions of the *Building Act 1993.*

Compliance with the Protected Disclosure Act 2012

The *Protected Disclosure Act 2012* encourages and assists people in making disclosures of improper conduct by public officers and public bodies. The Act provides protection to people who make disclosures in accordance with the Act and establishes a system for the matters disclosed to be investigated and rectifying action to be taken.

The Commission does not tolerate improper conduct by employees, nor the taking of reprisals against those who come forward to disclose such conduct. We are committed to ensuring transparency and accountability in administrative and management practices. We support the making of disclosures that reveal:

* corrupt conduct
* conduct involving a substantial mismanagement of public resources
* conduct involving a substantial risk to public
* health and safety or the environment.

We will take all reasonable steps to protect people who make such disclosures from any detrimental action in reprisal for making the disclosure. We will also afford natural justice to the person who is the subject of the disclosure to the extent it is legally possible.

Reporting procedures

Disclosures about the Commission or any of its employees can be made to the Independent Broadbased Anti-corruption Commission. See ibac.vic.gov.au.

For the Commission’s protected disclosure procedures and more information about reporting improper conduct go to humanrightscommission.vic.gov.au.

Further information

In accordance with Part 9 of the Protected Disclosure Act, the Commission has established Protected Disclosure Procedures, which are available on the Commission’s website at humanrightscommission.vic.gov.au.

The Protected Disclosure Procedures outline the system for reporting disclosures of improper conduct or detrimental action by the Commission or any of its employees and/or officers and the welfare management of those who make or cooperate with protected disclosures. This includes procedures for the protection of persons from detrimental action taken by the Commission or members, officers or employees of the Commission.

Compliance with the Carers Recognition Act 2012

The Commission has taken all practical measures to comply with its obligations under the *Carers Recognition Act 2012*. Externally, these obligations include promoting the principles of the *Act* to people in care relationships who receive our services, and to the wider community, by:

* distributing printed information about the Act on our website for the benefit of members of the public
* continuing to educate the community about the rights of carers under the *Equal Opportunity Act* through our social media campaigns, project initiatives and training workshops
* providing a publicly available Enquiry Line for members of the public to make complaints about discrimination, including on the basis of their status as carer, as well as the opportunity to participate in dispute resolution at the Commission.

In 2017–18, the Commission received 92 complaints from the public for dispute resolution relating specifically to carer status as an attribute under the *Equal Opportunity Act*. This was down by 14 complaints (13.2%) on the previous year. The majority of these complaints are still in relation to employment.

Internally, the Commission undertook the following for staff in 2017–18:

* development of workplace Flexibility policy and toolkit
* advertising all positions as 'flexible'
* enabling mobile working through the provision of personal and shared networked laptops
* enhancements to our facilities for breastfeeding/expressing and for employees who need to bring children into work.

Freedom of information

Victoria’s *Freedom of Information Act 1982* (FOI Act) gives members of the public the right to apply for access to information held by ministers, state government departments, local councils, public hospitals, most semi–government agencies and statutory authorities.

The FOI Act allows people to apply for access to documents held by an agency, including documents containing their personal information, irrespective of how the documentation is stored. This includes paper and electronic documents. The two main categories of requests the Commission receives under the FOI Act are individuals asking for documents containing their own personal information, or documents relating to the activities of the Commission.

The Commission maintains a filing system in paper form and on an electronic document management system. Files stored by the Commission can be broadly categorised as personnel files, procedure and policy, project files, operational and administrative responsibilities, and general correspondence files. Certain documents are destroyed or transferred to the Public Records Office in accordance with the *Public Records Act 1973*.

The Commission has published a statement on its website described as a “Part II Information Statement” which is a snapshot of the types of documents held by the Commission, an outline of what the Commission does and how a person can access the information they require. For example, most of the Commission’s documents relating to its activities and decision-making are publicly available on our website.

However, a person may make a request to the Commission under section 17 of the FOI Act for access to documents which are not publicly available.

What happens when I make a request under section 17 of the *FOI Act*?

When a document request is received, the Commission’s FOI Officer completes an assessment of the request to ascertain if the request is for information that can be released to the person administratively without requiring a valid FOI request. Where possible, the Commission provides information administratively without requiring an FOI request or fee.

