



Annual Report 2014/15



Victorian Equal Opportunity
& Human Rights Commission

humanrightscommission.vic.gov.au

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Victorian Equal Opportunity and Human Rights Commission Annual Report 2014/15

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Letter to the Attorney-General

In accordance with the *Financial Management Act 1994*, I am pleased to provide this report on the operations of the Victorian Equal Opportunity and Human Rights Commission for the year ending 30 June 2015.

A handwritten signature in black ink, appearing to read 'John Searle', written in a cursive style.

John Searle

Chairperson, Victorian Equal Opportunity and Human Rights Commission

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Chairperson's message



It is my pleasure to present the 2014/15 Annual Report of the Victorian Equal Opportunity and Human Rights Commission on behalf of the Board.

For four years I have had the privilege to participate in the work of this organisation that has demonstrated great commitment and expertise in the fight for equal opportunity and respect and recognition of human rights. As times change, we see advances and achievements towards these goals, but we also learn more about the nature of discrimination and must find new ways to combat it.

The past year has seen the launch of important new initiatives that respond to the prevalence of discrimination and inequality. The trial project Report Racism, launched in partnership with Victoria Police and the Victorian Aboriginal Legal Service in August 2014, is aimed at reducing the barriers to reporting instances of racism among the Victorian Aboriginal community. The Independent Review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police came in response to concerns about gender equality within the organisation that prompted the leadership of Victoria Police to take action. The Commission was enlisted to conduct the review and provide frank and fearless advice in response.

Those examples represent just a small portion of the ongoing work of the Commission, but they demonstrate the way it builds on partnerships with key stakeholders, including community organisations and government agencies. The Commission works with a range of groups and draws on their inspiring efforts to help build awareness, understanding and good practice to achieve equality and recognise human rights.

I would like to take this opportunity to thank Commissioner Kate Jenkins for her tireless commitment to the aims of the Commission and her leadership in the efforts to protect human rights and promote equal opportunity for all Victorians.

I would also like to thank all of my Board members for their constant support, guidance, and ongoing commitment. They are indeed an invaluable group.



John Searle
Chairperson
Victorian Equal Opportunity
and Human Rights Commission

Commissioner's message



The Commission's role is to serve the community, to achieve our vision where everyone values, understands and respects human rights and equal opportunity. But in serving the community, we don't stand apart from it. We don't work in isolation – instead, the success of our work hinges on partnerships and working with others. The Commission's work this year continued to have a wide focus, meeting diverse needs.

Working to address issues that affect people with disabilities is a priority area for the Commission. A major piece of work we undertook this year exposed – and devised measures to overcome – the harmful discrimination that has obstructed people with disabilities when they seek to report crime. The result of this work was the research report *Beyond Doubt*, which made 16 recommendations, including developing an Easy English guide for people with disability to ensure they better understand how to report a crime.

As I write this, Commission staff are engaged in a complex and detailed review of sexual harassment and sex discrimination within Victoria Police. This is the largest project of its type ever undertaken by the Commission and, when complete, is likely to create a model for interstate police services and new insight for all large organisations. Our work with the police is a reflection of the Commission's standing as an independent agency capable of conducting a major review of workplace practices in a large organisation, and report on our findings without fear or favour.

In partnership with Victoria Police, the Victorian Aboriginal Legal Service and community groups, we launched the Report Racism project in northern Melbourne and Shepparton after our research found that, while racism is a daily occurrence in the lives of members of the Aboriginal community, few report it. It is the first venture of its type ever introduced in Australia.

Elsewhere, we produced another Australian first – a detailed guideline for sports clubs aimed to ensure transgender people can take part in sporting activities. This met a need not only for transgender people; it also responded to requests from sporting organisations who are keen to be inclusive and who know that they stand to benefit from broader participation. We also continue to work with sporting clubs to address homophobia and transphobia in sport through our Fair go, sport! project, which we have extended to schools.

In addition, the Commission tapped into growing community momentum for change in the area of gender equality by proposing and inaugurating the Victorian Male Champions of Change. Founding members of this group include prominent men, leaders in business, education, government and other fields, who are committed to advancing the role of women in the workplace and who know that advancing human rights and equal opportunity is everyone's business.

As well as our research, advocacy and education programs, the Commission undertakes workplace reviews, develops equal opportunity action plans, provides submissions and engages in legal interventions. We also deal every day with inquiries and complaints from ordinary citizens who face real and harmful discrimination. In the past 12 months, our staff accepted 1060 complaint files.

The fact that discrimination continues to blight the lives of so many Victorians confirms the extent of the task that still confronts us. The good news is that there are many people with goodwill in our community who are willing to work with the Commission to confront the challenge.



Kate Jenkins
Commissioner
Victorian Equal Opportunity
and Human Rights Commission

2014/15 highlights



Beyond Doubt

In July 2014 the Commission launched the research report *Beyond Doubt: the experiences of people with disabilities reporting crime*. The report was undertaken using the Commission's research functions under section 157 of the *Equal Opportunity Act 2010*, and it arose from concerns raised by the Commission's Disability Reference Group that people with disabilities face particular barriers in seeking justice as victims of crime.

The report makes 16 recommendations to agencies across government, including Victoria Police, Court Services Victoria, the Department of Justice, the Department of Health, the Department of Human Services, the Judicial College of Victoria and the Office of the Public Advocate. See page 27 for more information.



Male Champions of Change

Taking inspiration from the successful Male Champions of Change founded in 2010 by the federal Sex Discrimination Commissioner Elizabeth Broderick, the Commission helped establish a Victorian group comprised of the state's most influential male corporate, government and community leaders. Convened by Commissioner Kate Jenkins, the group is drawn from a wide range of fields including business, government, industry, the media, law enforcement, health and education. More information about Male Champions of Change Victoria can be found on page 32.



Independent Review into sex discrimination and sexual harassment

In 2014 the Commission was engaged by Victoria Police to conduct an Independent Review into sex discrimination and sexual harassment, including predatory behaviour, among Victoria Police personnel.



The Independent Review aims to identify actions to promote safety and equality in Victoria Police. Under its Terms of Reference the Independent Review will gather information about the nature and extent of sex discrimination (including all forms of gender-based discrimination) and sexual harassment, including predatory behaviour, in Victoria Police.



The information gathered by the Independent Review will be used to develop an action plan for Victoria Police, which we will then independently monitor and report on publicly over three years. A report on the findings of the review will be published in November 2015.

Photos courtesy
of Victoria Police

Anti-Hate campaign

The Commission continues to use the Anti-Hate campaign to renew calls for the community to report instances of racism and discrimination, and to empower the community to stand up to such behaviour when they encounter it. An advertising campaign was rolled out across Melbourne in September 2014, with public transport identified as a key target due to the high capacity for exposure as well as increased media attention on incidences of racism in that area.



Eight-year review of the Charter

In June 2015, the Commission provided a submission to the eight-year review of the Charter of Human Rights and Responsibilities. A major piece of work that was co-ordinated by our Legal Unit, the submission included 27 recommendations aimed at enhancing the development of a human rights culture in Victoria, particularly within the public sector. The recommendations seek to enhance the effectiveness and improve the operation of the Charter, and relate not only to the functions of the Commission but also to the roles of other entities such as courts, tribunals, the Scrutiny of Acts and Regulations Committee and other public authorities.



Transgender people and sport

The Commission's *Guideline: Transgender people and sport > Complying with the Equal Opportunity Act 2010* attempts to address gaps in understanding and a lack of existing guidance for sporting organisations on the specific issue of participation of transgender people in sport. The guideline includes information about the law, including exceptions, and offers practice and policy guidance to help prevent discrimination and facilitate participation of transgender people.

The guideline was launched on January 31, 2015 at the Team Melbourne Sports Festival, which played host to more than 16 LGBTI sporting clubs, as part of the Midsumma festival.



Fair go, sport!

The Commission's Fair go, sport! project tackles the issue of homophobic harassment, discrimination and exclusion in sport. In 2014/15 Fair go, sport! worked with a range of sporting organisations that included Hockey Victoria, Cycling Victoria, Basketball Victoria, Roller Derby-Skate Victoria and Football Federation Victoria. A basketball Pride Cup was held in February, and Hockey Victoria invited all hockey clubs throughout the state to take part in a Fair go, sport! round from 27 July–4 August.

The Fair go, sport! in schools project signed up three new schools in 2014/15 to challenge homophobic bullying, with initiatives such as an interschool Fair go, sport! Cup and the development of a code of conduct demonstrating their commitment to the initiative.



2014/15 highlights



Report Racism

The Report Racism pilot project was launched in Northern Metropolitan region in August 2014 and in the Shepparton region in February 2015. In partnership with Victoria Police and the Victorian Aboriginal Legal Service, the Commission is working to spread the word that racism is not OK, and should not go unreported. Members of the Victorian Aboriginal community in these areas are encouraged to make a report, either through a community reporting place, online or directly to the Commission. We have engaged with sporting clubs and community centres to promote the tool and assist people to report incidences of racism.



Communication Access

In December 2014 the Commission was awarded the Communication Access symbol by Scope, for achieving the standards for Communication Access. The announcement capped off months of collaboration with Scope that identified areas in which the Commission could improve services for people with communication disabilities. New resources to aid communication have been developed, and staff have received training on how to best utilise these, as well as disability awareness training aimed at increasing understanding of communication disabilities and the implications these can have on the provision of services.



Rights, Camera, Action!

Recognising the need to make information about the Commission widely accessible, we engaged with the self-advocate theatre group Dream Theatre to produce a film about the Equal Opportunity Act. The film took a narrative approach to explaining the Act, with various scenarios acted out to help provide definitions of discrimination as well as ways people can access the Commission with enquiries or complaints.

The film was launched at the Commission on the International Day of People with a Disability, 3 December 2014, with members of Dream Theatre visiting from Seymour to present the film and discuss their experiences of its production.



Come In, We're Accessible: improving accessibility in retail and hospitality

On 27 October 2014, the Commission launched the Come In, We're Accessible online resource which provides information to businesses – owners, landlords, managers and staff – on how they can improve accessibility to meet their obligations under the Equal Opportunity Act. The resource includes a self-assessment tool that enables businesses to find out how accessible they currently are, as well as a suite of fact sheets for staff as well as resources for customers with disabilities. The resource is available at accessiblebusiness.com.au.



Charter of Human Rights training

The Commission continued to provide human rights training to both rights holders and duty holders across Victoria, as well as providing general public training as part of the 2015 eight-year review of the Charter.

Rights holders were trained in organisations providing support for everyone from asylum seekers to those with specific disabilities, through to advocates in community legal centres. Duty holders ranged across both state and local governments, from graduate students in the public sector to other government departments.



Dispute resolution

In 2014/15, we handled enquiries from 9175 people raising 13,877 issues. Our enquiry team provides general information to the public on the Equal Opportunity Act, *Racial and Religious Tolerance Act 2001* and the *Charter of Human Rights and Responsibilities Act 2006*. We also assist people to make a complaint for dispute resolution. People are referred to other services when we cannot assist.

Throughout the year, the Commission accepted 1060 complaint files. Employment remains the highest area of complaint followed by goods and services. Disability discrimination continues to rise and is the highest attribute of complaint followed by race, sex, employment activity, sexual harassment, age and physical features. Complaints of religious belief/activity discrimination are higher, particularly in the area of employment.

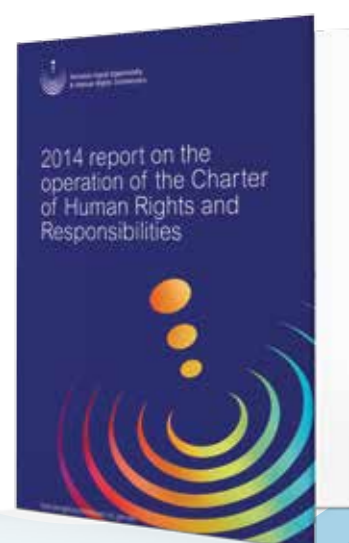
86 per cent of complaint files were closed within six months of receipt and of all complaint files finalised we resolved 40.4 per cent, an increase of 4 per cent. Where conciliation was attempted, 69.4 per cent were resolved which is a 7 per cent increase on last year.



Reporting on the Charter

The *2014 report on the operation of the Charter of Human Rights and Responsibilities* highlights that after eight years of operation, the use of the Charter has matured beyond simple compliance with the law to driving important human rights initiatives to address systemic issues. The report examines the use of the Charter by public authorities, the community, in courts and tribunals and in parliament.

The report includes many positive examples of the Charter and human rights in practice in government and the community. It also reflects current human rights concerns in Victoria, along with some of the important work that public authorities are doing to address those concerns – including, for example, the human rights impacts of recent law and order reforms, the abuse of people with disabilities, children in out-of-home care and family violence.



About the Commission

Our laws

The Victorian Equal Opportunity and Human Rights Commission is an independent statutory body, which 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 Equal Opportunity Act makes it against the law to discriminate against people on the basis of a number of personal characteristics or attributes. 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 of Human Rights and Responsibilities (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.

These Acts also allow the Commission to undertake a range of functions, including:

- promoting and advancing the objectives of these Acts and advocating for these laws
- informing and educating people about their rights and responsibilities under these laws
- helping people resolve disputes about discrimination, sexual harassment, victimisation, and racial and religious vilification
- undertaking voluntary reviews of programs and practices to help people and organisations comply with the law
- undertaking research to identify, understand and find solutions to systemic causes of discrimination and human rights breaches
- conducting investigations to identify and eliminate systemic discrimination
- intervening in court and tribunal proceedings that involve equal opportunity and human rights issues
- reporting to government about the operation of the Charter and about the Commission's education and research
- advising government on anything relevant to the Charter or discriminatory provisions of any Act.





Strategic Plan

Our 2014–16 *Strategic Plan* outlines key priorities as targeted impact, systemic change and community engagement. Those priorities are defined as follows:

Targeted impact

We will work with people whose rights are being breached and the organisations that work with them.

Our priority groups will be:

- people experiencing racial and religious discrimination and vilification
- people with disabilities
- women.

Systemic change

We will work with employers, government and service providers to equip them to meet their obligations and drive systemic change.

Our priority areas will be:

- employment
- sport
- the justice system
- the public sector.

Community engagement

We will reach a wider audience of Victorians who have had little involvement with human rights and equal opportunity in the past by leading community conversation and empowering all Victorians to act.

We will continually monitor the priority areas and identify new areas of need.

Vision

Inspired by the laws we regulate and our statutory functions, our vision is for a community where every person values, understands and respects human rights and equal opportunity.

Mission

To achieve our vision, we work with others to eliminate inequality and build a community that respects and promotes human rights and equal opportunity.

Services

Commission services include:

- an Enquiry Line service available by telephone, email or webchat
- a free, fair and timely dispute resolution service
- online and printed information and resources about rights and responsibilities under Victoria's equal opportunity and human rights laws
- an education and consultancy service to equip corporate and community organisations and advocates with skills and knowledge to comply with human rights and equal opportunity laws and develop good practice
- reviews of programs and practices for public authorities to assess their compatibility with the Charter
- conducting reviews into the policies and practices of public authorities to promote best practice compliance with human rights and equal opportunity law
- advice on the development of action plans to help people comply with their obligations under the Equal Opportunity Act.

About the Commission

Structure

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 strategic direction and oversight.

The Commissioner is responsible to the Board for the day-to-day operation of the Commission. The Commissioner represents the Commission at significant events and is the primary spokesperson. The Commissioner, supported by the Director, Commissioner's Office, leads six units to deliver the work of the Commission:

Strategic Projects and Policy Unit

Provides policy advice and direction within the Commission and manages key strategic projects that identify and seek to address systemic discrimination and human rights issues. The unit also works in conjunction with the Legal Unit to conduct reviews into the policies and practices of public authorities to promote best practice compliance with human rights and equal opportunity law.

Dispute Resolution Unit

Manages the Commission's Enquiry Line, delivers free community information sessions about our services, coordinates our statewide community liaison program and runs our dispute resolution service, resolving complaints of discrimination, sexual harassment, vilification and victimisation through conciliation.

Legal Unit

Undertakes legal research and provides legal and policy advice (including submissions to government), oversees our intervention function, conducts public legal education seminars, develops legal resources for community use, and participates in legal forums and committees related to equal opportunity and human rights law. The unit also works in conjunction with the Strategic Projects and Policy Unit to conduct reviews into the policies and practices of public authorities to promote best practice compliance with human rights and equal opportunity law.

Education and Consultancy Services

Delivers the Commission's human rights and equal opportunity education through open enrolment programs, tailored workshops and organisational consultancy. We work extensively with community, corporate and government stakeholders to develop practical approaches to good human rights and equal opportunity practice.

Communications Unit

Develops and delivers information and resources through a range of targeted publications, community events and online information, supports our research and policy work, develops social media and communication campaigns to increase awareness and build compliance, and maintains a strong public voice on human rights and equality issues.

Corporate Services Unit

Shared with the Office of the Public Advocate, this unit underpins the Commission's success by providing executive support for the Commission's finance, human resources, information technology and office administration functions.

Working at the Commission

The Commission aims to provide a working environment conducive to staff performing at their best, leveraging their expertise and striving for development opportunities. Flexible workplace arrangements are in place to allow staff to meet their professional obligations while accommodating personal and family needs.

The Commission has a diverse workforce and seeks to support staff with active participation in activities including Midsumma Festival, Viva Victoria and National Reconciliation Week. The Commission also supports staff participation in community groups, committees and boards.

Staff training and development

During 2014/15 the Commission supported staff development in a variety of ways. This included providing regular internal training programs to develop skills in the law, leadership and conciliation, as well as supporting staff attendance at external training courses, seminars, conferences and study as part of their ongoing professional development.

Staff attended a range of skill development courses including:

- advanced statutory conciliation training provided by the Australian Human Rights Commission
- courses from the Centres Against Sexual Assault on interviewing victim survivors
- disability awareness training and guidance on the use of alternative and augmented communication with Scope
- training on the development of Easy English resources
- Deaf Awareness training, delivered by Scope
- developments in the use of digital media in government
- Men's Violence Against Women: the evidence, responses and implications in research – No To Violence, Male Family Violence Prevention Association
- introductory Auslan training, delivered by VicDeaf.

Accessible policies, programs and services

The Commission is committed to implementing best practice in providing access to our services for people with disabilities.

Our building is accessible and we make sure people of all abilities can access our resources and events.

With guidance from our Disability Reference Group, some of the work we have done to ensure accessibility includes:

- achieving Communication Access accreditation from Scope
- providing communication boards at our reception and for use during conciliation sessions
- providing all publications in PDF and Word formats online
- ensuring the Commission's website uses W3C's Web Content Accessibility Guidelines with the goal of Triple-A compliance
- catering to hearing impaired clients through the National Relay Service and TTY and ensuring translation services are also available
- making our Enquiry Line service available through a variety of means, including web chat, phone and email
- providing a hearing loop system in our training room. A portable hearing loop system is also available
- producing a video about accessibility at the Commission
- ensuring Auslan interpreters attend all relevant events and information is provided in Auslan in videos on the website
- providing Easy English versions of key information online and in print
- business cards of Commission staff are embossed with Braille.

About the Commission

Disability Action Plan

The Commission's 2015-17 Disability Action Plan was launched in June 2015 and 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, which 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.

Cultural safety audit and Aboriginal Action Plan

An audit was conducted to assess the Commission's relationship with the Aboriginal community, as measured through the categories of planning, partnerships and people. Specific aspects that were assessed included access, coordination, engagement and inclusion for the Victorian Aboriginal community, as well as performance management, staff development and employment.

The Commission fared well under the assessment, which also included a range of recommendations that the Commission has committed to implementing.

Environmentally sustainable workplace

The Commission is committed to minimising its environmental impact, and requires all staff to use office landfill and recycle bins, turn off lights when meetings are finished, turn off desktop computers and monitors at the end of the day, use recycled paper and to use the option of double-sided printing wherever possible. The Commission also provides compost bins for biodegradable waste, collects mobile phones and corks for recycling, and batteries for safe disposal.

Wellbeing group

A wellbeing group run by staff continues to offer employees a variety of health, recreational and social activities to enhance the experience of working at the Commission. Activities in 2014/15 included weekly lunchtime yoga classes, multicultural lunches, NAIDOC week and Reconciliation Week activities, Oaks Day luncheon, end-of-year staff party and morning and afternoon tea events.

Board profiles



John Searle – Chairperson
August 2011–current

John Searle was the President of the Jewish Community Council of Victoria (JCCV), the peak body of the Victorian Jewish community, and a member of the Executive

of the Zionist Council of Victoria from 2008–11. Immediately prior to that, John served as the Chairman of the B'nai B'rith Anti-Defamation Commission.

John has served as the Deputy President of the Executive Council of Australian Jewry, still sits on that organisation's Committee of Management and also continues to serve as a member of the Executive of the ZCV. He has worked with disadvantaged youth and members of many CALD communities. He has made a significant contribution to the Victorian community through his work in charitable and community organisations, his work involving interfaith and multicultural affairs, and his work to combat discrimination and vilification. He was recognised by Victoria Police with an award for his community service in 2009 and was appointed as a White Ribbon Ambassador in November 2014.

John holds a Bachelor of Economics and a Bachelor of Laws and has been a practising barrister for 26 years, specialising in civil litigation.



Abeselom Nega
August 2012–current

Abeselom Nega is the CEO of iEmpower – a highly respected specialist youth services organisation. Previously, Abeselom was the General Manager of

AMES Employment. He served as the founding Chairperson of the Federation of African Communities Council of Australia and he is currently a Commissioner of the Victorian Multicultural Commission (VMC).

He has served as a Board member of the

National Accreditation Authority for Translators and Interpreters (NAATI) for nine years, making him the longest serving Board member in the organisation's 40-year history.

Abeselom is also the current Chair of the Melbourne Employment Forum (MEF), an organisation working to create employment opportunities to refugees and migrants. He is committed to bringing sustainable human rights outcomes for children and young people. Abeselom is a member of numerous professional bodies.



Josef Szwarc
August 2012–current

Josef Szwarc is Research and Policy Manager of the Victorian Foundation for Survivors of Torture, which provides a range of services to advance the health and wellbeing

of people from refugee backgrounds who have survived torture and other traumatic events. He has worked in a variety of social and legal policy positions in governmental and civil society agencies in Australia and the UK, including research and advocacy at the International Secretariat of Amnesty International



Colleen Pearce
November 2012–current

Colleen Pearce has nearly 30 years' experience in the community and health sectors. She is Victoria's first female Public Advocate, a position she has held since September

2007. She is also chair of the Community Visitor boards. Colleen is a fearless advocate for the human rights and interests of people with a disability and a mental illness. In 2003, Colleen received a Commonwealth Centenary Medal for her contribution to community services in Victoria. She is a board member of the Connecting Home, an organisation established in response to the recommendations arising from the Stolen Generations Taskforce Report. Colleen is a member of the Yuin people of the south-east coast of New South Wales.



Megan Boston
August 2014–current

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

She is a board member of South East Water, AMES and Beyond Medical Education (BME). Megan also chairs the AMES Audit and Risk Committee and the BME Finance, Audit and Risk Committee.



Tim Goodwin
March 2015–current

Tim Goodwin is a barrister, practicing primarily in commercial and public law. He has a Master of Laws from Harvard Law School and is a member of the Indigenous

Lawyers' Committee, the Commercial Bar Association of the Victorian Bar and a member of the Australian Association of Constitutional Law. He is a Board member of the Australian Research Alliance for Children and Youth and a Trustee of the Reichstein Foundation and the Roberta Sykes Indigenous Education Foundation. Tim is a member of the Yuin people of the south-east coast of New South Wales.



Moana Weir
March 2015–current

Moana Weir is an experienced lawyer and Board member, with 14 years' experience as company secretary and senior officer of ASX listed entities, as well as serving on the boards for V/Line Corporation and Melbourne Montessori School. At the senior management level, Moana has been responsible for corporate governance, sustainability management, legal and risk management, corporate communications and external reporting. She has a passion for driving real change and better outcomes in equal opportunity and human rights, including the areas of gender diversity and inclusion in the workplace.

Audit and risk committee

Megan Boston (Chair)
Hugh Parkes
Abeselom Nega
John Searle



Eliminating discrimination

We work with people whose rights are being breached and the organisations that work with them, by responding to individual issues and developing systemic responses.

Resolving complaints

One of the core functions of the Commission is to help people resolve complaints about discrimination, sexual harassment, victimisation and vilification under *the Equal Opportunity Act 2010* and *Racial and Religious Tolerance Act 2001*.

The Commission's complaint work is central to our role in protecting and promoting human rights and complements our policy and education work. The number and type of complaints we receive often highlight systemic discrimination and are used to help in our research and education functions.

The Commission, through dispute resolution, provides a means for parties to discuss and attempt to resolve a dispute confidentially, with the assistance of a conciliator. The Commission's dispute resolution service is timely, flexible and responsive to the issues raised by the parties. It is a crucial alternative for complainants to going to court. Parties can resolve complaints quickly, at an informal level and without the need for lawyers, and can negotiate an outcome that suits both parties. Dispute resolution may provide a personal remedy for the complainant, to acknowledge any loss or hurt experienced by them.

The Commission may be the only opportunity for a person to seek redress of their complaint, particularly if they do not wish to engage in the more formal processes of the Victorian Civil and Administrative Tribunal Human Rights List, where a higher financial cost may be incurred by parties.

The Commission receives enquiries by telephone, email, letter, instant chat or in person and provides language and Auslan interpreters. As the law requires a complaint to be in writing, Complaint Information Officers continue to assist people to complete complaint forms, for example where English is their second language or they have a disability.

One of the highlights for 2014/15 was the Commission being awarded communication access accreditation by Scope (see page 6). This accreditation had a strong focus on the work of our enquiry line service.

When a matter brought to the Commission raises a possible breach of the law, dispute resolution is offered to parties and provided through a statutory conciliation model.

Conciliation is a process in which the parties to a dispute, with the assistance of a dispute resolution practitioner (conciliator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. Participation in the process is entirely voluntary for all parties.

The conciliator may have an advisory role on the content of the dispute or the outcome of its resolution, but not a determinative role. The conciliator may advise on the law, determine the process of conciliation for the particular dispute, make suggestions for terms of settlement, give expert advice on likely settlement terms and may actively encourage the parties to reach agreement.

In many cases conciliation involves the conciliator facilitating a face-to-face meeting of the parties in both metropolitan and regional Victoria. Conciliation may also be conducted via other formats such as by telephone.

In 2014/2015 more than 4500 people participated in dispute resolution at the Commission (complainants, respondents, representatives and support people). All were informed about the laws administered by the Commission and its functions.

Conciliation outcomes have the capacity to extend beyond privatised individual remedies and include measures which contribute to furthering the objectives of the law to eliminate discrimination and promote equality. Conciliators focus on positive, constructive communication and on 'needs' and 'interests' rather than 'rights' and 'demands'. Parties are encouraged to understand each other's views and develop creative resolution options to address mutual needs and interests. Conciliators foster systemic change by encouraging parties to see the broader societal or structural terms of the dispute beyond individualised self-interest.

Enquiries

In 2014/2015, the Commission received 9175 enquiries from people raising 13,877 issues. This is a small increase in the number of people contacting the Commission compared to 2013/2014, but reflects a 6 per cent increase in the number of issues raised.

In the past three years, the Commission received:

2012/13 8470 enquiries raising 10,557 issues

2013/14 9157 enquiries raising 13,101 issues

2014/15 9175 enquiries raising 13,877 issues

Disability was the highest area of enquiry, followed by race, sex, sexual harassment, age, employment activity, carer status and parental status.

There have been increases in enquiries relating to disability, sex discrimination, race, sexual orientation, age, religious belief/activity and racial and religious vilification.

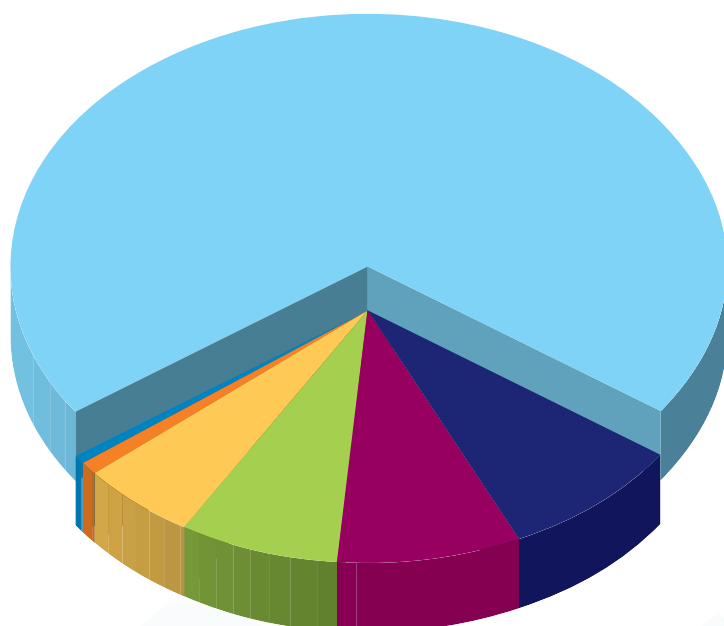
Enquiries received by contact mode

| How received | 2012/13 | 2013/14 | 2014/15 |
|-----------------|-------------|-------------|-------------|
| Email | 981 | 762 | 886 |
| Fax | 42 | 27 | 18 |
| In person | 87 | 92 | 96 |
| Instant message | 404 | 673 | 501 |
| Letter | 320 | 476 | 331 |
| Phone | 6633 | 6384 | 6587 |
| Web form | * | 743 | 756 |
| Total | 8470 | 9157 | 9175 |

* Additional field not included in 2012/13 report.

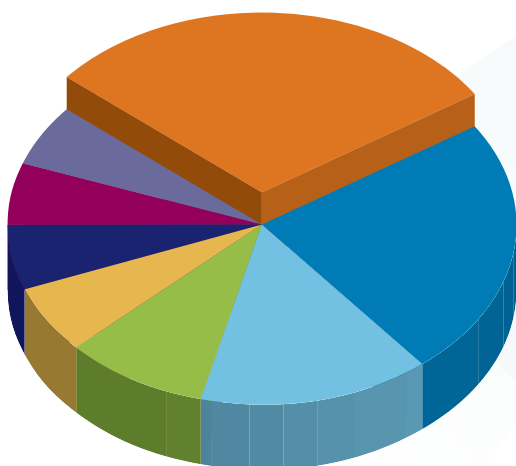
Contact mode of enquiries by percentage

| | |
|-----------------|-------|
| Telephone | 71.8% |
| Email | 9.7% |
| Web form | 8.2% |
| Instant message | 5.5% |
| Letter | 3.6% |
| In person | 1.0% |
| Fax | 0.2% |



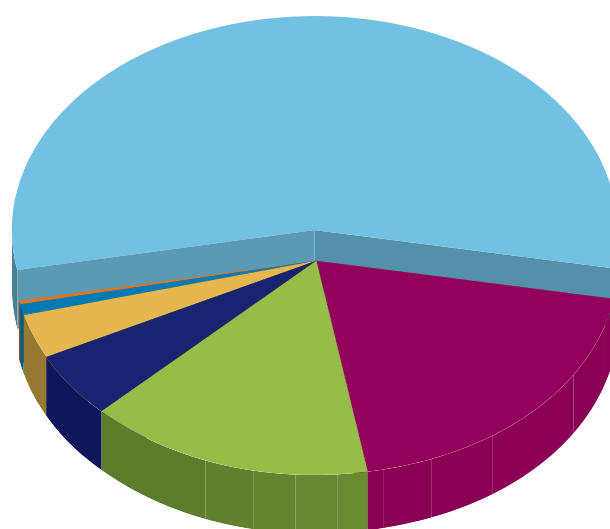
**Issues raised
from enquiries
for 2011/12,
2012/13 and
2013/14**

| Issue | 12/13 | 13/14 | 14/15 | 3 Yr Total |
|------------------------------------|--------------|--------------|--------------|--------------|
| Age | 426 | 461 | 500 | 1387 |
| Authorising and assisting | 11 | 63 | 63 | 137 |
| Breastfeeding | 29 | 37 | 30 | 96 |
| Carer status | 370 | 370 | 377 | 1117 |
| Charter of Human Rights | 149 | 158 | 264 | 571 |
| Child protection | 6 | 12 | 28 | 46 |
| Court | 33 | 35 | 86 | 154 |
| Criminal record | 6 | 55 | 62 | 123 |
| Disability | 2190 | 2082 | 2178 | 6450 |
| Discriminatory Advertisement | 9 | 24 | 7 | 40 |
| Discriminatory information request | 62 | 93 | 88 | 243 |
| Education | 0 | 38 | 46 | 84 |
| Employment activity | 264 | 533 | 387 | 1184 |
| Employment Law | * | 324 | 404 | 728 |
| Family Court | * | 25 | 28 | 53 |
| Family Responsibilities | 2 | * | * | 2 |
| Gender identity | 61 | 59 | 72 | 192 |
| General | 2369 | 3460 | 2779 | 8608 |
| Government - Federal | * | 49 | 52 | 101 |
| Government - Local | 26 | 9 | 19 | 54 |
| Government - State | * | 25 | 20 | 45 |
| Homelessness | 7 | 7 | 9 | 23 |
| Indigenous | * | 1 | 20 | 21 |
| Industrial activity | 41 | 54 | 72 | 167 |
| Involuntary patient | * | 48 | 42 | 90 |
| Lawful sexual activity | 49 | 57 | 26 | 132 |
| Marital status | 63 | 131 | 99 | 293 |
| Media | * | 25 | 37 | 62 |
| No jurisdiction | 926 | 606 | 1369 | 2901 |
| Parental status | 247 | 333 | 358 | 938 |
| Personal association | 54 | 175 | 144 | 373 |
| Physical features | 218 | 287 | 271 | 776 |
| Police | 14 | 47 | 74 | 135 |
| Political belief or activity | 28 | 48 | 38 | 114 |
| Pregnancy | 236 | 190 | 159 | 585 |
| Prisons | 15 | 29 | 40 | 84 |
| Privacy | 16 | 29 | 27 | 72 |
| Publications - Commission | * | 80 | 171 | 251 |
| Race | 775 | 805 | 850 | 2430 |
| Racial vilification | 116 | 72 | 129 | 317 |
| Religious belief or activity | 164 | 193 | 233 | 590 |
| Religious vilification | 39 | 32 | 93 | 164 |
| Sex | 369 | 510 | 590 | 1469 |
| Sexual harassment | 480 | 540 | 542 | 1562 |
| Sexual orientation | 129 | 134 | 155 | 418 |
| Tenancy | 106 | 140 | 204 | 450 |
| Training requests | * | 51 | 82 | 133 |
| Transport | * | 2 | 2 | 4 |
| Victimisation | 263 | 541 | 518 | 1322 |
| WorkCover | 11 | 22 | 33 | 66 |
| Workplace - bullying/harassment | 142 | * | * | 142 |
| Total | 10521 | 13101 | 13877 | 37357 |



Issues raised from enquiries for 2014/15

| | |
|-------------------|------|
| General | 2779 |
| Disability | 2178 |
| No jurisdiction | 1369 |
| Race | 850 |
| Sex | 590 |
| Sexual harassment | 542 |
| Victimisation | 518 |
| Age | 500 |



Complaints under the Equal Opportunity Act and Racial and Religious Tolerance Act by area for 2014/15

| | |
|--------------------|-------------|
| Employment | 1670 |
| Goods and services | 579 |
| No area required | 451 |
| Accommodation | 152 |
| Education | 99 |
| Sport | 22 |
| Local government | 3 |
| Clubs | 1 |
| TOTAL | 2977 |

**Complaints under the Equal Opportunity Act and Racial and Religious Tolerance Act
by attribute and area for 2012/13, 2013/14 and 2014/15**

| ATTRIBUTE | AREA | | | | | | | | | | | |
|------------------------------|------------|-----------|------------|----------|----------|----------|------------|------------|-----------|-------------|-------------|-------------|
| | Accomm | | | Clubs | | | Education | | | Employment | | |
| | 12/13 | 13/14 | 14/15 | 12/13 | 13/14 | 14/15 | 12/13 | 13/14 | 14/15 | 12/13 | 13/14 | 14/15 |
| Age | 7 | 8 | 15 | | | | 8 | 5 | 2 | 84 | 77 | 90 |
| Authorising and assisting | | | | | | | | | | | | 2 |
| Breastfeeding | 1 | | | | | | 1 | | | 2 | 6 | 1 |
| Carer status | 9 | 4 | 7 | 1 | | | 2 | 2 | 5 | 103 | 85 | 99 |
| Disability | 86 | 36 | 79 | 1 | 6 | 1 | 88 | 73 | 53 | 344 | 340 | 355 |
| Discriminatory info. request | | | | | | | | | | | | |
| Employment activity | | | | | | | | | | 172 | 210 | 188 |
| Gender identity | | | 1 | | | | 2 | | | 1 | 1 | 9 |
| Industrial activity | | | | | | | | | | 37 | 27 | 20 |
| Lawful sexual activity | | 3 | 2 | | | | | | | 23 | 14 | 3 |
| Marital status | | 6 | 4 | | | | 2 | | 1 | 21 | 29 | 21 |
| Parental status | 3 | 9 | 4 | | | | 4 | | 5 | 96 | 83 | 93 |
| Personal association | 12 | 2 | 5 | | | | 1 | 3 | 3 | 17 | 19 | 23 |
| Physical features | | | 7 | | | | 5 | 2 | 3 | 96 | 90 | 100 |
| Political belief or activity | 1 | | | | | | | | | 2 | 9 | 2 |
| Pregnancy | | | 1 | 2 | | | 3 | 1 | 1 | 54 | 43 | 35 |
| Race | 8 | 12 | 18 | | 1 | | 22 | 14 | 15 | 172 | 175 | 174 |
| Racial vilification | | | | | | | | | | | | |
| Religious belief or activity | 2 | | 3 | | | | 3 | 2 | 5 | 22 | 21 | 39 |
| Religious vilification | | | | | | | | | | | | |
| Sex | 3 | 3 | 2 | 3 | | | 8 | 6 | 4 | 140 | 110 | 184 |
| Sexual harassment | 2 | | 1 | 2 | | | 6 | 9 | 1 | 164 | 185 | 170 |
| Sexual orientation | 1 | 7 | 3 | | | | | 1 | 1 | 24 | 16 | 61 |
| Victimisation | | | | | | | | | | | | 1 |
| Total | 135 | 90 | 152 | 9 | 7 | 1 | 155 | 118 | 99 | 1574 | 1540 | 1670 |

**Racial and Religious Tolerance Act
complaints by attribute**

| Attribute | 12/13 | 13/14 | 14/15 |
|---------------------------|-----------|-----------|------------|
| Authorising and assisting | 2 | 0 | 20 |
| Racial vilification | 18 | 14 | 45 |
| Religious vilification | 19 | 10 | 37 |
| Victimisation | 2 | 1 | 4 |
| Total | 41 | 25 | 106 |

Complaints

The Commission accepted 1060 complaint files in 2014/15. Within these complaint files 2977 complaints¹ were raised under the Equal Opportunity Act and Racial and Religious Tolerance Act. The complexity of a complaint is reflected in the number of issues identified by complaints when they make a complaint. A complainant may allege more than one respondent has breached the law and claim one or more attributes are the basis for this unfavourable treatment. Also one or more areas of public life may apply to a complaint.