If it is not appropriate to release a document or documents administratively, the FOI Officer will assess whether the FOI request is valid under section 17 of the FOI Act. If so, the FOI Officer will conduct a search for documents requested and if they exist, assess whether they are suitable for release or whether any material requested is exempt from release under the FOI Act.

The FOI Act outlines general categories of information that are exempt. They include, among others, information relating to the personal or business affairs of third parties, information provided in confidence, documents affecting legal proceedings, information which if released might endanger the lives or physical safety of individuals, cabinet documents and internal working documents, the release of which would be contrary to the public interest.

The Commission is also subject to a secrecy provision in the *Equal Opportunity Act 2010* which is an exemption under the FOI Act. This means, broadly speaking, that the Commission cannot release information relating to the affairs of any person without their consent, where that information was obtained by the Commission in the course of performing its functions under the Equal Opportunity Act*.*

Lodging an FOI Request with the Commission

A request must be made in writing and should be addressed to the Freedom of Information Officer either by post or email:

Victorian Equal Opportunity and Human Rights Commission
Level 3, 204 Lygon Street Carlton, Vic 3053
foi@veohrc.vic.gov.au

An FOI request must be specific enough to allow an agency to identify documents considered relevant to a request. Where the terms of a request are vague, assistance will be provided to applicants to help determine the type of documentation being sought.

All FOI requests are subject to an application fee. In the 2017–18 financial year, the FOI application fee was $28.40, but as from 1 July 2018 this fee was raised to $28.90. The application fee may be waived in cases where payment would cause an applicant financial hardship. Where an applicant seeks a waiver of this fee, the request should indicate the grounds on which a waiver is being sought (for example, low income or holder of Commonwealth Health Care Card).

FOI statistics/timeliness

The Commission received one formal FOI request which proceeded to consultation before it was finalised during 2017–18. There was one other request for consultation from another agency, in relation to a FOI request received by that other agency. There were no other enquiries under the FOI Act received in 2017–18, nor were there any outstanding FOI matters from the previous year.

There were no complaints to the Information Commissioner about a FOI decision, no applications for review by the Information Commissioner and no applications to the Victorian Civil and Administrative Tribunal.

Further information

Further information on current charges (including access charges) is available online at www.foi.vic.gov.au. It should be noted that, under certain circumstances, some of these charges can be waived.

Further information on making a request to the Commission can be found on our website humanrightscommission.vic.gov.au/index.php/about-us/freedom-of-information.

Local Jobs First – Victorian Industry Participation Policy

The *Victorian Industry Participation Policy Act 2003* requires public sector bodies to report on the implementation of the Local Jobs First – Victorian Industry Participation Policy (Local Jobs First – VIPP). Public sector bodies are required to apply the Local Jobs First – VIPP in all procurement activities valued at $3 million or more in metropolitan Melbourne and for statewide projects, or $1 million or more for procurement activities in regional Victoria.

The Commission is aware of VIPP requirements, but during 2017–18 the Commission had no metropolitan Melbourne projects valued at >$3 million, nor any regional Victorian projects at >$1 million. Therefore the VIPP does not apply to any VEOHRC projects or procurements.

Compliance with the *Disability Act 2006*

The *Disability Act 2006* reaffirms and strengthens the rights of people with a disability and recognises that this requires support across the government sector and within the community.

The Disability Act requires that public sector bodies prepare a disability action plan and report on its implementation in their annual report. A disability action plan is a strategic plan which helps an organisation remove barriers that prevent people with a disability from using the organisation’s goods, services and facilities, and from gaining and keeping employment. Disability action planning also strives to promote inclusion and participation in the community, and achieve changes in attitudes and practices that may result in discrimination.

During the 2017–18 financial year, the Commission commenced work to review its previous Disability Action Plan 2015-2017. The timeframe of the previous plan was extended for one further year (to cater for 2017–18), while a new version is developed.

Additional Commission information available on request

In compliance with the requirements of the Standing Directions of the Minister for Finance, details in respect of the items listed below have been retained by the Commission and are available on request, subject to the provisions of the *Freedom of Information Act 1982*.