¹ A single complaint file may contain multiple complaints.

| Goods/Services | | | AREA | | | | | | | | | Total | | |
|----------------|-------|-------|-------------|-------|-------|-------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| | | | Local Gov't | | | No area required* | | | Sport | | | | | |
| 12/13 | 13/14 | 14/15 | 12/13 | 13/14 | 14/15 | 12/13 | 13/14 | 14/15 | 12/13 | 13/14 | 14/15 | 12/13 | 13/14 | 14/15 |
| 41 | 45 | 36 | | | | | | | 1 | 5 | 2 | 141 | 140 | 145 |
| | | | | | | 10 | 8 | 31 | | | | 10 | 8 | 33 |
| 2 | 8 | | | | | | | | | | | 6 | 14 | 1 |
| 15 | 20 | 12 | | | | | | | 4 | | | 134 | 111 | 123 |
| 223 | 223 | 262 | | 1 | | | | | 7 | 7 | 2 | 749 | 686 | 752 |
| | | 1 | | | | 12 | 16 | 11 | | | | 12 | 16 | 12 |
| | 2 | | | | | | | | | | | 172 | 212 | 188 |
| 9 | 10 | 5 | | | | | | | 1 | | | 13 | 11 | 15 |
| | 1 | | | | | | | | | | | 37 | 28 | 20 |
| 1 | 1 | 1 | | | | | | | | | | 24 | 18 | 6 |
| 5 | 15 | 5 | | | | | | | | | | 28 | 50 | 31 |
| 11 | 12 | 9 | | | | | | | 3 | | | 117 | 104 | 111 |
| 16 | 35 | 41 | | | | | | | | | | 46 | 59 | 72 |
| 23 | 22 | 17 | | | | | | | 2 | | | 126 | 114 | 127 |
| 4 | 7 | 4 | | | 1 | | | | | | | 7 | 16 | 7 |
| 2 | 1 | 6 | | | | | | | | | | 61 | 45 | 43 |
| 68 | 90 | 98 | | 2 | | | | | 4 | 2 | 2 | 274 | 296 | 307 |
| | | | | | | 18 | 14 | 45 | | | | 18 | 14 | 45 |
| 19 | 36 | 31 | | | 1 | | | | | | 2 | 46 | 59 | 81 |
| | | | | | | 19 | 10 | 37 | | | | 19 | 10 | 37 |
| 34 | 41 | 31 | | | | | | | 4 | 2 | 14 | 192 | 162 | 235 |
| 15 | 11 | 10 | | | | | | 1 | | | | 189 | 205 | 183 |
| 10 | 11 | 9 | | | 1 | | | | | | | 35 | 35 | 75 |
| | | 1 | | | | 259 | 305 | 326 | | | | 259 | 305 | 328 |
| 498 | 591 | 579 | 0 | 3 | 3 | 318 | 353 | 451 | 26 | 16 | 22 | 2715 | 2718 | 2977 |

* Complaints that relate to provisions 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.

The Commission received the following number of complaint files in the last three years:

| | |
|----------------|---|
| 2012/13 | 1054 files raising 2715 complaints |
| 2013/14 | 1053 files raising 2718 complaints |
| 2014/15 | 1060 files raising 2977 complaints ² |

Employment was the most frequent area of complaint followed by goods and services, accommodation and education.

Notably, employment and accommodation have had significant increases and there was a slight decrease in the area of education.

Disability discrimination was the most frequent attribute of complaint, followed by race, sex, employment activity, sexual harassment, age, physical features, carer status and parental status.

² Referred to as "issues" in previous annual reports. Complainants may allege a breach of the Act(s) on the basis of more than one attribute, area or respondent within one statement of complaint. For example a person may allege sex and race discrimination against their employer and a work colleague – this would actually count as four complaints.

In 2014/15 there was an increase in complaints related to disability, sex, sexual orientation, race, religious belief activity, physical features, carer and parental status, compared to 2013/14.

In 2014/15 there were 106 complaints received under the Racial and Religious Tolerance Act compared with 25 in 2013/14. While there has been a substantial increase in both racial and religious vilification complaints, it should be noted that a large proportion of these complaints were in relation to a multi-party dispute.

Complaints finalised

The Commission finalised 966 complaint files in 2014/15. The following number of complaint files were closed in the past three years.

2012/13 1095

2013/14 1130

2014/15 966

The Commission finalised 86 per cent of complaint files within six months of receipt. Of all complaint files finalised, 40.4 per cent were resolved. Finalised files also consist of those withdrawn by complainant or respondent and those where dispute resolution was not offered.

Where conciliation was attempted, 69.4 per cent of files were resolved.

Victorian Civil and Administrative Tribunal applications

Under the Equal Opportunity Act a person may make a direct application to the Victorian Civil and Administrative Tribunal (VCAT) – Human Rights List to have their matter heard and determined without first bringing their dispute to the Commission.

The Commission estimates that 76 direct applications were made to VCAT in 2014/2015.

Complainant demographics

Complaints by individual complainants (two or more people may jointly bring a dispute to the Commission for dispute resolution) under the Equal Opportunity Act (EOA) and the Racial and Religious Tolerance Act (RRTA).

Complainant demographics by Act

| Complainants | RRTA | EOA | Total |
|--------------------|-----------|-------------|-------------|
| Female | 12 | 544 | 556 |
| Male | 38 | 472 | 510 |
| Grand Total | 50 | 1016 | 1066 |

Complaints by aggrieved parties, Act and attribute 2014/2015

| Act | Attribute | Female | Female, Male* | Male | Total |
|--------------|------------------------------------|-------------|---------------|-------------|-------------|
| EOA | Age | 84 | 4 | 57 | 145 |
| | Authorising and assisting | 9 | | 4 | 13 |
| | Breastfeeding | 1 | | | 1 |
| | Carer status | 93 | | 30 | 123 |
| | Disability | 409 | 3 | 340 | 752 |
| | Discriminatory information request | 9 | | 3 | 12 |
| | Employment activity | 109 | | 79 | 188 |
| | Gender identity | 10 | | 5 | 15 |
| | Industrial activity | 6 | | 14 | 20 |
| | Lawful sexual activity | 3 | | 3 | 6 |
| | Marital status | 20 | | 11 | 31 |
| | Parental status | 96 | | 15 | 111 |
| | Personal association | 50 | | 22 | 72 |
| | Physical features | 60 | | 67 | 127 |
| | Political belief or activity | 4 | | 3 | 7 |
| | Pregnancy | 41 | | 2 | 43 |
| | Race | 134 | 4 | 169 | 307 |
| | Religious belief or activity | 28 | | 53 | 81 |
| | Sex | 187 | | 48 | 235 |
| | Sexual harassment | 133 | | 50 | 183 |
| | Sexual orientation | 25 | | 50 | 75 |
| | Victimisation | 195 | | 129 | 324 |
| | EOA total | 1706 | 11 | 1154 | 2871 |
| RRTA | Authorising and assisting | 3 | | 17 | 20 |
| | Racial vilification | 9 | | 36 | 45 |
| | Religious vilification | 8 | | 29 | 37 |
| | Victimisation | | | 4 | 4 |
| | RRTA total | 20 | 0 | 86 | 106 |
| Total | | 1726 | 11 | 1240 | 2977 |

*Female, male = related to two or more people who may jointly bring a dispute to the Commission for dispute resolution.

Respondent demographics

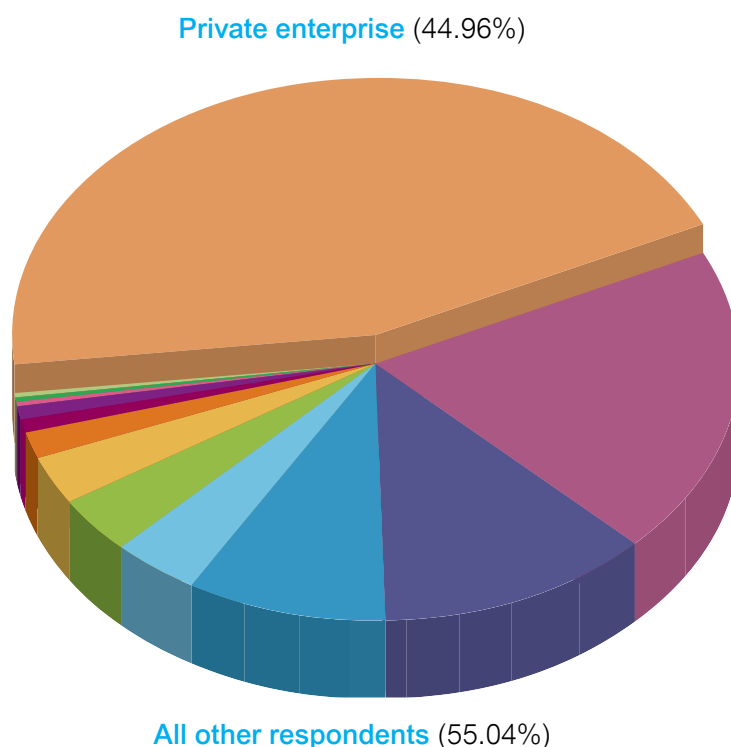
Complaints may be made against a number of different types of respondents.

Respondent demographics 2014/2015

| Respondent type | EOA | RRTA | Total |
|---|-------------|-----------|-------------|
| Clubs / incorporated associations | 13 | | 13 |
| Commonwealth Government department | 4 | | 4 |
| Commonwealth Government statutory authority | 2 | | 2 |
| Educational institution | 54 | 3 | 57 |
| Government business enterprise | 2 | | 2 |
| Individual female | 181 | 5 | 186 |
| Individual male | 272 | 18 | 290 |
| Local Government | 41 | 2 | 43 |
| Non-government organisation | 1 | | 1 |
| Not-for-profit non-government org. / non-educational religious org. | 54 | 4 | 58 |
| Other - please specify | 18 | 10 | 28 |
| Private enterprise | 666 | 12 | 678 |
| State Government department | 132 | 2 | 134 |
| State Government statutory authority | 11 | | 11 |
| Trade union / professional organisation | 1 | | 1 |
| Grand Total | 1452 | 56 | 1508 |

Respondent demographics – Private enterprise compared to other respondents

| | |
|---|--------|
| Private enterprise | 44.96% |
| Individual male | 19.23% |
| Individual female | 12.33% |
| State Government department | 8.89% |
| Educational institution | 3.85% |
| Not-for-profit non-government org. / non-educational religious org. | 3.78% |
| Local government | 2.85% |
| Other - please specify | 1.86% |
| Clubs / incorporated associations | 0.86% |
| State Government statutory authority | 0.73% |
| Commonwealth Government department | 0.27% |
| Commonwealth Government statutory authority | 0.13% |
| Government business enterprise | 0.13% |
| Non-Government organisation | 0.07% |
| Trade union / professional organisation | 0.07% |



Case studies of matters resolved through conciliation

Age discrimination in employment

The complainant applied for an apprenticeship with a manufacturing company and was told by the prospective employer that his application would not be processed as they were seeking someone younger to pay minimum salary.

When contacted by the Commission, the respondent agreed to attempt to resolve the complaint. The complaint was resolved by the conciliator providing the respondent with a copy of the Equal Opportunity Act, brochures on age discrimination and an undertaking to provide equal opportunity training to staff.

Disability in accommodation (assistance dog)

The complainant booked a room at a motel for herself and a family member who has a guide dog. The respondent cancelled the booking due to having a “no pets policy”.

When contacted by the Commission, the respondent agreed to attempt to resolve the complaint. The complaint was resolved for a sincere apology as the respondent was unaware of their responsibilities under the law and changed their policy.

Sexual harassment in employment

The complainant worked in the food industry and alleged a co-worker would repeatedly make comments and invitations of a sexual nature to her and physically touched and brushed his body against hers.

When contacted about the complaint the respondent agreed to attend a conciliation conference. At conciliation, the complaint was resolved with an agreement to pay the complainant \$3000 compensation and provide equal opportunity training for staff.

Race in goods and services

The complainant and some friends attempted to enter a nightclub. Some were permitted entry but the complainant and a friend, who are Sri Lankan, were not.

When contacted about the complaint the respondent agreed to attend a conciliation conference. At conciliation, the complaint was resolved, without admission of liability, for an apology and equal opportunity training for door staff.

Disability discrimination in employment

The complainant worked in the transport industry and suffered a work injury five years ago and had been working modified duties since. His employer directed him to perform the full duties of his substantive position as the decision was made that no ongoing adjustments could be offered for a permanent injury. The complainant had no choice but to submit his resignation.

When contacted about the complaint the respondent agreed to attend a conciliation conference. At conciliation, the complaint was resolved with an agreement to pay the complainant \$18,000 compensation and access to an employee assistance program.

Employment activity in employment

The complainant worked in hospitality and spoke to her employer about being paid for the overtime hours she frequently worked each week. When her manager said no to her request she sought advice from the Fair Work Ombudsman who advised that she was entitled to paid overtime. When she informed her employer of this advice, her employment was terminated a day before her probation period ended.

When contacted about the complaint the respondent agreed to attend a conciliation conference. At conciliation, the complaint was resolved with an agreement to pay the complainant \$3000 compensation.

Carer status in employment

The complainant worked in a trading company and took maternity leave. Toward the end her maternity leave she discovered she was pregnant with a second child and was having complications. She informed her employer and sought an extension of her maternity leave, which was granted. Encountering difficulties in childcare arrangements, she sought a further short extension for her return to work. This extension was denied, with the respondent asking that she return to work or she would lose her job. The complainant had no option but to end her employment.

When contacted about the complaint the respondent agreed to attend a conciliation conference. At conciliation, the complaint was resolved with an agreement to pay the complainant \$5500 compensation.

Race in employment

The complainant, a man of Middle Eastern descent, applied for a position in the financial sector and attended an interview with the respondent. After he talked about his racial background at the interview, he was told the respondent only wanted to hire people who fit the culture of the company.

When contacted about the complaint, the respondent agreed to attend a conciliation conference. At conciliation, the complaint was resolved for \$5000 compensation.

Discriminatory requests for information

The complainant was completing a job application for a position via a recruitment agency. The questions that caused her concern were in relation to whether she had a psychological disability.

When contacted by the Commission, the respondent agreed to attempt to resolve the complaint. The complaint was resolved by the respondent, removing such questions from its job application form.

Gender identity in employment

The complainant worked for a manufacturing company. When he advised his employer that he was transgender and planning to transition, he was informed the company was restructuring and his employment was terminated.

When contacted about the complaint the respondent agreed to attend a conciliation conference. At conciliation, the complaint was resolved with an agreement to pay the complainant \$12,000 compensation.

Pregnancy in employment

The complainant became pregnant during her three-month probationary period with a retail industry and informed her employer. She was dismissed at the end of her probationary period for poor work performance, which she disputed.

When contacted about the complaint the respondent agreed to attend a conciliation conference. At conciliation, the complaint was resolved for \$1000 compensation.

Systemic discrimination

Each year the Commission receives many hundreds of complaints from people who have been discriminated against. We know these complaints are a fraction of the actual experience of discrimination and we know that many people do not complain, often because they are frightened of the repercussions or do not think it will achieve anything.

For this reason, the Commission uses its research and information powers to identify systemic and institutional practices that create the environment in which discrimination occurs. We focus on areas of work where we can bring a particular human rights and equal opportunity focus to issues affecting members of our community.

To ensure our work is meaningful, relevant and practical we involve a broad range of community members and stakeholders to contribute to improved outcomes for the Victorian community.

We continue to work with organisations to implement the recommendations of our research.

Beyond Doubt

In July 2014 the Commission launched the research report *Beyond Doubt: the experiences of people with disabilities reporting crime*. The report was undertaken using the Commission's research functions under section 157 of the Equal Opportunity Act, and it arose from concerns raised by the Commission's Disability Reference Group that people with disabilities face particular barriers in seeking justice as victims of crime.

The report found that the level of crime experienced by people with disabilities in Victoria is substantial. This is in spite of – and sometimes the result of – systems that are designed to provide justice and safety. We know that some people are at greater risk, including people with intellectual and mental health disabilities, communication disabilities and women with disabilities.



Board member Colleen Pearce, the Hon David Southwick MP, Commissioner Kate Jenkins, and former Chief Commissioner of Victoria Police Ken Lay at the launch of *Beyond Doubt* in July 2014.

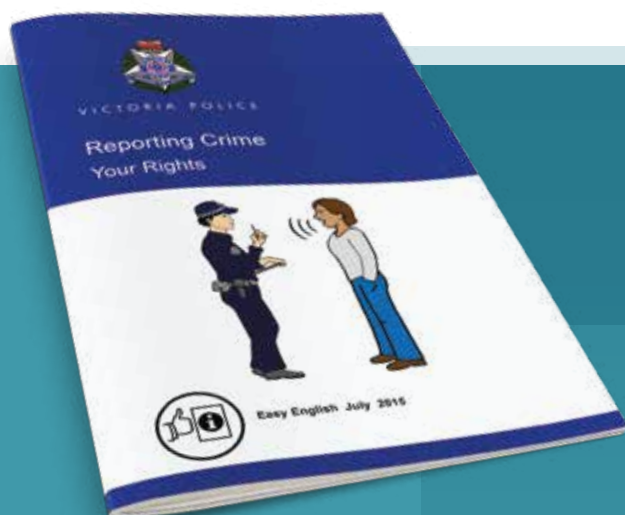
Our study found that people with disabilities face significant and multifaceted barriers when it comes to reporting crime to police. These barriers are experienced across a number of settings and in multiple ways. For those living in environments that are socially isolating, additional barriers exist because these crimes occur behind closed doors.

The report makes 16 recommendations to agencies across government, including Victoria Police, Court Services Victoria, the Department of Justice, the Department of Health, the Department of Human Services, the Judicial College of Victoria and the Office of the Public Advocate.

Examples of this work can be seen in the box on the following page.



Commissioner Kate Jenkins addresses the media at the launch of *Beyond Doubt* in July 2014.



Easy English resource on reporting crime

The Commission is continuing its work on the experiences of people with disabilities reporting crime since the release of the *Beyond Doubt* report. As part of its broader recommendation for Victoria Police to improve communication access, the Commission is collaborating with Victoria Police to produce a resource in Easy English to assist people with cognitive disabilities and complex communication disabilities to report crime to police. The resource will provide information on a range of matters about reporting crime – including different types of crime, how to contact police to report a crime and available supports.

Disability Access bench book

The Commission is working with the Judicial College of Victoria to produce a bench book to assist judicial officers to meet the needs of people with disabilities in court. The bench book will provide guidance on different disabilities, possible adjustments – and improvements to court processes, interactions and facilities to meet the needs of people with disabilities. The project is supported by a Steering Committee.



Come In, We're Accessible

In 2013 the Commission conducted research, meeting with local businesses in the Melbourne CBD to hear about their experiences of providing services to customers with disabilities. We found varying levels of understanding about accessibility, customers' communication needs and about how customer service for people with disabilities, older people, parents or carers could be improved.

As a result of this research, the Commission developed Come In, We're Accessible, a self-assessment tool that can be used by businesses to help them identify areas in their business where accessibility can be improved. The Commission also developed a suite of fact sheets on accessibility.

The resource is available at accessiblebusiness.com.au.

Auslan interpreters in Victorian hospitals

The Commission has undertaken research into how Auslan interpreters are provided to patients who are deaf or hard of hearing in Victorian hospitals through a series of interviews and focus groups with hospital staff and Auslan interpreters. The project responds to concerns raised by the Commission's Disability Reference Group and other stakeholders, suggesting there are gaps in how Auslan interpreters are made available in hospitals. The project is supported by a reference group including representatives from the Department of Health and Human Services (DHHS), Deaf Victoria and Vicdeaf.

The Commission is commencing a second phase of the project responding to the issues raised from the consultations, developing recommendations for DHHS and other organisations to raise awareness about providing Auslan interpreters for patients and improve practice.

Report Racism – trialling third party reporting

The Commission is trialling Report Racism, a third party reporting initiative, in partnership with Victoria Police and the Victorian Aboriginal Legal Service. This is one of the action items from our 2013 report *Reporting racism: what you say matters*.

Report Racism is being trialled in two locations – Northern Melbourne (City of Yarra, Darebin and Whittlesea) and Shepparton. The Northern Melbourne trial was launched on 21 August 2014, and the Shepparton trial was launched on 12 February 2015. We are working with the endorsement and support of the Regional Aboriginal Justice Advisory Councils in these areas to consult with the community and implement the initiative.

Third party reporting means that people can report at a designated community organisation, known as a Reporting Place, as well as directly to Victoria Police or the Victorian Equal Opportunity and Human Rights Commission. Through these Reporting Places, and an online reporting tool, Report Racism aims to create an environment where Aboriginal people can feel confident and safe to report any cases of racism they experience or witness. The trial will continue until the end of 2015.

Aboriginal cultural rights project

The Commission has started a new project on Aboriginal cultural rights. The project aims to increase the awareness, understanding and use of Aboriginal cultural rights under the Charter. The project aims to:

- assist public authorities to comply with their obligations under the Charter by acting compatibly with Aboriginal cultural rights
- increase awareness, understanding and use of Aboriginal cultural rights by Aboriginal peoples as a tool to engage with public authorities.

The Commission has started consultations with government and the Aboriginal community, and will develop relevant resources about Aboriginal cultural rights.



Commissioner Kate Jenkins,
Chair of the Hume Regional
Aboriginal Justice Advisory
Committee John Martin,
Deputy Commissioner of
Victoria Police Lucinda
Nolan and Director, Legal
and Strategy of the Victorian
Aboriginal Legal Service,
Meena Singh.



Anti-Hate

The Anti-Hate campaign is part of the Commission's work to address vilification, hate and other forms of discrimination. The campaign was developed in 2012 in response to our own research, as well as academic work on preventing and responding to discrimination.

The campaign has three main aims: to encourage people to understand that there is something they can do about hate; to give people a way of reporting what has happened to them if they experience discrimination; and to enable people share stories of how they have stood up against hate.

The campaign is designed to make it easy for people to do something without feeling afraid or that they are being judged. Importantly, one of its key aims is to reach people where they are – and where much of the discrimination is now occurring – online.

In 2014/15 Anti-Hate received a boost with an advertising campaign targeting trains, taxis and Facebook. The campaign also went national, with the Northern Territory, Queensland, South Australia and Western Australia commissions promoting the Anti-Hate message.



Fair go, sport!

Beginning as a partnership between the Australian Sports Commission and the Victorian Equal Opportunity and Human Rights Commission, Fair go, sport! now spans five state sporting associations and involves VicHealth, Sport and Recreation Victoria and VicSport.

Research shows same-sex attracted and sex and gender diverse (SSASGD) community members face significant discrimination in sport. Fair go, sport! aims to create safe and inclusive sporting environments for SSASGD community members.

Phase 2 (with funding from the Commission, VicHealth and Sport and Recreation Victoria) is almost complete. This involved Hockey Victoria, Cycling Victoria, Basketball Victoria, Roller Derby-Skate Victoria. Football Federation Victoria will continue to work on Fair go, sport! until October 2015, and RMIT and Melbourne University Soccer Clubs are also engaged with Fair go, sport! projects.

Using an assets-based, action-learning approach that sees 'real people in real clubs doing real things', all state sporting associations are implementing a range of initiatives that advance their practice and create more inclusive clubs. For example:

- The McKinnon Cougars and Craigieburn Eagles competed in the inaugural basketball Pride Cup on 1 February 2015. The exhibition games involved both women's and men's teams and was organised and supported by Big V, Basketball Victoria and Fair go, sport!
- Football Federation Victoria and the Melbourne Rovers soccer club supported Team Melbourne events as part of the 2015 Midsumma Festival.



- Hockey Victoria again invited all clubs across the state to participate in a Fair go, sport! round from 27 July–4 August to celebrate sexual and gender diversity and the importance of creating safe, welcoming and inclusive environments within hockey. Hockey Victoria reported the level of interest in member clubs has risen again with more clubs wanting to get involved and with clubs engaging through more creative and sustainable activities.
- One of the pilot Fair go, sport! clubs, the Camberwell Hockey Club, was announced the winner of the 2014 Inclusive Club of the Year at the 2014 Hockey Victoria Awards Dinner.

At the end of July 2014, Fair go, sport! ambassador Gus Johnston gathered 15 hockey goalkeepers from 10 different clubs for a photo shoot to help put the boot into homophobia.

As Gus explained, "Leadership doesn't begin and end when we cross that little white line. All of these keepers have stepped up to that challenge because they want to keep homophobia out of hockey."

Included in the photo with Gus are triple Olympian Lachlan Dreher, Stephen Mowlan OAM (Olympic gold medallist) and George Bazely (Kookaburra World Cup and Champions trophy gold medallist).



The Commission continues to promote the values of Fair go, sport! and support these sports to ensure the Fair go, sport! philosophy becomes a sustainable and ongoing part of their practice. To this end, a Fair go, sport! sports focused community of practice has been established. This network involves all the sports that have been involved in a Fair go, sport! project with the view to sharing, supporting and learning from each other.

Photo source: Twitter @gusjohnston

Fair go, sport! in schools

The 2014 Equal Play study by Victoria University and beyondblue reports that school sport and physical education classes are still sites of homophobic harassment, discrimination and exclusion. Homophobic bullying during school sport and physical education has a profound impact on the health and wellbeing of SSASGD students. The study calls on health and physical education teachers and those who train them to take action.

The Fair go, sport! schools project is ideal for this. First implemented at Reservoir High School in 2013, the project sees staff and students working together, primarily through physical education and sport, to make schools safer and more inclusive for SSAGD students. The three new Fair go, sport! schools in 2014 were; Keilor Downs College, Whittlesea Secondary College and Castlemaine Secondary College, and once again, the project appears to have reaped significant rewards.

After a comprehensive planning workshop facilitated by the Commission, the schools worked on a range of projects and initiatives throughout the year, which included developing a sport code of conduct and holding events such as a Fair go, sport! athletics carnivals and an interschool Fair go, sport! Cup.

After having participated in the Fair go, sport! project and being intensively supported by the Commission for a full calendar year, the schools then drew up plans for the future embedding this thinking into their school ethos. The three schools identified that their future planning will include: further developing school curriculum; reviewing policy and implementing policy consistently; strengthening the LGBTI support groups at the school; and further surveying and auditing staff and students to track progress. These are encouraging signs for the longevity of this project at these schools.

The Commission is encouraging other schools to get involved, and has developed an online starter kit. Visit humanrightscommission.vic.gov.au/fairgosport for more information.

In 2015, three new schools launched the Fair go, sport! project in their communities. The 2015 schools are Manor Lakes College, Buckley Park College and Overnewton Anglican Community College.

To further support Fair go, sport! in schools, the Commission established a Community of Practice, which gathers staff and student participants from participating schools together in order to develop a domain of knowledge, a notion of community and community focus and actions. Our belief is that a strong Community of Practice fosters interactions and encourages a willingness to share ideas and develop skills and resources and will help sustain and support safe and inclusive school communities

Feedback from Fair go, sport! participants

“The Fair go, sport! project has really brought the diversity space back to life at [our school], it has been the instigator to get these issues back on the front burner. It has given the reestablishment of the [Gay Straight Alliance] group some really clear directions.”

“Most of the exceptional leadership has come from our student ambassadors. They have been the driving force behind the program and the people who have been the biggest influence the success of the program.”

“One of the highlights of the program this year has been the collaboration between the principal, assistant principals, teachers, sport council and Gay Straight Alliance. They all worked together on this program with equal say.”



Male Champions of Change Victoria

Commissioner Kate Jenkins announced the Victorian-based Male Champions of Change group in April 2015. Adopting a model pioneered by Federal Sex Discrimination Commissioner Elizabeth Broderick, the strategy centres on influential men, stepping up beside women, to take action to advance gender equality.

Victoria is the home of some of Australia's most significant local, national and global organisations. We have brought together a group of Victorian-based leaders who, through strong leadership and individual and collective action, can accelerate change through their organisational and community reach.

At time of publication, Male Champions of Change Victoria comprised the following members:

“Why men? Because they largely hold the levers of power, even though the progress we’ve achieved is largely due to the activism of women. This group is about leadership, it’s about men who will push for change in what’s not just a women’s issue – it’s a social and economic issue that affects us all.”

Kate Jenkins, *Herald-Sun*,
April 14, 2015

| | |
|---|---|
| Gillon McLachlan | AFL |
| Ahmed Fahour | Australia Post |
| Ian Silk | Australian Super |
| Peter Hay | Chair/Non-Executive Director |
| Ben Rimmer | City of Melbourne |
| Rowen Craigie | Crown Resorts |
| Chris Eccles | Department of Premier and Cabinet |
| Adam Fennessy | Department of Environment, Land, Water and Planning |
| Tony Frencham | Dow Chemical |
| Steven Sewell | Federation Centres |
| Damon Johnston | Herald Sun |
| James Fazzino | Incitec Pivot |
| Clément Michel (joined July 2015) | Yarra Trams |
| George Savvides | Medibank |
| Gareth Goodier | Melbourne Health |
| Andrew Thorburn | National Australia Bank |
| Chris Maxwell | President of the Court of Appeal, Supreme Court of Victoria |
| Luke Sayers | PwC |
| Brian Kruger | Toll Group |
| Glyn Davis | The University of Melbourne |
| Doug Hilton | Walter and Eliza Hall Institute of Medical Research |
| John Cain | Former Premier of Victoria |
| Ken Lay | Former Chief Commissioner, Victoria Police |



Increasing compliance and building good practice

We work with duty holders such as employers, government and service providers to equip them to meet their obligations, improve their practice and drive systemic change.

Education and consultancy services

The Commission provides education and consultancy services across Victoria. This year we delivered 507 workshops to almost 6500 participants. Workshops comprised 85 calendar sessions, delivered in Melbourne and a range of regional centres, and 422 tailored workshops delivered onsite at the request of a wide range of private (28 per cent), government (51 per cent) and community (21 per cent) organisations.

Highlights included:

- Facilitating community consultations to inform the 2015 eight-year review of the *Charter of Human Rights and Responsibilities Act 2006*
- Extending education and training programs to Aboriginal community organisations
- Successfully expanding our innovative Fair go, sport! schools project to six schools
- Developing and successfully piloting our new workplace team behaviour improvement tools and processes
- Facilitating education and training of our new leadership and workplace culture modules.

As part of our regional outreach work, we conducted workshops in the following regional areas:

| | |
|-------------------|---|
| Seymour | Building Inclusive Schools |
| Echuca | Building Inclusive Schools |
| Wangaratta | Workplace Behaviour – Bullying and Harassment <i>Equal Opportunity Act 2010</i> Overview |
| Traralgon | Workplace Behaviour – Bullying and Harassment <i>Equal Opportunity Act 2010</i> Overview |
| Ballarat | Workplace Behaviour – Bullying and Harassment - <i>Equal Opportunity Act 2010</i> Overview |

Feedback from training participants



Charter Essentials

- ① 20 protected civil & political rights
- ② Obligations on public authorities
 - act compatibly with rights
 - properly consider human rights



Human rights training and consultation

The Commission continued to provide human rights training to both rights holders and duty holders across Victoria, as well as providing general public training as part of the 2015 eight-year review of the Charter.

Rights holders were trained in organisations providing support for everyone from asylum seekers to those with specific disabilities, through to advocates in community legal centres. Duty holders ranged across both state and local governments, from graduate students in the public sector to other government departments.

The Commission, in supporting the eight-year review of the Charter, offered a Charter Essentials training course in conjunction with the community consultations. Community consultations were held in Mildura, Shepparton and Warrnambool, as well as Werribee, Coburg and Springvale. These sessions provided a basic background on Charter rights and responsibilities and sought public feedback into the eight-year review.

Case study

Following some transfers of children from youth justice centres to adult prison, the Department of Human Services began work to minimise the number of young people, particularly children, transferred from youth justice centres to prison. As part of this work, the Department requested that the Commission review key policy documents and operational manuals. The Commission and Youth Justice took a collaborative approach to the review, with opportunities to seek clarification and solve problems together. This approach also led to them accepting the Commission's offer of human rights training for staff. The Commission delivered training to Youth Justice Centre unit managers, focussing on strengthening their human rights practice and developing a human rights-based framework for decision-making. Through these sessions, unit managers identified the value of future training to embed human rights practice for frontline staff.



Partnerships

Disability Reference Group

Since 2004, the Commissioner has met regularly with our Disability Reference Group (DRG) to hear about systemic disability discrimination and human rights issues, and to improve our services to people with disabilities. DRG members are volunteers who are recruited for two-year terms. The current term began in July 2014 and will continue until June 2016.

The DRG (pictured above) met five times in 2014/15. The DRG discussed a range of important issues including the needs of young people with disabilities in residential care, safeguarding of rights under the National Disability Insurance Scheme, quality of Auslan teaching in regional areas, availability of disability parking spaces and accessibility of public transport.

The DRG also contributed to the Commission's Disability Action Plan, gave regular feedback on systemic work including Come In, We're Accessible and the Auslan in Hospitals projects and informed the Commission's responses to physical and communication access audits.

DRG members for the 2014–2016 term are: Liz Wright (co-Chair), Peter Adams, Denise Allen, Thomas Banks, John Baxter, Trevor Carroll, Julie Debeljak, Dorothy Docherty, Frank Hall-Bentick, Kirrily Hayward, Tyrell Heathcote, Pradeep Hewavitharana, Sam Jackson, Liz Kelly, Suzanne Lau-Gooey, Dennisse Luna, Susan Stork-Finlay. Trudy Ryall joined the DRG in May 2015.

Creating Healthy Workplaces

The Commission managed the implementation phase of a Creating Healthy Workplaces race-based discrimination project in 2014/15.

The project, which is funded by VicHealth, aims to assess the extent to which race-based discrimination may reduce following culture change interventions in the workplace. The Commission is working with an aged-care provider and is partnering with consultancy group Insight SRC and multicultural services provider AMES to deliver project outcomes.

An organisation-wide staff survey was completed in late 2014/15 to identify potential organisational drivers of discrimination, and to provide a baseline to measure change. From November 2014 to April 2015, the Commission led a culture change intervention in two operating units of the aged-care provider, including leadership coaching and intact work team development aimed at improving workplace inclusion and reducing race-based discrimination.

A second administration of the diagnostic survey was conducted in late June, which will enable further exploration of the impact of intervention strategies. The Commission anticipates a final report will be released in early 2016.

LEAD project anti-racism training initiatives

The Localities Embracing and Accepting Diversity Project (the LEAD project) was a four-year VicHealth pilot project aiming to reduce race discrimination and promote diversity through coordinated evidence-based actions with individuals, communities and organisations within two Victorian localities. As well as supporting the project and its social marketing campaign, the Commission was contracted to develop and deliver workplace training in a range of sites within the cities of Greater Shepparton and Whittlesea.

Throughout 2014 a range of anti-racism and diversity training based on the LEAD project continued to be developed and delivered.

Academic and health organisations in Shepparton have also rolled out the training, following the positive feedback from local employers and the community. Local discrimination awareness forums for community groups, run by the Commission and using some of the innovative and engaging LEAD training mechanisms, have been very well received.

Several other councils, particularly those signing up to the Australian Human Rights Commission's *Racism. It stops with me* campaign, now engage the Commission to deliver cultural awareness and inclusion training to their leaders and staff. Community organisations in Melbourne have also successfully used the Commission's training to raise awareness, shift attitudes and develop more inclusive services.

The Commission has also redeveloped the LEAD training package for use in the corporate sector, highlighting the business benefits of diversity and inclusion.

The evaluation of the LEAD project is now available and was highlighted in the Municipal Association of Victoria's *CIVIC* magazine in March 2015.

Consultative committees

During 2014/15 we collaborated on a broad range of projects – some driven by the Commission and others where we contributed our expertise to organisations.

The Commission provided equal opportunity and human rights expertise to a range of peak sporting and community bodies through participation on the following reference groups:

- Australian Council of Human Rights Agencies
- 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
- Y Respect Gender (YMCA) – exploring workplace-based pilot interventions to promote equal and respectful relationships between men and women
- Safeguarding children in Victorian sport (VicSport) – Advisory committee for child protection issues in sport
- Gender and disability workforce development advisory group (Women with Disabilities Victoria) – oversees the development of the gender and disability workforce development project
- Coalition for Aboriginal Health Equality Victoria
- Aboriginal Justice Forum
- Koori Women's Diversion Project
- Coalition for Aboriginal Health Equity Victoria
- Taxi Services Commission Consultative Committee
- Taxi Services Commission Central Booking Service Advisory Group
- Darebin City Council anti-racism strategy committee
- Accessible Taxi Advisory Committee (previously Disabled Persons Taxi Advisory Committee)
- Law Institute of Victoria, Human Rights and Charter Committee
- Law Institute of Victoria, Administrative Review and Constitutional Law Committee
- Law Institute of Victoria, Discrimination Law Committee
- Federation of Community Legal Centres, Human Rights Working Group
- Discrimination Law Service Providers Group
- Victorian Law Foundation Education Forum
- Acting on the Warning Signs project reference group – a health/legal partnership to address family violence through a multi-disciplinary approach
- VPS Network on Disability
- Migrant Workers Campaign Steering Group
- VCAT Users Reference Group.