* 1. declarations of pecuniary interests that have been duly completed by all relevant officers of the Commission
	2. details of shares held by senior officers of the Commission as nominee or held beneficially in a statutory authority or subsidiary
	3. details of all consultancies and contractors including:
* consultants/contractors engaged
* services provided
* expenditure committed to for each engagement.

The information is available on request from foi@veohrc.vic.gov.au.

Office based environmental impacts

The Commission is committed to minimising its environmental impact, and undertook several initiatives in 2017–18.

The Commission occupies 1406m2 of office floorspace which is managed by the Department of Justice and Regulation, and any consumption reduction targets and infrastructure initiatives to achieve those targets are reported in the Department’s Annual Report.

The facilities management system for the building occupied by the Commission cannot isolate the Commission’s floorspace. Therefore, no separate electricity or water consumption performance can be reported here in the Commission’s Report of Operations, although it is captured in the overall departmental statistics.

However locally, the Commission does assist in power consumption reduction by requiring staff to turn off lights when meetings are finished; turn off desktop computers and monitors at the end of the day (all Commission computer monitors also have timed screensavers).

To minimise waste and consumables, the Commission:

* requires all staff to use office landfill, and recycle bins (and the Commission also provides compost bins for biodegradable waste)
* collects mobile phones and corks for recycling, and batteries for safe disposal.

All staff are also encouraged to use the option of double-sided printing wherever possible. In 2017–18, the Commission replaced all office printers with more energy-efficient models, and entered a new printer-servicing contract which is also more environmentally friendly. The Commission uses only recycled paper.

To reduce fuel consumption and transport costs, the Commission’s four vehicles now all have hybrid electric/petrol motors, and staff are encouraged to use public transport for work travel where possible.

Attestation for financial management compliance with Ministerial Standing Direction 5.1.4

I Moana Weir, Chairperson and on behalf of the Board, certify that the Victorian Equal Opportunity and Human Rights Commission has complied with the applicable Standing Directions of the Minister for Finance under the *Financial Management Act 1994* and Instructions.

Signed

Moana Weir

**Board Chairperson**

Workforce data trends

[To be inserted at EOFY]