Consultation across government

The Commission has a number of formal consultation mechanisms with key government departments and agencies. Co-chaired by the Commissioner or Director, membership of these committees is comprised of senior staff from the Commission and relevant agencies. These forums progress action on systemic issues as well collaborating on guidance, education and complaint handling improvements.

Current committees are:

- Victoria Police and Victorian Equal Opportunity and Human Rights Commission Consultative Committee
- Department of Education and Training and Victorian Equal Opportunity and Human Rights Commission Consultative Committee
- Public Transport Victoria and Victorian Equal Opportunity and Human Rights Commission Consultative Committee.

Victoria Police Portfolio Reference Groups

The Commissioner sits on the Chief Commissioner of Victoria Police's Human Rights Strategic Advisory Committee. The Commission has also enjoyed the opportunity to contribute as a member on four Victoria Police Portfolio Reference groups. These are the Disability Portfolio Reference Group, LGBTI Portfolio Reference Group, Seniors Portfolio Reference Group and Multicultural Portfolio Reference Group.

The Commission has also provided advice and guidance to Victoria Police in the development of policy, processes, data collection requirements and community engagement initiatives as a member of the Victoria Police External Education Advisory Group.

The Commission also continues to progress work on recommendations arising from *Beyond Doubt: the experiences of people with disabilities reporting crime* through the Disability Portfolio Reference Group.

Victorian Public Sector Human Rights Network

The Victorian Public Sector (VPS) Human Rights Network aims to provide information, ideas and networking opportunities to public sector employees who are interested in applying human rights in their work. Membership is targeted at public sector workers with an interest in human rights – state government, statutory agencies, local government, or other organisations delivering public services that have obligations under the Charter. Since it was established in 2014, the VPS Human Rights Network has grown to more than 600 members.

The Commission distributes a quarterly VPS Human Rights Network update by email to members. It also holds occasional events on topics of interest to members. For example, on 15 May 2015 the Commission hosted a panel discussion on Human Rights Complaint Handling which was convened in light of the announcement of the eight-year review of the Charter. The panel discussed existing pathways for members of the public to raise human rights complaints, experiences and challenges faced by those who exercise this role, and how those challenges might be addressed.



Resources

The Commission produces resources across a range of different media to equip community members, employees, employers, government, business and service providers with the knowledge to advocate for rights, achieve compliance and develop good practice.

Online

The Commission's website, humanrightscommission.vic.gov.au hosts information and tools to equip community members, employees, employers, government, business and service providers with the knowledge to advocate for rights, achieve compliance and develop good practice. In addition to online toolkits, surveys and registrations for workshops and events, the site also provides versions of all Commission publications in accessible formats, including videos of information on discrimination in Auslan.

Total visits to the website in 2014/15 were 391,110, which was 51 per cent more than the previous year. The most viewed information was relating to discrimination in the workplace, the Charter, victimisation, sexual harassment and workers' rights.

The Anti-Hate website, antihate.vic.gov.au, has been viewed more than 113,400 times since its launch in September 2012.

Protecting us all, humanrights.vic.gov.au, has been viewed more than 15,900 times since its launch in June 2012.

Equal Opportunity Act practice guidelines

Under section 148 of the *Equal Opportunity Act 2010*, the Commission may issue practice guidelines on any matter related to the Act. As required under the Act, the Commission consults widely to make sure the guidelines are relevant and useful for their intended audience.

In 2014/2015 the Commission released *Guideline: Transgender people and sport > complying with the Equal Opportunity Act 2010*. This guideline provides guidance for sporting organisations and



clubs about preventing discrimination based on gender identity in sport and specific information on managing legal exceptions relating to participation in single-sex competitions. The Commission worked with a range of government, community, sporting and medical organisations to develop the guideline.

The Commission has also updated existing guidelines to reflect legal and policy developments:

- *Guideline: Transgender people at work > Complying with the Equal Opportunity Act 2010 in employment*
- *Guideline: Mental illness > Complying with the Equal Opportunity Act 2010 in employment.*

Other guidelines from the Commission include:

- *Guideline for General Practices > Complying with the Equal Opportunity Act 2010 when providing services*
- *Guideline: Sexual harassment > Complying with the Equal Opportunity Act 2010*
- *Guideline for the recruitment industry and employers > Complying with the Equal Opportunity Act 2010 in recruitment.*

Ready Reckoner and Pocket Guide to the Charter

To further promote the utility of the Charter of Human Rights and Responsibilities, the Commission produced two resources, the *Human Rights Ready Reckoner* and the *Pocket Guide to the Charter*. The Ready Reckoner is designed to help public sector employees as they make decisions with regard to the Charter, while the pocket guide is a quick and easy resource for anyone to find out which rights are protected under the Charter.



Online video tool – The Charter of Human Rights and Responsibilities in local government planning

Councils often make decisions on planning applications and these can raise human rights issues. The Commission launched a video tool that Councils can draw on for ideas about how the Charter can assist with making decisions about planning applications. We interviewed Council officers from the City of Hume and the City of Greater Bendigo.

The video tool covers the following issues:

- How human rights are relevant to planning decisions
- What support Council officers need to get it right
- How the Charter supports participation and consultation
- An example of how the Charter assisted with a contentious planning application – Council officers discuss how the Charter was used to help Council come to its decision in the matter of *Rutherford & Ors v Hume City Council* [2014] VCAT 786, which was upheld at VCAT.

Accessibility at the Commission video

The Commission produced a short video about the accessible features of our building and the services provided by our staff.

The video outlines:

- transport options to the Commission
- communication aids and reception services
- attending appointments, conciliation meetings and enquiries
- toilet facilities
- safety features and emergency evacuation
- accessing services by telephone, email, and on our website.

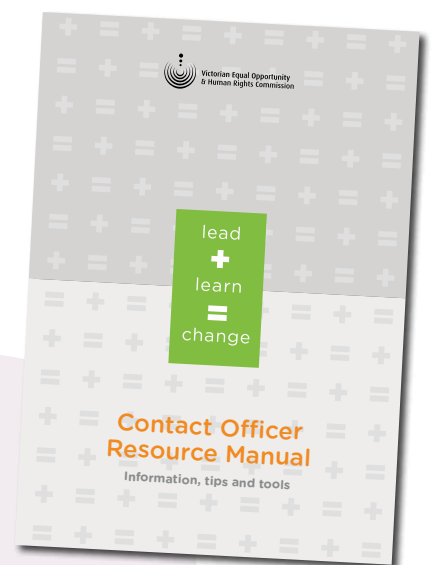


Contact Officer Resource Manual

The Commission regularly conducts education courses for contact officers for a wide range of organisations,

A contact officer is a vital first point of contact for someone who thinks they may be experiencing discrimination, sexual harassment, vilification or victimisation in their own place. As part of our ongoing work to keep our resources up-to-date, the Commission completely revised the resource manual that we provide to those who successfully complete our contact officer training.

The revision features a new structure and approach to explaining the role. The manual is a resource that is designed to support the contact officer in their role.



Aboriginal identity in Victoria: education program

The recommendations of the 2013 *Reporting Racism* research report include developing an online resource to build a richer community understanding and appreciation of Aboriginal identity, culture and history in Victoria to help break down stereotypes and misinformation. The Commission is committed to delivering the best possible resource and is currently looking at ways to develop practical approaches with community organisations and project partners to reduce racism in the Aboriginal community and address misconceptions held by non-Aboriginal people.

An education program is in development, which will provide general information regarding the diversity of Aboriginal identity in Victoria, mostly drawn upon by resources that have already been developed from other agencies. We will also provide information on discrimination and equal opportunity law.

This resource will be used to deliver the Commission's strategic direction to:

- improve access to rights for Aboriginal Victorians and reduce discrimination in daily life
- ensure employers create workplaces that comply with laws, are inclusive for all employees, and where everyone is equipped to address systemic issues and individual behaviours.

Through our Report Racism project (see page 29), which is another action from the Reporting Racism research, we will work with reporting places (community organisations) to deliver targeted education for the Aboriginal community and better understand the barriers and issues of reporting racism.

Through our work with the corporate sector, we will identify the educational needs for creating diverse and inclusive workplaces with a specific focus on Aboriginal employment. This will incorporate education on the stereotypes and misconceptions relating to Aboriginal identity and will provide positive and practical tools that employers can engage with to create diverse and inclusive workforces.

Play by the Rules

Promoting safe, fair and inclusive sport, *Play by the Rules* continues to provide free resources, online training and promotional campaigns to the sporting community.

The Commission is a partner in this national program and is represented on the management committee and national reference group.

One of the most popular components of the *Play by the Rules* website is the free, interactive online training courses that address discrimination, harassment and child protection in sport. A mobile and tablet responsive version of the website was launched in 2014.

More than 2200 Victorians completed the online training courses in 2014. Courses offered are Child Protection Harassment and Discrimination, Complaint Handling and Member Protection Information Officer. With funding from Sport and Recreation Victoria, the Commission supplemented this online training by providing communication skills training for Member Protection Information Officers – chosen by their sport to provide information and support to players, officials, administrators and spectators about member protection policies and complaint resolution options. The workshops were well received. With the support of Sport and Recreation Victoria, the Commission also built capacity of Regional Sports Assemblies by providing a Train the Trainer MPIO course.

Visit playbytherules.net.au to see the resources we have available to address discrimination, harassment and child protection issues in sport.



Compliance Reviews

Under section 151 of the Equal Opportunity Act and section 41(c) of the Charter, the Commission is empowered to conduct compliance reviews of policy and procedure. The Commission conducts reviews on the request of an organisation or public authority, and can agree the terms and conditions of the review with them as appropriate to their situation. The compliance review function of the Commission under both Acts allows the Commission to determine compliance with the law and to work with organisations understand their obligations, provide guidance and improve their policy and practice accordingly.

Any organisation or public authority wishing to undergo an Equal Opportunity Act and/or Charter of Human Rights compliance review can contact the Commission via email at information@veohrc.vic.gov.au.

Monash Health Review

In 2014/15, the Commission conducted a compliance review under both the Equal Opportunity Act and the Charter. Monash Health requested that the Commission conduct a compliance review of its policy relating to the provision of same-gender healthcare as contained in the Monash Women's maternity services' patient information. The Commission considered how the policy applied to patients who would request same-gender care due to their cultural and religious backgrounds, such as Muslim, Jewish and Aboriginal patients, or where they had experienced trauma. The review involved reviewing the written policy of Monash Women's, as well as consulting with key staff and members of the community about the policy and its implementation. The Commission also considered the policy in light of Monash Health's existing patient-centred care and diversity framework to ensure any recommendations would be practical and workable within the existing Monash Health policy and practice framework.

The Commission completed the review in early March 2015, and provided a confidential report to Monash Health. In May 2015, Monash Health publicly committed to implementing all of the Commission's recommendations, including amending their policy to state that staff will try to accommodate requests for same gender care whenever possible, although could not guarantee a carer of a particular gender for every appointment, examination or procedure. For example, if there is an emergency and a patient needs urgent medical attention, they will be treated by the available doctors who could be male or female. Patients could also ask to have another person, such as a relative or friend, attend the consultation, examination or procedure with them and reasonable endeavours to accommodate their request would be undertaken where practicable. Monash Women's director Professor Euan Wallace said Monash Health was privileged to provide health care to a culturally diverse population that had changed significantly in recent years.

It was important that this policy review was conducted under both the Equal Opportunity Act and the Charter, as cultural practices and religious belief are protected under both laws. A person accessing health services provided by a public authority has the right to receive them free from racial or religious discrimination, and for that public health service provider to take their human rights into consideration and not unreasonably limit them when they make decisions about the services provided. Most relevant to culturally appropriate health care services are a patient's rights to equality, freedom of thought, conscience and religion, and cultural rights. In these circumstances, compliance with the Charter would assist with compliance with the Equal Opportunity Act and vice versa.

Independent Review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police

The Commission is undertaking this independent and confidential review following a request from senior leadership at Victoria Police. The Independent Review is examining the nature and prevalence of sex discrimination and sexual harassment, including predatory behaviour, among Victoria Police personnel. The Independent Review includes sworn members, Victorian Public Service (VPS) employees and Protective Services Officers.

The Independent Review aims to identify actions to promote safety and equality in Victoria Police. Under its terms of reference the Independent Review will gather information about the nature and extent of sex discrimination (including all forms of gender-based discrimination) and sexual harassment, including predatory behaviour, in Victoria Police.

The Independent Review is being led by Commissioner Kate Jenkins, who chairs the Expert Panel. Other members are former New Zealand Police Commissioner Peter Marshall, Professor Paula McDonald of the Queensland University of Technology and Major General Gerard Fogarty (retired).

In 2015 we have gathered information using:

- a confidential online survey offered to all current Victoria Police personnel
- confidential interviews of current and former personnel (phone, online, in person), as well as family or friends of personnel directly affected by the issue
- de-identified data, including workforce, conduct and complaints data, from Victoria Police
- site visits to Victoria Police work and training places
- a review of legislation and policy.

The information gathered by the Independent Review will be used to develop an action plan for Victoria Police to be published in November 2015, which we will then independently monitor and report on publicly over three years.

Review into Victoria Police Field Contact Policy

Victoria Police engaged the Commission to conduct a Charter review of their *Field Contact Policy* and provide expert advice and guidance on specific changes, including strengthened statements around accountability and supervision and the incorporation of human rights and anti-discrimination statements in the operational policing policy document, the *Victoria Police Manual*.

As a result, Victoria Police has reported it has amended the *Field Contact Policy* in line with our recommendations and created additional policies to provide clear guidance for members when interacting with the public.



Photos courtesy of Victoria Police

“Our vision is a community where every person values, understands and respects human rights and equal opportunity.”

– Kate Jenkins,
Beyond Doubt launch,
24 July 2014





Building community awareness

We reach a wide audience of Victorians who may have had little or no engagement with human rights and equal opportunity, by leading community conversations and empowering all Victorians to act.

Engaging with the community

Events

The breadth of the Commission's work is, to a large extent, reflected in its engagement with the community, with different sectors, and in the events and activities that it organises for the general public and targeted audiences within it.

Commissioner Kate Jenkins, as well as other Commission staff, regularly speak at a range of events, that in the past year have included:

- Rotary International event for International Women's Day
- Women's Health Grampians – Leading Change
- Amnesty International Human Rights Conference
- Council of Australian Tribunals National Conference, speaking on Access to Justice
- Ballarat Women in Business
- Shepparton Greater Council – Women's Voices Forum with Sex Discrimination Commissioner Elizabeth Broderick
- VECCI – breakfast event for issues affecting older workers
- Report Racism Shepparton and Northern Melbourne launches
- Midsumma Sports Festival
- Strengthening Disability Advocacy Conference – in conversation with
 - Laurie Harkin, Disability Services Commissioner
 - Colleen Pearce, Public Advocate
 - Kate Jenkins, Victorian Equal Opportunity and Human Rights Commissioner
 - Bernie Geary, Principal Commissioner for Children and Young People
 - Frank Lambrick, Senior Practitioner
 - Dr Grant Davies, Acting Health Services Commissioner.

Some of the significant events of the last 12 months included:

- Organising a panel discussion on Cyberbullying and Online Racism. The panel featured the federal Race Discrimination Commissioner Tim Soutphommasane, internet safety consultant Robyn Trevaud, and the Commission's Kerin Leonard.
- Hosting an event to mark International Day of People with Disability. The event featured addresses from Peta Ferguson, the president of Brain Injury Matters, and Heather Lawson from DeafBlind Victorians, and also served as the launch event for *Rights, Camera, Action!*, a film produced by the Commission in collaboration with Dream Theatre, a youth theatre group comprised of people with disabilities.
- Hosting a panel discussion on complaints handling using a human rights approach. The panel was comprised of Kerin Leonard (Project Manager, secretariat for the 2015 Charter Review), Kristy Fisher (Senior Legal Adviser, Victorian Ombudsman), Michelle Mead PSM (Manager, Dispute Resolution Unit, Victorian Equal Opportunity and Human Rights Commission) and Caroline Tjou (Acting Principal Investigator/Conciliator, Australian Human Rights Commission).
- Conducting a panel discussion and Q&A on freedom of religion and equality under the *Equal Opportunity Act 2010* in partnership with the Human Rights Law Centre. The Hon. Justice Debbie Mortimer, Kate Eastman SC, Anna Brown of the Human Rights Law Centre and Rev. Angus McLeay took part in the discussion about the implications of the decision in *Christian Youth Camps v Cobaw Community Health Services [2014] VSCA 75*, which was moderated by the Acting Manager of the Commission's Legal Unit, Stephanie Cauchi.
- Hosting an event with former Regional Aboriginal Advisory Council Chair Aunty Bess Yarram to celebrate International Day for Older Persons 2014.

- Attending the 2015 Pride Cup football match between Yarra Glen and Yarra Junction.

The Commission also attended and supported a number of Aboriginal community events, which in 2014/15 included:

- sponsorship of the Koori Youth Summit. This support allowed 10 Koori youth in Victoria to attend to connect and share ideas among their peers and communities
- holding an information stall at the Water to Water Festival in Mornington
- participating in the Long Walk community event at Federation Square, followed by the walk to the Melbourne Cricket Ground led by Michael Long
- attending the Long Walk Women's Luncheon
- attending and helping launch the documentary *The Flats* in Shepparton. The film documents the experiences and memories of Aboriginal people who settled on the river flats of the Goulburn River on the outskirts of Mooroopna/Shepparton after the Cummeragunja 'Walk Off'
- attending the Worowa College presentation day, which acknowledged the achievement of the Aboriginal girls at the college
- attending the Premier's Close the Gap event as a member of the Coalition for Aboriginal Health Equity Victoria
- holding events and activities at the Commission in recognition of Reconciliation Week.

Cultural Diversity Week

The Commission stepped out during Cultural Diversity Week, Melbourne's premier multicultural event, hosting a marquee at the annual Viva Victoria Multicultural Festival and attending the Premier's Gala Dinner.

On Sunday 22 March, more than 40,000 people descended on Federation Square to take in the sights and sounds, to sample culinary delights as well as music, dance and art of cultures from the world over.

Over the course of the day, the staff at our marquee met with hundreds of attendees from all ages, backgrounds and cultures.

The Commission was a proud sponsor of the Cultural Diversity Week 2015.



Fair go, sport! ambassador Gus Johnston with Commissioner Kate Jenkins at Midsumma Festival in January 2015.

Midsumma Festival and Pride March 2015

Our continuing commitment to improving equality outcomes for LGBTI communities was once again underscored with our involvement in the Midsumma Festival and Pride March.

From our stall at Alexandra Gardens we handed out one of the festival's most sought-after giveaways – rainbow frisbees – that captured the imagination of the festival goers.

The Commission helped Pride March Victoria celebrate its 20th year fielding a contingent of 100 marchers which included Commission staff and supporters, as well as representatives from schools and sports who were involved in the Fair go, sport! project

Human Rights Oration

The flagship event in the Commission's calendar each year is the Human Rights Oration, which in 2014 was delivered by Professor Gillian Triggs, President of the Australian Human Rights Commission. The event was held on Tuesday 9 December, as a precursor to International Human Rights Day the following day.

Professor Triggs' topic was 'The overreach of executive power: asylum seekers, detention seekers and people with mental illness', and a transcript of the speech, as well as a video supported with an Auslan interpreter, can be found on the Commission's website at humanrightscommission.vic.gov.au/oration.



1. Former Chief Commissioner, Victoria Police, Ken Lay; Aunty Linda Bamblett from the Victorian Aboriginal Community Services Association; Victorian Aboriginal Legal Service CEO Wayne Muir; and Commissioner Kate Jenkins.

2. Commission staff show their support for LGBTI youth on Wear It Purple Day.

3. Mental Health Complaints Commissioner Lynne Coulson Barr; the Hon Martin Foley MP; and Commissioner Kate Jenkins.

4. Commissioner Kate Jenkins; President of the Australian Human Rights Commission Gillian Triggs; and Chairperson John Searle.

5. Commission staff "Nail It" for IDAHOT.

6. Taryn Lee; Commissioner Kate Jenkins; Senator Nova Peris OAM; and Ian Row.

7. Board members Abeselom Nega and Moana Weir; Director, Commissioner's Office Catherine Dixon; Commissioner Kate Jenkins; Victorian Attorney-General the Hon Martin Pakula MP; and Chairperson John Searle.



1



2

1. Commission staff, friends and community members celebrate Pride March.

2. Members of Dream Theatre during the filming of *Rights, Camera, Action!*

3. Commissioner Kate Jenkins, Aunty Fay Carter and Aunty Lois Peeler at the launch of the documentary *The Flats*.

4. Chair of the Hume Regional Aboriginal Justice Advisory Committee John Martin; Director, Legal and Strategy of the Victorian Aboriginal Legal Service, Meena Singh; Deputy Commissioner, Victoria Police, Lucinda Nolan; the Kaila Dungala Butja Malniga dance group; Commissioner Kate Jenkins and Aunty Linda Bamblett from the Victorian Aboriginal Community Services Association.



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4

Connecting

Media

The past year saw a significant increase in media coverage of the Commission and its work. In part, this reflected media interest in specific Commission projects. But it also confirms an enduring interest in the issues of human rights and equal opportunity.

The external media remains a key platform for raising public awareness and advocating about these issues.

The Commission undertakes proactive engagement with the media to highlight its work, as well as responding to media enquiries. In the past year the Commissioner has written opinion articles for major metropolitan media outlets. She regularly undertakes interviews with the press, radio, television and digital media outlets.

Major issues attracting publicity over the past 12 months included the review of Victoria Police, the Report Racism project, the Male Champions of Change, and the transgender and sport guideline.

Media inquiries cover a range of issues, but there is a consistent focus on gender and workplace discrimination.

Media releases and public comment are available at humanrightsccommission.vic.gov.au/media.

Social media

Social media is powerful tool for advocacy and expression, allowing the Commission to connect directly with our priority stakeholders.

The Commission has a presence on Facebook, Twitter and LinkedIn. Each account fulfils a unique function capitalising on the strengths and reach of each platform among the Commission's different audience groups. The implementation of a more focused Social Media Strategy has seen significant increases in reach, engagement and audience across all platforms. The Commissioner has also increased her engagement and influence via her LinkedIn and Twitter accounts, thereby helping to increase the visibility of the Commission's work among her followers.

This year has seen an increase in posts, strong content sourced from a broad range of internal and external sources, and stronger engagement with our audience – including asking questions and responding to comments and enquiries.

The Commission will continue to stay abreast with developments in social networking, trends, new platforms and new technology in order to identify new opportunities for the Commission to engage with our audience.

The Commission's social accounts are:

- Facebook facebook.com/veohrc
facebook.com/rrveorhc
- Twitter [@veohrc](https://twitter.com/veohrc)
[@kate_jenkins_](https://twitter.com/kate_jenkins)
- YouTube youtube.com/veohrc
- LinkedIn bit.ly/LI_veohrc



@VEOHRC

Don't wait for hate to happen. Brush up on your Anti-Hate 'spray back' tips today

<http://bit.ly/sprayback>

2:45 PM - 12 May 2015



Herald-Sun,
15 April 2015

Informing

Annual Report 2013/14

The Annual Report is an important part of the Commission's publication schedule, providing an account of our work throughout the year, including service delivery and financial management.

The 2013/14 report was tabled in Victorian Parliament on 14 October 2014, and reflected the Commission's activities that ranged from public advocacy on key policy issues, such as the experience of Koori women in the justice system, to conciliating more than 1000 individual claims of discrimination.

2014 Report on the Operation of the Charter of Human Rights and Responsibilities

After eight years of operation, Victoria's Charter of Human Rights and Responsibilities has moved beyond simple compliance with the law to proactively shaping and improving public sector decision making. The *2014 report on the operation of the Charter of Human Rights and Responsibilities*, tabled in the Victorian Parliament on 25 June 2015, provides further evidence that since its inception in 2006, the Charter has become a catalyst for change that has promoted and strengthened a culture of human rights across Victoria.

In addition to the usual consultations with state government departments, statutory agencies, local councils and community organisations, the Commission this year invited more than 50 community organisations to complete a human rights survey. Government departments and agencies were also given the opportunity to provide comments on specific human rights issues.

The key issues raised this year include the impact of Victoria's "tough on crime" reforms as well as the experience of children and young people in the criminal justice system. Concerns over increased rates of incarceration of Aboriginal women were also highlighted, in addition to the rights of LGBTI people and the barriers faced by Victorians with disabilities when reporting crimes.

Commission eNews

The Commission produces a monthly eNews bulletin that provides information on our strategic projects, training services, new developments and resources and news from our community. The eNews currently reaches more than 2500 subscribers across Victoria and new subscribers can join the list by emailing communications@veohrc.vic.gov.au. Each issue includes a spotlight on a particular area or issue related to the Commission's work and a profile story from a relevant person of interest, as well as news and updates on work from the Commission and in the Victorian community. Highlights from 2014/15 included interviews with:

- Elizabeth Broderick, Australian Sex Discrimination Commissioner
- Amy Middleton, founder and editor of *Archer* magazine, which focuses on sexual diversity
- Jan Shuard, Victorian Corrections Commissioner
- Liz Wright, co-chair of the Commission's Disability Reference Group
- Sue Hendy, CEO of Council of the Ageing (Victoria)
- Sally Goldner, Executive Director of Transgender Victoria.

If you wish to sign up for the eNews or other newsletters, or if you would like to access past issues, please visit humanrightscommission.vic.gov.au/index.php/news-and-events/newsletter-and-updates.

Rights Yarn Up

Rights Yarn Up is the Commission's newsletter focused on key issues in the Victorian Aboriginal community. The resource contains news, interviews, information on events and other resources related to the work of the Commission and Aboriginal community groups.

Training updates

The Commission sends out a regular newsletter to subscribers to keep them informed about upcoming training events as well as all the latest news in equal opportunity and human rights education.



“The Commission is committed to stepping up and doing things differently to address the discrimination that people face daily.”

– Kate Jenkins, Report Racism Launch, 21 August 2014



Advocating for our laws

The Commission advocates for human rights and equality by influencing the development and application of the law, reporting on compliance and engaging in government policy processes.

Influencing case law

The *Charter of Human Rights and Responsibilities Act 2006* (the Charter) and the *Equal Opportunity Act 2010* specify a role for the Commission to intervene in legal proceedings in courts and tribunals.

The Commission has an institutional role as an intervener to act as an advocate for the Charter and the Equal Opportunity Act and to provide assistance to the relevant court or tribunal in the development of human rights jurisprudence. The Commission's interventions in proceedings contribute to the development of case law, which provides guidance about how each law operates in practice.

In 2014/15 the Commission undertook an internal review of its intervention functions. The purpose of the review was to evaluate whether the Commission is using the functions effectively and efficiently and to identify potential improvements for their use in the future.

In 2014, to prepare for the review, the Commission sought feedback from the heads of Victorian courts and tribunals and government and non-government stakeholders who have experience with and knowledge of the Commission's exercise of its intervention functions. The Commission received feedback that its intervention functions are assisting and educating courts and tribunals, providing a respected independent institutional voice, promoting the protection of human rights in Victorian jurisprudence, achieving guidance in case law about complex provisions, and testing the boundaries of the law. The Commission's findings and recommendations in this review are set out in the Commission's *Report to Stakeholders: Review of the Commission's intervention functions in the Charter of Human Rights and Responsibilities Act 2006 (Vic) and the Equal Opportunity Act 2010 (Vic)* (May 2015), which is available on the Commission's website.³

³ The Report to Stakeholders is available on the website at: <http://www.humanrightscommission.vic.gov.au/index.php/component/k2/item/1240-commission-review-of-intervention-functions-under-the-charter-and-equal-opportunity-act>. This is the Commission's second internal review of its intervention functions involving consultation with external stakeholders. The first review was conducted in 2010/11 and was limited to the Commission's intervention functions under the Charter, as it occurred before the Commission's intervention and *amicus curiae* functions commenced under the *Equal Opportunity Act 2010*.

Interventions under the Charter

The Commission has a right to intervene in any court or tribunal proceeding where there is a question about the application of the Charter or the interpretation of a law in accordance with the Charter (section 40 of the Charter).

The Charter requires a party to a proceeding to give notice to the Attorney-General and the Commission in a Supreme Court or County Court proceeding where such a question arises (section 35 of the Charter). The Commission also intervenes in proceedings in the Victorian Civil and Administrative Tribunal (VCAT), where there is no requirement to give a notice.

The Commission uses publicly available guidelines to help determine when it will intervene in a proceeding.⁴ In accordance with its intervention guidelines, the Commission uses its intervention function strategically. Interventions focus on questions of law, policy and issues of broad public interest, rather than arguments about the facts of the case. In this way, the Commission helps contribute to practical 'downstream' effects, such as changes to government policy or understanding of how the Charter works. The Commission's role is to assist the court in its understanding and application of the Charter and the human rights it protects, not to represent any of the parties to the proceedings.

In 2014/15 the Commission was notified of 25 proceedings where the Charter was raised. The Commission intervened in one of these, *Fertility Control Clinic v Melbourne City Council* in the Supreme Court. The Commission also intervened in two proceedings at VCAT where notification was not received, *Goode v Common Equity Housing Limited* (VCAT) and *Zia v Monash Health* (VCAT).

⁴ The Commission's guidelines are available at: <http://www.humanrightscommission.vic.gov.au/index.php/the-role-of-the-commission-under-the-charter/interventions/intervention-guidelines>.

Interventions and Charter notifications per financial year

| Year | 08/09 | 09/10 | 10/11 | 11/12 | 12/13 | 13/14 | 14/15 |
|----------------------------|-------|-------|-------|-------|----------------|----------------|-------|
| Notifications | 49 | 44 | 55 | 31 | 30 | 17 | 25 |
| Interventions ⁵ | 5 | 7 | 9 | 5 | 6 ⁶ | 5 ⁷ | 3 |

Fertility Control Clinic v Melbourne City Council (Supreme Court) was a proceeding brought by the Fertility Control Clinic in East Melbourne against the Melbourne City Council. It related to protesters outside the Fertility Control Clinic, which provides reproductive health services, and the Council's duties under the *Public Health and Wellbeing Act 2008*.

In particular, the clinic argued that the protests outside the clinic should be treated as a 'nuisance' under the Public Health and Wellbeing Act. Of relevance, the Act provides that the Council has a duty to remedy as far as is reasonably possible all nuisances existing in its municipal district (section 60). Further, the Act provides that if a person believes that a nuisance exists, they may notify the Council, and the Council must investigate such a notice. If a nuisance is found to exist, the Council must take certain steps (section 62).

This raised questions about the interpretation of the Act in accordance with the Charter and the application of the Charter to the Council. One question is how the term 'nuisance' is to be interpreted compatibly with the rights of the protesters to freedom of religion (section 14), the right to freedom of expression (section 15), and the right to peaceful assembly and freedom of association (section 16).⁸ Another is whether the Council is required to act compatibly with human rights (section 38(1)) in determining what action to take to abate any nuisance arising in its municipality, when performing functions and exercising powers under sections 60 and 62 of the Act.

The Commission intervened to make submissions on the Charter and the human rights raised in the proceeding. The matter was heard in June 2015. A decision has not been issued at the time of writing.

Goode v Common Equity Housing Limited (VCAT) is a proceeding concerning claims that Common Equity Housing Limited acted incompatibly with human rights protected under the Charter. Common Equity Housing Limited has made submissions that, for the purposes of the proceeding, it is not a public authority within the meaning of the Charter.

The Commission intervened to make submissions on the question of whether

⁵ This includes interventions in matters where no notification was received.

⁶ One of these interventions related to three Charter notifications received. Because the three matters were heard together, they are counted as one intervention.

⁷ Note that this number has been amended from the Annual Report 2013/14 to include the Commission's intervention in *RW v State of Victoria (Department of Early Education and Childhood Development) (Human Rights)* [2015] VCAT 266. In addition to intervening in that proceeding under the *Equal Opportunity Act 2010*, the Commission also exercised its statutory right to intervene and be joined as a party under section 40 of the Charter, making submissions on the scope of the Charter rights. A question about the application of the Charter arose from a claim regarding whether the Department of Education and Early Childhood Development had acted incompatibly with human rights.

⁸ Section 32 of the Charter requires that all statutory provisions, so far as it is possible to do so consistently with their purpose, must be interpreted in a way that is compatible with human rights.

Common Equity Housing Limited is a public authority for the purposes of the Charter. The matter has not yet been heard.

Zia v Monash Health (VCAT) involved an allegation of discrimination in the provision of goods and services on the basis of religious belief and sex under the Equal Opportunity Act. It raised a question as to whether Monash Health had breached the Charter by failing to give proper consideration to Mrs Zia's human rights to equality, freedom of religion and belief and cultural rights.

In relation to the Charter, the Commission made submissions on the scope of relevant human rights and the obligation on the public authority to act compatibly with them. The case settled before hearing.

Ongoing interventions

In 2014/15 the Commission was also involved in four ongoing interventions under section 40 of the Charter from previous financial years: *DPP v Kaba* (Supreme Court),⁹ *Goode v Common Equity Housing* (Supreme Court),¹⁰ *RW v State of Victoria* (VCAT),¹¹ and *Christian Youth Camps Limited v Cobaw Community Health Services Limited & Ors* (application for special leave to appeal to the High Court).¹²

In addition to these interventions, the Commission also made submissions on issues arising about the application of the Charter in *Slattery v Manningham City Council* (VCAT).¹³ The Commission intervened in the matter under the Equal Opportunity Act (see below at page 59) and also made submissions on appropriate remedies where VCAT has found that a public authority acted incompatibly with human rights protected under the Charter.

Under section 41 of the Charter, the Commission has a function to present an annual report on the Charter to the Attorney-General that examines, among other things, the operation of the Charter, including its interaction with other statutory provisions and the common law. Further details about the Commission's Charter interventions are available in this report.¹⁴

Interventions under the Equal Opportunity Act

Under sections 159 and 160 of the Equal Opportunity Act, the Commission may seek leave to intervene or appear as *amicus curiae* in proceedings before a court of tribunal in cases that raise issues of equality, discrimination, sexual harassment or victimisation. This function is an integral part of the Commission's role to advocate for the objectives of the Equal Opportunity Act and to be of assistance to the court or tribunal.

⁹ [2014] VSC 52.

¹⁰ [2014] VSC 585.

¹¹ [2015] VCAT 266. The Commission also intervened under the *Equal Opportunity Act 2010*. See discussed below.

¹² Special leave to appeal from *Christian Youth Camps Ltd & Ors v Cobaw Community Health Ltd & Ors* [2014] VSCA 75 was refused. See [2014] HCATrans 289.

¹³ [2014] VCAT 1442.

¹⁴ The Commission's Charter reports are available on the Commission's website: <http://www.humanrightscommission.vic.gov.au/index.php/our-resources-and-publications/charter-reports>.

Equal Opportunity Act exemption applications

Exemption applications are ex-parte applications by an organisation or entity, seeking to be allowed to undertake otherwise discriminatory conduct for a period of up to five years.¹⁵ Exemption applications will only be granted by VCAT where:

- the exemption is necessary because the conduct would amount to unlawful discrimination, and no other exception or exemption applies to the conduct; and
- the proposed conduct is a reasonable limitation on the right to equality in the Charter.¹⁶

Section 91 of the Equal Opportunity Act provides that the Commission must be notified of all applications for exemption (including renewals and revocation).

In 2014/15 the Commission was notified of 41 exemption applications to VCAT under the Equal Opportunity Act and has intervened in two exemption applications and sought leave in a further exemption application to have previous submissions considered again.

The exemption applications the Commission intervened in were *Whitehorse Community Health Centre Exemption (Human Rights)* [2014] VCAT 1040 (26 August 2014) and *Harkaway Public Hall Exemption* (not yet decided).

In **Whitehorse Community Health Centre Exemption**, a community health centre sought to advertise for and employ a Chinese woman in the role of Chinese Community Engagement Officer. VCAT granted the Commission leave to intervene to make submissions. The Commission made submissions about the possibility that the exception relating to welfare services may apply to the conduct, on the basis that the role could potentially amount to provision of a service for special needs (sections 28 and 88 of the Equal Opportunity Act). If VCAT was satisfied that an exception applied, an exemption would be unnecessary and should not be granted.

VCAT considered that an exemption was necessary. Although the application was concerned with offering assistance to the broader Chinese community and women at risk of violence, it did not clearly set out the nature of the inequality. VCAT indicated it will take a cautious approach to applications of this nature, where the applicant has made not submissions on the matter and provided only limited evidence.

In its decision, VCAT also clarified its approach to exemption applications:

- If VCAT is satisfied that the conduct is a special measure¹⁷ or falls within an exception, it will make a declaration to that effect.
- If there is insufficient material to allow VCAT to be satisfied that an exception is not necessary, it will grant an exemption in appropriate cases.

In **BAE Systems Australia Defence Pty Ltd**

[2015] VCAT 230, the Commission did not seek leave to intervene, but utilised a new provision of the *Victorian Civil and Administrative Act 1998* which allows VCAT to consider in one proceeding submissions made on the same issue, but in another VCAT proceeding.¹⁸

This exemption application was similar to the one granted to BAE Systems Australia Ltd in March 2012 (the parent company). BAE Systems Australia develops defence-related products for supply to the Australian Defence Force. In order to develop and manufacture those products it uses some material which is produced in the United States, and is subject to US laws regulating who can access that material by reference to nationality and place of birth. However, more recent amendments to the US laws meant that access could be achieved by having an Australian security clearance or via a screening process. In the 2012 exemption application, the Commission was granted leave to intervene and made submissions on the operation of the Equal Opportunity Act and the Charter, including whether the proposed exemption was a reasonable limitation on the right to equality.

The Commission requested that VCAT consider those previous submissions as part of the exemption application by BAE Systems Australia Defence (the subsidiary company). VCAT did so and granted the exemption in substantially the same terms. It took the same approach as the previous exemption, in considering that, despite the amendments to US laws, an exemption was necessary since companies are still required to seek nationality or national origin information, and a screening process might be regarded as more intrusive.

¹⁷ *Equal Opportunity Act 2010*, section 12(1) a person may make a special measure for the purpose of promoting or realising substantive equality for members of a group with a particular attribute. Section 12(2) A person does not discriminate against another person by taking a special measure. [If the conduct is a special measure, it will not breach the *Equal Opportunity Act 2010* and an exemption will be unnecessary.]

¹⁸ *Victorian Civil and Administrative Act 1998* (Vic), s98(2A).