Appendix 1: Complaints data

**Complaints under the EOA and RRTA Acts by area and attribute for 2015–16, 2016–17, 2017/18**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|   | Accomm | Clubs | Education | Employment | Goods/Services | Local Gov't | No area required\* | Sport | Total |
|   | 15/16 | 16/17 | 17/18 | 15/16 | 16/17 | 17/18 | 15/16 | 16/17 | 17/18 | 15/16 | 16/17 | 17/18 | 15/16 | 16/17 | 17/18 | 15/16 | 16/17 | 17/18 | 15/16 | 16/17 | 17/18 | 15/16 | 16/17 | 17/18 | 15/16 | 16/17 | 17/18 |
| Age | 7 | 4 | 5 |   | 2 | 1 | 4 | 2 | 4 | 83 | 82 | 64 | 29 | 37 | 18 |   |   |   |   |   |   |   | 4 | 2 | 123 | 131 | 94 |
| Authorising and assisting |   |   |   |   |   |   |   | 4 |   |   |   |   |   |   |   |   |   |   | 22 | 22 | 6 |   |   |   | 22 | 18 | 6 |
| Breastfeeding |   |   |   |   |   |   | 3 |   | 2 | 5 | 3 | 6 |   | 7 | 3 |   |   |   |   |   |   |   |   |   | 8 | 10 | 11 |
| Carer status | 12 | 7 | 10 | 1 |   |   | 3 |   | 6 | 62 | 76 | 64 | 15 | 23 | 12 |   |   |   |   |   |   | 1 |   |   | 94 | 106 | 92 |
| Disability | 38 | 69 | 68 | 2 | 2 |   | 47 | 68 | 67 | 258 | 289 | 282 | 197 | 163 | 245 |   |   |   |   |   |   | 2 | 5 | 1 | 544 | 596 | 663 |
| Discriminatory information request |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 5 | 5 | 5 |   |   |   | 5 | 5 | 5 |
| Employment activity |   |   |   |   |   |   |   |   |   | 114 | 102 | 113 |   |   |   |   |   |   |   |   |   |   |   |   | 114 | 102 | 113 |
| Expunged Homosexual Conviction |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Gender identity | 1 |   | 3 |   |   |   | 2 |   | 2 | 1 | 10 | 6 | 6 | 7 | 10 |   |   |   |   |   |   |   |   |   | 10 | 17 | 21 |
| Industrial activity |   |   |   |   |   |   |   |   |   | 17 | 16 | 23 |   |   |   |   |   |   |   |   |   |   |   |   | 17 | 16 | 23 |
| Lawful sexual activity |   |   | 3 |   |   |   |   |   |   | 1 | 11 | 3 | 5 | 3 | 10 |   |   |   |   |   |   |   |   |   | 6 | 14 | 16 |
| Marital status | 6 | 2 | 3 |   |   |   |   |   |   | 10 | 10 | 11 | 8 | 5 | 11 |   |   |   |   |   |   |   |   |   | 24 | 17 | 25 |
| Parental status | 11 | 4 | 10 | 1 |   |   | 4 | 3 | 2 | 66 | 60 | 50 | 9 | 16 | 10 |   |   |   |   |   |   | 1 |   |   | 92 | 83 | 72 |
| Personal association | 4 | 15 | 7 |   | 1 |   | 1 | 1 |   | 9 | 7 | 16 | 22 | 23 | 29 |   |   |   |   |   |   |   |   |   | 36 | 47 | 52 |
| Physical features |   |   | 1 |   |   |   | 11 | 2 | 1 | 62 | 31 | 40 | 39 | 15 | 19 |   |   |   |   |   |   |   |   |   | 112 | 48 | 61 |
| Political belief or activity |   |   |   |   |   |   |   |   | 2 | 3 | 2 | 3 | 5 |   | 2 | 2 | 2 |   |   |   |   |   |   |   | 10 | 2 | 7 |
| Pregnancy |   | 1 | 3 |   |   |   | 3 |   |   | 33 | 38 | 23 | 2 | 1 | 3 |   |   |   |   |   |   |   |   |   | 38 | 40 | 29 |
| Race | 16 | 4 | 13 |   | 1 |   | 20 | 12 | 20 | 100 | 56 | 109 | 60 | 36 | 62 |   |   |   |   |   |   |   | 1 | 3 | 196 | 110 | 207 |
| Racial vilification |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 9 | 9 | 4 |   |   |   | 9 | 3 | 4 |
| Religious belief or activity | 1 |   | 4 |   |   |   | 16 | 4 | 3 | 22 | 22 | 23 | 15 | 11 | 35 |   |   |   |   |   |   |   |   |   | 54 | 37 | 65 |
| Religious vilification |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 4 | 4 | 14 |   |   |   | 4 | 5 | 14 |
| Sex | 7 | 4 | 6 |   |   | 2 | 8 | 5 | 7 | 130 | 121 | 145 | 49 | 40 | 63 |   |   |   |   |   |   | 1 | 2 | 3 | 195 | 172 | 226 |
| Sexual harassment | 3 | 1 |   |   |   | 2 | 1 | 3 | 1 | 138 | 116 | 144 | 28 | 11 | 9 |   |   |   |   |   |   |   |   |   | 170 | 131 | 156 |
| Sexual orientation | 1 |   | 3 |   |   |   | 3 |   | 6 | 25 | 22 | 22 | 12 | 10 | 34 |   |   |   |   |   |   |   |   |   | 41 | 32 | 65 |
| Victimisation |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | 192 | 192 | 219 |   |   |   | 192 | 164 | 219 |
| Total | 107 | 111 | 139 | 4 | 6 | 5 | 126 | 104 | 123 | 1139 | 1074 | 1147 | 501 | 408 | 575 | 2 | 2 | 0 | 232 | 232 | 248 | 5 | 12 | 9 | 2116 | 1906 | 2246 |

\* Complaints that relate to any provision of the Act(s) that do not require an area of public life to be claimed. That is, prohibited conduct that can occur in any context.