¹⁵ *Equal Opportunity Act 2010*, section 89.

¹⁶ *Equal Opportunity Act 2010*, section 90.

Substantive Equal Opportunity Act proceedings

In 2014/2015, the Commission was also granted leave to intervene in three matters under the Equal Opportunity Act:

- one matter related to the meaning of “services” in the context of allegations of discrimination on the basis of disability and sexual orientation in the prison environment (*Charles v State of Victoria*)
- the interpretation and operation of the obligation not to unreasonably refuse to accommodate parental and carer responsibilities (section 19 of the Equal Opportunity Act) (*Tate v State of Victoria and Anor*)
- discrimination in the provision of health services on the basis of religious belief and sex (*Zia v Monash Health*).

In a further proceeding relating to allegations of racial discrimination in the provision of services, the Commission was granted leave to appear as amicus curiae to provide guidance on the meaning of “services” provided by Victoria Police. This is the first time the Commission has utilised its amicus curiae function (*Djime v Kearnes and Ors*).

There were two further matters which the Commission intervened in during previous financial years, which were ongoing in this financial year and which were determined by VCAT.

RW v State of Victoria (Human Rights) [2015] VCAT 266 involved allegations of indirect discrimination in education on the basis of disability under the *Equal Opportunity Act 1995* (the 1995 Act) and the *Equal Opportunity Act 2010* (the 2010 Act), and failure to provide reasonable adjustments, contrary to section 40 of the 2010 Act. The reasonable adjustments sought were: a full-time aide, a communication plan, and a two-way token board used every 3–5 minutes. The application also included a claim that the Department of Education had acted in breach of the Charter. The case was heard in 2014 and a decision handed down on 3 March 2015.

The Commission made submissions on a wide range of equal opportunity and Charter issues (available to view on our website), including:

- the interpretation of a claim of “indirect discrimination” in the educational context, including formulation of a “condition, requirement or practice”, dealing with multi-part claims, and dealing with claims framed in the negative
- the obligation for an educational authority to make reasonable adjustments for a person with a disability under section 40 and the relevance of compliance with the Federal Disability Standards for Education 2005 outside of the context of subsection 40(4) of the Equal Opportunity Act
- the scope and application of the rights in section 8, subsection 10(b), subsection 17(2), and subsections 21(1) – (3) of the Charter and how to assess whether there has been a breach of the Charter, and
- the definition of “discrimination” in the Charter.

VCAT dismissed the discrimination claim for the following reasons:

- The indirect discrimination claim failed under both Acts: in relation to the 1995 Act, the claim failed because there was no condition or requirement imposed as the alleged condition was not facially neutral; in relation to the 2010 Act claim, there was no condition of general application to a cohort of people with an attribute protected
- The claim relating to reasonable adjustments failed on the basis that there was no failure to provide reasonable adjustments: while the full time aide and token board adjustments were not provided, they were not considered reasonable and failure to implement them did not result in a failure by the applicant, HL, to derive substantial benefit from his education (a requirement of section 40); and in relation to the communication plan, reasonable adjustments had been provided by way of significant individualised engagement had occurred with HL to assist with communication, albeit not in the formal way that the Applicant sought.

VCAT found there was no jurisdiction to hear the Charter claim because it did not relate to the same Act or decision raised in the Equal Opportunity Act claim. The Charter claim was also dismissed.

Slattery v Manningham CC (Human Rights) [2014] VCAT 1442 was the continuation of a claim regarding discrimination on the basis of disability in the provision of services by a local council, and a claim under the Charter. Mr Slattery had been successful in his application and a further hearing was held to consider the question of what remedy was appropriate. The Commission made submissions on the issue of remedies, including that a declaration of a Charter breach is an important remedy where an individual's rights are found to have been breached. The Commission stated that a declaration should also specify the rights breached, and that it was open to VCAT to make an order that Council undertake human rights training. VCAT handed down its decision on 23 October 2014 ordering:

- payment of \$14,000 in compensation to Mr Slattery
- revocation of the "Proscribed Prohibited Person Declaration", which prohibits Mr Slattery from attending any building that is owned, occupied or managed by the council;
- provision of Charter training to the councillors, chief executive officer and directors.

VCAT also made a declaration that the Council had breached Mr Slattery's human rights under sections 8, 15 and 18 of the Charter by maintaining the "Proscribed Prohibited Person Declaration". There was no order as to costs and no apology was ordered.

Charter Review

The Charter requires the Victorian Attorney-General to undertake a review of the Charter after the first four years of operation and again after eight years.

The four-year review took place in 2011 and was conducted by the Victorian Parliament's Scrutiny of Acts and Regulations Committee (SARC). The eight-year review was in progress at time of writing, with the independent reviewer due to report to the Attorney General by 1 September 2015. The terms of reference called for submissions on ways to enhance the effectiveness of the Charter and on any desirable amendments to improve the operation of the Charter.

The review provides an important opportunity for the community to continue to engage with government about human rights. It is also an opportunity for us to reflect on the work of the Charter and how it can best be used to protect and promote the human rights of all Victorians.

In its submission, the Commission has made 27 recommendations, including it be given a range of functions to enhance the development of a human rights culture in Victoria. These include an alternative dispute resolution service and as well as an audit function to address compliance issues and breaches of human rights.

The proposed new dispute resolution function would mean that people can bring their complaint directly to the Commission for conciliation or go

directly to the Victorian Civil and Administrative Tribunal as currently occurs under the Equal Opportunity Act and *Racial and Religious Tolerance Act 2001*.

This would tap into the Commission's expertise in conciliation while providing a timely, accessible and cost effective service for complainants who allege human rights breaches.

The Commission is also recommending that compensation should be made available to individuals, where appropriate, if a public authority has breached their rights.

The recommendations will also promote greater cooperation between the Commission and the Victorian Ombudsman to deliver the most appropriate regulatory response to a human rights breach.

We also recommend that the Commission be given a new audit function allowing the Commission to initiate a review of public authorities along with a range of other measures including investing in human rights education across the government and community sector and creating a new research function to enable the Commission to more proactively identify areas of systemic discrimination.

The submission is available at humanrightscommission.vic.gov.au.

Submissions

- Submission to the National Disability Insurance Scheme (NDIS) Quality and Safeguarding Framework (April 2015)
- Submission to the Australian Human Rights Commission's consultation on Sexual Orientation, Gender Identity and Intersex Rights (Feb 2015)
- Submission to the Australian Human Rights Commission's consultation on rights and responsibilities (Oct 2014)
- Submission to Ombudsman Victoria investigation into the rehabilitation and reintegration of prisoners in Victoria
- (Joint) ACHRA Submission to the Senate Community Affairs Legislation Committee Inquiry into the Social Services Legislation Amendment Bill 2015
- Submission to the Royal Commission into Family Violence
- Submission to the inquiry into abuse in disability services



Financial notes and statements

Comprehensive operating statement

for the financial year ended 30 June 2015

| | Notes | 2015 \$ | 2014 \$ |
|---|-------|--------------------|--------------------|
| Continuing operations | | | |
| Income from transactions | | | |
| Government grants | | 7,985,054 | 7,956,113 |
| Other income | 2 | 504,422 | 320,250 |
| Total income from transactions | | 8,489,476 | 8,276,363 |
| Expenses from transactions | | | |
| Employee expenses | 3(a) | (6,746,254) | (6,011,985) |
| Depreciation and amortisation | 3(b) | (433,676) | (437,157) |
| Interest expense | 3(c) | (3,538) | (4,184) |
| Other operating expenses | 3(d) | (1,903,148) | (1,973,545) |
| Total expenses from transactions | | (9,086,616) | (8,426,871) |
| Net result from transactions (net operating balance) | | (597,140) | (150,508) |
| Other economic flows included in net result | | | |
| Other gains/(losses) from other economic flows | 4(a) | (33,449) | 7,799 |
| Total other economic flows included in net result | | (33,449) | 7,799 |
| Net result | | (630,589) | (142,709) |
| Comprehensive result | | (630,589) | (142,709) |

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

Balance Sheet

as at 30 June 2015

| | Notes | 2015 \$ | 2014 \$ |
|--|-------|------------------|------------------|
| Assets | | | |
| Financial assets | | | |
| Cash and deposits ⁽ⁱ⁾ | 20 | 731,942 | 774,789 |
| Receivables | 5 | 1,403,649 | 1,344,485 |
| Total financial assets | | 2,135,591 | 2,119,274 |
| Non-financial assets | | | |
| Plant and equipment | 6 | 561,385 | 907,016 |
| Intangible assets | 7 | 566,904 | 637,036 |
| Total non-financial assets | | 1,128,289 | 1,544,052 |
| Total assets | | 3,263,880 | 3,663,326 |
| Liabilities | | | |
| Payables | 8 | 173,464 | 176,675 |
| Borrowings | 9 | 53,749 | 52,612 |
| Provisions | 10 | 1,345,459 | 1,112,241 |
| Total liabilities | | 1,572,672 | 1,341,528 |
| Net assets | | 1,691,209 | 2,321,798 |
| Equity | | | |
| Accumulated surplus/(deficit) | | (919,290) | (288,700) |
| Contributed capital | | 2,610,498 | 2,610,498 |
| Net worth | | 1,691,209 | 2,321,798 |
| Commitments for expenditure | 16 | | |
| Contingent assets and contingent liabilities | 17 | | |

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

(i) Trust fund balance has been reclassified from receivables to cash and prior year comparatives have been restated. See note 1 (S) for details.

Statement of changes in equity

for the financial year ended 30 June 2015

| | <i>Accumulated surplus/(deficit)</i> | <i>Contributions by owner</i> | <i>Total</i> |
|--------------------------------|--|-----------------------------------|------------------|
| | \$ | \$ | \$ |
| Balance at 1 July 2013 | (145,991) | 2,610,498 | 2,464,507 |
| Net result for the year | (142,709) | - | (142,709) |
| Capital appropriations | - | - | - |
| Balance at 30 June 2014 | (288,700) | 2,610,498 | 2,321,798 |
| Net result for the year | (630,589) | - | (630,589) |
| Capital appropriations | - | - | - |
| Balance at 30 June 2015 | (919,290) | 2,610,498 | 1,691,209 |

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

Statement of cash flows

for the financial year ended 30 June 2015

| | Notes | 2015 \$ | 2014 \$ |
|---|-------|--------------------|--------------------|
| Cash flows from operating activities | | | |
| Receipts | | | |
| Receipts from Department of Justice | | 7,925,890 | 8,065,546 |
| Other receipts | | 504,422 | 320,250 |
| Total receipts | | 8,430,312 | 8,385,796 |
| Payments | | | |
| Payments to suppliers and employees | | (8,452,527) | (8,099,258) |
| Interest and other costs of finance paid | | (3,855) | (4,620) |
| Total payments | | (8,456,382) | (8,103,878) |
| Net cash flows from / (used in) operating activities | 20(b) | (26,070) | 281,918 |
| Cash flows from investing activities | | | |
| Purchases of non-financial assets | | (27,952) | (148,314) |
| Sales of non-financial assets | | 10,039 | - |
| Net cash flows from / (used in) investing activities | | (17,914) | (148,314) |
| Cash flows from financing activities | | | |
| Owner contributions by State Government | | - | - |
| Proceeds from borrowings | | 1,137 | - |
| Repayment of borrowings and finance leases | | | (19,367) |
| Net cash flows from / (used in) financing activities | | 1,137 | (19,367) |
| Net increase / (decrease) in cash and cash equivalents | | (42,847) | 114,237 |
| Cash and cash equivalents at the beginning of the financial year ⁽ⁱ⁾ | | 774,789 | 660,552 |
| Cash and cash equivalents at the end of the financial year | 20(a) | 731,942 | 774,789 |

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

(i) Trust fund balance has been reclassified from receivables to cash and prior year comparatives have been restated. See note 1 (S) for details.

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Notes to the financial statements

for the financial year ended 30 June 2015

Note 1: Summary of significant accounting policies

These annual financial statements represent the audited general purpose financial statements for the Victorian Equal Opportunity and Human Rights Commission (the Commission) for the period ended 30 June 2015. The purpose of the report is to provide users with information about the Commission's stewardship of resources entrusted to it.

(A) Statement of compliance

These general purpose financial statements have been prepared in accordance with the *Financial Management Act 1994* (FMA) and applicable Australian Accounting Standards (AAS) which include Interpretations, issued by the Australian Accounting Standards Board (AASB). In particular they are presented in a manner consistent with the requirements of the AASB 1049 *Whole of Government and General Government Sector Financial Reporting*.

Where appropriate, those AAS paragraphs applicable to not-for-profit entities have been applied.

Accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events is reported.

To gain a better understanding of the terminology used in this report, a glossary of terms can be found in Note 21.

These annual financial statements were authorised for issue by the Commissioner on 10 September 2015.

(B) Basis of accounting preparation and measurement

The accrual basis of accounting has been applied in the preparation of these financial statements whereby assets, liabilities, equity, income and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

Judgements, estimates and assumptions are required to be made about the carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on professional judgements derived from historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

Revisions to accounting estimates are recognised in the period in which the estimate is revised and also in future periods that are affected by the revision. Judgements and assumptions made by management in the application of AASs that have significant effects on the financial statements and estimates relate to:

- the fair value of plant and equipment, (refer to Note 1 (J));
- superannuation expense, (refer to Note 1 (F)); and
- actuarial assumptions for employee benefit provisions based on likely tenure of existing staff, patterns of leave claims, future salary movements and future discount rates (refer to Note 1 (K)).

These financial statements are presented in Australian dollars, and prepared in accordance with the historical cost convention except for:

- non-financial physical assets, which subsequent to acquisition, are measured at a revalued amount being their fair value at the date of the revaluation less any subsequent accumulated depreciation and subsequent impairment losses. Revaluations are made with sufficient regularity to ensure that the carrying amounts do not materially differ from their fair value;
- the fair value of an asset other than land is generally based on its depreciated replacement value.

Consistent with AASB 13 *Fair Value Measurement*, the Commission determines the policies and procedures for both recurring fair value measurements such as property, plant and equipment and financial instruments in accordance with the requirements of AASB 13 and the relevant Financial Reporting Directions.

All assets and liabilities for which fair value is measured or disclosed in the financial statements are categorised within the fair value hierarchy, described as follows, based on the lowest level input that is significant to the fair value measurement as a whole:

- Level 1 - Quoted (unadjusted) market prices in active markets for identical assets and liabilities;
- Level 2 - Valuation techniques for which the lowest level input that is significant to the fair value measurement is directly or indirectly observable; and
- Level 3 - Valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable.

For the purpose of fair value disclosures, the Commission has determined classes of assets and liabilities on the basis of the nature, characteristics and risks of the asset or liability and the level of the fair value hierarchy as explained above.

In addition, the Commission determines whether transfers have occurred between levels in the hierarchy by re-assessing categorisation (based on the lowest level input that is significant to the fair value measurement as a whole) at the end of each reporting period.

The Valuer-General Victoria (VGV) is the Commission's independent valuation agency.

The Commission in conjunction with VGV, monitors changes in the fair value of each asset and liability and liability through relevant data sources to determine whether revaluation is required.

(C) Reporting entity

The Commission is an independent statutory authority created under the *Equal Opportunity Act 2010* (and previous versions of this legislation). The Commission has functions under Parts 8-12 of the *Equal Opportunity Act*, ss 40-42 of the *Charter of Human Rights & Responsibilities Act 2006*, and Part 3 of the *Racial and Religious Tolerance Act 2001*.

Its principal address is:

Victorian Equal Opportunity and Human Rights Commission
Level 3, 204 Lygon Street Carlton VIC 3053

Objectives and funding

The Commission works with others to eliminate discrimination and build a community that respects and promotes human rights and equal opportunity. We do this through:

- a free telephone enquiry line to provide information on the Commission's services and laws administered by the Commission
- a free, fair and timely dispute resolution service for complaints under the *Equal Opportunity Act*, and the *Racial and Religious Tolerance Act*
- information and education about equal opportunity, racial and religious vilification, and human rights
- undertaking research on discrimination and equal opportunity issues and advising Government on discriminatory legislation
- monitoring the operation of the *Charter* and presenting the Attorney-General with an annual *Charter* report
- intervening in court or tribunal proceedings that involve interpretation or application of the *Charter* or raise equal opportunity issues
- reviewing a public authority's programs and practices to determine their compatibility with human rights when requested
- reviewing activities for compliance with the *Equal Opportunity Act*, on request
- reviewing the effect of statutory provisions and the common law on human rights and providing a report to the Attorney-General, when requested; and
- assisting the Attorney-General with the four and eight year reviews of the *Charter*.

The Commission is predominantly funded by grants from the Department of Justice and Regulation (DJR) for the provision of outputs. The Commission provides, on a fee for service basis, education and training. The fees charged for these services are determined by prevailing market forces.

(D) Scope and presentation of financial statements

Comprehensive operating statement

The comprehensive operating statement comprises three components, being 'net result from transactions' (or termed as 'net operating balance'), 'other economic flows included in net result', as well as 'other economic flows - other comprehensive income'. The sum of the former two, together with the net result from discontinued operations, represents the net result.

The net result is equivalent to profit or loss derived in accordance with AASBs.

Other economic flows' are changes arising from market remeasurements. They include:

- gains and losses from disposals of non-financial assets;
- revaluations and impairments of non-financial physical and intangible assets;
- fair value changes of financial instruments.

This classification is consistent with the whole of government reporting format and is allowed under AASB 101 *Presentation of Financial Statements*.

Balance sheet

Assets and liabilities are presented in liquidity order with assets aggregated into financial assets and non-financial assets.

Current and non-current assets and liabilities (non-current being those assets or liabilities expected to be recovered or settled more than 12 months after the reporting period) are disclosed in the notes, where relevant.

Cash flow statement

Cash flows are classified according to whether or not they arise from operating, investing, or financing activities. This classification is consistent with requirements under AASB 107 *Statement of Cash Flows*.

Statement of changes in equity

The statement of changes in equity presents reconciliations of non-owner and owner changes in equity from opening balance at the beginning of the reporting period to the closing balance at the end of the reporting period. It also shows separately changes due to amounts recognised in the 'Comprehensive result' and amounts recognised in 'Other economic flows - other movements in equity' related to 'Transactions with owner in its capacity as owner'.

Rounding

Amounts in the financial statements (including the notes) have been rounded to the nearest dollar. Figures in the financial statements may not equate due to rounding.

(E) Income from transactions

Government grants

Income from the outputs the Commission provides to Government is recognised when those outputs have been delivered and the relevant Minister has certified delivery of those outputs in accordance with specified performance criteria.

Additionally, the Commission is permitted under section 29 of the *Financial Management Act 1994* to have certain income annotated to the annual grant. The income which forms part of a section 29 agreement is recognised by the Commission and the receipts paid into the Consolidated Fund as an administered item. At the point of income recognition, section 29 provides for an equivalent amount to be added to the annual grant.

Fair value of assets and services received free of charge or for nominal consideration

Contributions of resources received free of charge or for nominal consideration are recognised at fair value when control is obtained over them, irrespective of whether these contributions are subject to restrictions or conditions over their use. Contributions in the form of services are only recognised when a fair value can be reliably determined and the services would have been purchased if not received as a donation.