Issues raised from enquiries 2015–16, 2016–17, 2017–18

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Issue | 2015–16 | 2016/17 | 2017–18 | 3-yr Total |
| Age | 402 | 411 | 318 | 1131 |
| Authorising and assisting | 30 | 47 | 8 | 85 |
| Breastfeeding | 27 | 31 | 36 | 94 |
| Carer status | 308 | 321 | 234 | 863 |
| Charter of Human Rights | 157 | 242 | 146 | 545 |
| Child protection | 14 | 34 | 24 | 72 |
| Court | 70 | 72 | 80 | 222 |
| Criminal record | 39 | 42 | 22 | 103 |
| Disability | 1808 | 1749 | 1845 | 5402 |
| Discriminatory Advertisement | 3 | 15 | 1 | 19 |
| Discriminatory information request | 56 | 73 | 58 | 187 |
| Education | 13 | 35 | 35 | 83 |
| Employment activity | 273 | 279 | 261 | 813 |
| Employment Law | 266 | 298 | 224 | 788 |
| EO -Information provided | \* | 1060 | 900 | 1960 |
| Expunged homosexual conviction | \* | 2 | 1 | 3 |
| Family Court | 28 | 23 | 16 | 67 |
| Gender identity | 59 | 81 | 72 | 212 |
| Government - Federal | 39 | 58 | 63 | 160 |
| Government - Local | 8 | 18 | 11 | 37 |
| Government - State | 12 | 29 | 12 | 53 |
| Homelessness | 4 | 12 | 8 | 24 |
| Indigenous | 2 | 15 | 9 | 26 |
| Industrial activity | 60 | 50 | 37 | 147 |
| Information provided | 3359 | 1308 | 1240 | 5907 |
| Involuntary patient | 30 | 34 | 21 | 85 |
| Lawful sexual activity | 30 | 55 | 26 | 111 |
| Marital status | 76 | 104 | 78 | 258 |
| Media | 6 | 12 | 8 | 26 |
| No jurisdiction | 1045 | 1483 | 1716 | 4244 |
| Parental status | 289 | 261 | 218 | 768 |
| Personal association | 99 | 105 | 80 | 284 |
| Physical features | 243 | 184 | 159 | 586 |
| Police | 78 | 109 | 74 | 261 |
| Political belief or activity | 59 | 29 | 33 | 121 |
| Pregnancy | 140 | 110 | 116 | 366 |
| Prisons | 28 | 66 | 25 | 119 |
| Privacy | 17 | 21 | 9 | 47 |
| Publications - Commission | 81 | 72 | 48 | 201 |
| Race | 608 | 473 | 630 | 1711 |
| Racial vilification | 66 | 54 | 50 | 170 |
| Religious belief or activity | 181 | 146 | 160 | 487 |
| Religious vilification | 28 | 27 | 27 | 82 |
| RRTA-Information provided | \* | 36 | 35 | 71 |
| Sex | 472 | 559 | 447 | 1478 |
| Sexual harassment | 437 | 371 | 432 | 1240 |
| Sexual orientation | 139 | 98 | 138 | 375 |
| Tenancy | 204 | 125 | 89 | 418 |
| Training requests | 42 | 61 | 41 | 144 |
| Transport | 0 | 1 | 4 | 5 |
| Victimisation | 382 | 300 | 346 | 1028 |
| WorkCover | 6 | 9 | 4 | 19 |
| Total | 11823 | 11210 | 10675 | 33708 |



Contact us

Enquiry Line 1300 292 153 or (03) 9032 3583
Fax 1300 891 858
Hearing impaired (TTY) 1300 289 621
Interpreters 1300 152 494
Email information@veohrc.vic.gov.au
Website [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)
Follow us on Twitter [www.twitter.com/VEOHRC](http://www.twitter.com/VEOHRC)
Find us at [www.facebook.com/VEOHRC](http://www.facebook.com/VEOHRC)

humanrightscommission.vic.gov.au

1. The three Acts governing the work of the Victorian Equal Opportunity and Human Rights Commission are the *Equal Opportunity Act 2010*; *Charter of Human Rights and Responsibilities Act 2006*; and the *Racial and Religious Tolerance Act 2001* [↑](#footnote-ref-2)