The Department of Justice and Regulation provides certain governance, executive and support services and resources to the Commission. The value of these services which includes the use of the Department's financial and payroll systems is not recognised in the financial statements of the Commission, as the Department is centrally funded to provide these services, and the fair value of such services cannot be reliably determined.

Other income

Other income from third parties are recognised as income in the reporting period in which the Commission gains control over the underlying assets. The income is for services provided in respect of sexual harassment, race discrimination and participation in sports for specified target groups.

(F) Expenses from transactions

Expenses are recognised as they are incurred and reported in the financial year to which they relate.

Employee expenses

Provision is made for benefits accruing to employees in respect of wages and salaries, annual leave and long service leave for services rendered to the reporting date.

These expenses include all costs related to employment (other than superannuation which is accounted for separately) including wages and salaries, fringe benefits tax, leave entitlements, redundancy payments and WorkCover premiums.

Superannuation

The amount recognised in the comprehensive operating statement is the employer contributions for members of both defined benefit and defined contribution superannuation plans that are paid or payable during the reporting period. The Department of Treasury and Finance (DTF) in their Annual Financial Statements, disclose on behalf of the State as the sponsoring employer, the net defined benefit cost related to the members of these plans as an administered liability. Refer to DTF's Annual Financial Statements for more detailed disclosures in relation to these plans.

Depreciation

Plant and equipment and computer and communications equipment that have a finite useful life are depreciated. Depreciation is generally calculated on a straight-line basis, at rates that allocate the asset's value, less any estimated residual value, over its estimated useful life.

Leasehold improvements are depreciated over the period of the lease or estimated useful life, whichever is the shorter, using the straight-line method. The estimated useful lives, residual values and depreciation method are reviewed at the end of each annual reporting period, and adjustments made where appropriate.

The following estimated useful lives are used in the calculation of depreciation:

| Asset | Useful Life |
|--|-------------|
| Computers and communication equipment | 4 years |
| Motor Vehicles | 5 years |
| Plant and equipment | 10 years |
| Leasehold improvements | 4–10 years |
| Capitalised software development costs | 10 years |

Grants and other transfers

Grants and other transfers to third parties (other than contribution to owners) are recognised as an expense in the reporting period in which they are paid or payable. Refer to Note 21 for an explanation of grants and other transfers.

Interest expense

Interest expense is recognised in the period in which it is incurred.

Other operating expenses

Other operating expenses generally represent the day to day running costs incurred in normal operations and include:

Supplies and services

Supplies and services costs are recognised as an expense in the reporting period in which they are incurred.

Bad and doubtful debts

Refer to Note 1 (I) *Financial assets - Impairment of financial assets*.

(G) Other economic flows included in the net result

Other economic flows measure the change in volume or value of assets or liabilities that do not result from transactions.

Other gains/(losses) from other economic flows

Other gains/(losses) from other economic flows is the gain or loss from the revaluation of the present value of the long service leave liability due to changes in the bond interest rates.

(H) Financial Instruments

Financial instruments arise out of contractual agreements that give rise to a financial asset of one entity and a financial liability or equity instrument of another entity. Due to the nature of the Commission's activities, certain financial assets and financial liabilities arise under statute rather than a contract. Such financial assets and financial liabilities do not meet the definition of financial instruments in AASB 132 *Financial Instruments: Presentation*. For example statutory receivables arising from taxes, fines and penalties do not meet the definition of financial instruments as they do not arise under contract. However, guarantees issued by the Treasurer on behalf of the Commission are financial instruments because, although authorised under statute, the terms and conditions for each financial guarantee may vary and are subject to an agreement.

The following refers to financial instruments unless otherwise stated.

Categories of non-derivative financial instruments

Loans and receivables

Loans and receivables are financial instrument assets with fixed and determinable payments that are not quoted on an active market.

These assets are initially recognised at fair value plus any directly attributable transaction costs. Subsequent to initial measurement, loans and receivables are measured at amortised cost using the effective interest method, less any impairment.

Loans and receivables category includes cash and deposits (refer to Note 1 (I)), and trade receivables, but not statutory receivables.

Financial liabilities at amortised cost

Financial instrument liabilities are initially recognised on the date they are originated. They are initially measured at fair value plus any directly attributable transaction costs. Subsequent to initial recognition, these financial instruments are measured at amortised cost with any difference between the initial recognised amount and the redemption value being recognised in profit or loss over the period of the interest-bearing liability, using the effective interest rate method.

Financial instrument liabilities measured at amortised cost include all of the Commission's contractual payables.

(I) Financial assets

Cash and deposits

Cash and deposits recognised on the balance sheet comprise cash on hand.

Receivables

Receivables consist of:

- contractual receivables, which include debtors in relation to goods and services; and
- statutory receivables, which include predominantly amounts owing from the DJR.

Contractual receivables are classified as financial instruments. They are initially recognised at fair value plus any directly attributable transaction costs. Subsequent to initial measurement, receivables are measured at amortised cost. Statutory receivables are not classified as financial instruments because they do not arise from a contract.

Receivables are subject to impairment testing as described below. A provision for doubtful receivables is recognised when there is objective evidence that the debts may not be collected, and bad debts are written off when identified.

Impairment of financial assets

At the end of each reporting period, the Commission assesses whether there is objective evidence that a financial asset or group of financial assets is impaired. All financial instrument assets, except those measured at fair value through profit or loss, are subject to annual review for impairment.

Receivables are assessed for bad and doubtful debts on a regular basis. Those bad debts considered as written off by mutual consent are classified as a transaction expense. Those written off unilaterally and the allowance for doubtful receivables, are classified as other economic flows' in the net result. The amount of the allowance is the difference between the financial asset's carrying amount and the present value of estimated future cash flows, discounted at the effective interest rate.

(J) Non-financial assets

Plant and equipment

All non-financial physical assets are measured initially at cost and subsequently revalued at fair value less accumulated depreciation and impairment.

The fair value of plant, equipment and vehicles, is normally determined by reference to the asset's depreciated replacement cost. For plant, equipment and vehicles, existing depreciated historical cost is generally a reasonable proxy for depreciated replacement cost because of the short lives of the assets concerned.

Leasehold improvements

The cost of a leasehold improvement is capitalised as an asset and depreciated over the remaining term of the lease or the estimated useful life of the improvements, whichever is the shorter.

Revaluation of non-financial physical assets

Non-financial physical assets are measured at fair value on a cyclical basis, in accordance with the Financial Reporting Directions (FRDs) issued by the Minister for Finance. A full revaluation normally occurs every five years, based on the

asset's government purpose classification, but may occur more frequently if fair value assessments indicate material changes in values. Independent valuers are generally used to conduct these scheduled revaluations. Any interim revaluations are determined in accordance with the requirements of the FRDs.

Revaluation increases or decreases arise from differences between an asset's carrying value and fair value.

Net revaluation increases (where the carrying amount of a class of assets is increased as a result of a revaluation) are recognised in 'Other economic flows - other movements in equity' and accumulated in equity under the asset revaluation surplus. However, the net revaluation increase is recognised in the net result to the extent that it reverses a net revaluation decrease in respect of the same class of property, plant and equipment previously recognised as an expense (other economic flows) in the net result.

Net revaluation decreases are recognised in 'Other economic flows - other movements in equity' to the extent that a credit balance exists in the asset revaluation surplus in respect of the same class of property, plant and equipment. Otherwise, the net revaluation decreases are recognised immediately as other economic flows in the net result. The net revaluation decrease recognised in 'Other economic flows - other movements in equity' reduces the amount accumulated in equity under the asset revaluation surplus.

Revaluation increases and decreases relating to individual assets within a class of property, plant and equipment, are offset against one another within that class but are not offset in respect of assets in different classes. Any asset revaluation surplus is not normally transferred to accumulated funds on de-recognition of the relevant asset.

Intangible assets

Intangible assets are initially recognised at cost. Subsequently, intangible assets with finite useful lives are carried at cost less accumulated depreciation/amortisation and accumulated impairment losses. Costs incurred subsequent to initial acquisition are capitalised when it is expected that additional future economic benefits will flow to the Commission.

(K) Liabilities

Payables consist of:

- contractual payables such as accounts payable and other sundry liabilities. They represent liabilities for goods and services provided to the Commission prior to the end of the financial year that are unpaid, and arise when the Commission becomes obliged to make future payments in respect of the purchase of those goods and services; and
- statutory payables, such as fringe benefits tax payable.

Contractual payables are classified as financial instruments and categorised as financial liabilities at amortised cost (refer Note 1 (H)). Statutory payables are recognised and measured similarly to contractual payables, but are not classified as financial instruments and not included in the category of

financial liabilities at amortised cost, because they do not arise from a contract.

Provisions

Provisions are recognised when the Commission has a present obligation, the future sacrifice of economic benefits is probable, and the amount of the provision can be measured reliably. The amount recognised as a provision is the best estimate of the consideration required to settle the present obligation at the end of the reporting period, taking into account the risks and uncertainties surrounding the obligation. Where a provision is measured using the cashflows estimated to settle the present obligation, its carrying amount is the present value of those cashflows, using a discount rate that reflects the time value of money and risks specific to the provision. Details of provisions are set out in Note 10.

Employee benefits

Provision is made for benefits accruing to employees in respect of wages and salaries, annual leave and long service leave for services rendered to the reporting date.

(i) Wages and salaries and annual leave

Liabilities for wages and salaries, including non-monetary benefits and annual leave are all recognised in the provision for employee benefits, as 'current liabilities' because the Commission does not have an unconditional right to defer settlements of these liabilities.

Depending on the expectation of the timing of settlement, liabilities for wages and salaries and annual leave are measured at:

- undiscounted value - if the Commission expects to wholly settle within twelve months; or
- present value - if the Commission does not expect to wholly settle within twelve months.

(ii) Long service leave

Liability for long service leave (LSL) is recognised in the provision for employee benefits.

Unconditional LSL is disclosed in the notes to the financial statements as a current liability, even where the Commission does not expect to settle the liability within 12 months because it will not have the unconditional right to defer the settlement of the entitlement should an employee take leave within 12 months.

The components of this current LSL liability are measured at:

- nominal value - if the Commission expects to wholly settle within twelve months; or
- present value - if the Commission does not expect to wholly settle within twelve months.

Conditional LSL is disclosed as a non-current liability. There is an unconditional right to defer the settlement of the entitlement until the employee has completed the requisite years of service. This non-current LSL liability is measured at present value.

Any gain or loss following revaluation of the present value of non-current LSL liability is recognised as a transaction, except to the extent that a gain or loss arises due to changes in bond interest

rates for which it is then recognised as an 'other economic flow' (refer to Note 1 (G)).

(iii) Termination benefits

Termination benefits are paid when employment is terminated before the normal retirement date, or when an employee decides to accept an offer of benefits in exchange for the termination of employment. The Commission recognises termination benefits when it is demonstrably committed to either terminating the employment of current employees according to a detailed formal plan without possibility of withdrawal or providing termination benefits as a result of an offer made to encourage voluntary redundancy. Benefits falling due more than 12 months after the end of the reporting period are discounted to present value.

Employee benefits on-costs

Employee benefits on-costs such as payroll tax, workers compensation, and superannuation are recognised separately from the provision for employee benefits.

(L) Leases

A lease is a right to use an asset for an agreed period of time in exchange for payment.

Leases are classified at their inception as either operating or finance leases based on the economic substance of the agreement so as to reflect the risks and rewards incidental to ownership. Leases of infrastructure, property, plant and equipment are classified as finance leases whenever the terms of the lease transfer substantially all the risks and rewards of ownership from the lessor to the lessee. All other leases are classified as operating leases.

Finance leases

Commission as lessee

At the commencement of the lease term finance leases are initially recognised as assets and liabilities at amounts equal to the fair value of the leased property or, if lower, the present value of the minimum lease payment, each determined at the inception of the lease.

The lease asset is accounted for as a non-financial physical asset. If there is certainty that the Commission will obtain the ownership of the lease asset by the end of the lease term, the asset shall be depreciated over the useful life of the asset. If there is no reasonable certainty that the lessee will obtain ownership by the end of the lease term, the asset shall be fully depreciated over the shorter of the lease term and its useful life.

Minimum finance lease payments are apportioned between reduction of the outstanding lease liability and the periodic finance expense which is calculated using the interest rate implicit in the lease and charged directly to the comprehensive operating statement.

Operating leases

Commission as lessee

Operating lease payments are recognised as an expense in

the comprehensive operating statement on a straight-line basis over the lease term, except where another systematic basis is more representative of the time pattern of the benefits derived from the use of the leased asset. The leased asset is not recognised in the balance sheet.

(M) Equity

Contributions by owners

Additions to net assets which have been designated as contributions by owners are recognised as contributed capital. Other transfers that are in the nature of contributions or distributions have also been designated as contributions by owners.

(N) Commitments

Commitments for future expenditure include operating and capital commitments arising from contracts. These commitments are disclosed by way of a note (refer to Note 16) at their nominal value and exclusive of the goods and services tax (GST) payable.

(O) Contingent assets and contingent liabilities

Contingent assets and contingent liabilities are not recognised in the balance sheet, but are disclosed by way of a note (refer to Note 17) and, if quantifiable, are measured at nominal value exclusive of GST receivable and payable respectively.

(P) Accounting for the Goods and Services Tax (GST)

Income, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the taxation authority. In this case it is recognised as part of the cost of acquisition of the asset or as part of the expense.

DJR manages the GST transactions on behalf of the Commission and the net amount of GST recoverable from or payable to the taxation authority is recognised in the DJR's financial statements.

(Q) Events after the reporting period

Assets, liabilities, income or expenses arise from past transactions or other past events. Where the transactions result from an agreement between the Commission and other parties, the transactions are only recognised when the agreement is irrevocable at or before the end of the reporting period. Adjustments are made to amounts recognised in the financial statements for events which occur after the reporting period and before the date the financial statements are authorised for issue, where those events provide information about conditions which existed in the reporting period. Note disclosure is made about events between the end of the reporting period and the date the financial statements are authorised for issue where the events relate to conditions which arose after the end of the reporting period and which may have a material impact on the results of subsequent years.

(R) Australian Accounting Standards issued that are not yet effective

Certain new accounting standards (AAS) have been published that are not mandatory for the 30 June 2015 reporting period. DTF assesses the impact of all these new standards and advises the Commission of their applicability and early adoption where applicable.

| Standard / Interpretation | Summary | Applicable for annual reporting periods beginning on | Impact on Commission financial statements |
|---|--|--|--|
| <i>AASB 9 Financial instruments</i> | The key changes include the simplified requirements for the classification and measurement of financial assets, a new hedging accounting model and a revised impairment loss model to recognise impairment losses earlier, as opposed to the current approach that recognises impairment only when incurred. | 1 Jan 2018 | The assessment has identified that the financial impact of available for sale (AFS) assets will now be reported through other comprehensive income (OCI) and no longer recycled to the profit and loss. While the preliminary assessment has not identified any material impact arising from AASB 9, it will continue to be monitored and assessed. |
| <i>AASB 2014-4 Amendments to Australian Accounting Standards-Clarification of Acceptable Methods of Depreciation and Amortisation [AASB 116 & AASB 138]</i> | Amends AASB 116 <i>Property, Plant and Equipment</i> and AASB 138 <i>Intangible Assets</i> to: 1. establish the principle for the basis of depreciation and amortisation as being the expected pattern of consumption of the future economic benefits of an asset; 2. prohibit the use of revenue-based methods to calculate the depreciation or amortisation of an asset, tangible or intangible, because revenue generally reflects the pattern of economic benefits that are generated from operating the business, rather than the consumption through the use of the asset. | 1 Jan 2016 | The assessment has indicated that there is no expected impact as the revenue-based method is not used for depreciation and amortisation. |

In addition to the new standard above, the AASB has issued a list of amending standards that are not effective for the 2014/2015 reporting period (as listed below). In general, these amending standards include editorial and references changes that are expected to have insignificant impacts on public sector reporting.

AASB 2010 - 7 *Amendments to Australian Accounting Standards arising from AASB 9 (December 2010)*.

AASB 2013 - 9 *Amendments to Australian Accounting Standards - Conceptual Framework, Materiality and Financial Instruments*.

AASB 2014 - 7 *Amendments to Australian Accounting Standards arising from AASB 9 (December 2014)*.

AASB 2014 - 8 *Amendments to Australian Accounting Standards arising from AASB 9 (December 2014) - Application of AASB 9 (December 2009) and AASB 9 (December 2010) [AASB 9 (2009 & 2010)]*

AASB 2015 - 3 *Amendments to Australian Accounting Standards arising from the withdrawal of AASB 1031 Materiality*

(S) Correction of error

In line with general Victorian Government reporting guidelines, trust funds amounting to \$731,442 as at 30 June 2015 (2013/14:\$774,289); refer to Note 21) were reclassified from receivables to cash. Prior year comparatives have been restated.

Note 2. Income from transactions

| | 2015 | 2014 |
|---------------------------|----------------|----------------|
| | \$ | \$ |
| Other income | 504,422 | 320,250 |
| Total other income | 504,422 | 320,250 |

Note 3. Expenses from transactions

| | | |
|--|--------------------|--------------------|
| (a) Employee expenses | | |
| Post employment benefits | | |
| Defined contribution superannuation expense | (508,993) | (446,238) |
| Defined benefit superannuation expense | (25,227) | (25,653) |
| Salary, annual leave and long service leave | (5,834,887) | (5,223,403) |
| Other on-costs (fringe benefits tax, payroll tax and workcover levy) | (377,147) | (316,691) |
| Total employee expenses | (6,746,254) | (6,011,985) |
| (b) Depreciation and amortisation | | |
| Plant and equipment | (2,595) | (2,595) |
| Computer equipment | - | (7,579) |
| Software | (70,132) | (64,288) |
| Amortisation expense ⁽ⁱ⁾ | (360,949) | (362,695) |
| Total depreciation and amortisation | (433,676) | (437,157) |
| (c) Interest expense | | |
| Interest on finance leases | (3,538) | (4,184) |
| Total interest expense | (3,538) | (4,184) |

| | | |
|--|--------------------|--------------------|
| (d) Other operating expenses | | |
| Supplies and services | | |
| Travel, personal and entertainment | (84,782) | (70,636) |
| Printing, stationery and office expenses | (281,934) | (380,608) |
| Postage, communication and couriers | (104,502) | (98,529) |
| Contractors, consultants and professional services | (334,889) | (296,984) |
| Rent, utilities and property services | (773,195) | (718,621) |
| Information technology | (84,823) | (130,722) |
| Repairs and maintenance | (22,005) | (19,539) |
| Training and development | (86,202) | (99,893) |
| Total supplies and services | (1,772,332) | (1,815,532) |
| Grants paid | (35,818) | (77,591) |
| Vehicles | (9,007) | (14,566) |
| Insurance premiums (non MV) | (3,429) | (3,648) |
| ASIC/title searches | - | (43) |
| Honorarium payments | (390) | (1,126) |
| Display costs - events/shows | (11,317) | (5,774) |
| Interpreter/translation services | (28,041) | (23,874) |
| Police/hospital records search | (1,458) | (359) |
| Application/lodgement/licensing Fees | (2,158) | (76) |
| Membership subscriptions to professional bodies | (17,209) | (12,586) |
| Purchase of services - CenITex | - | 1,667 |
| Medical/vaccination costs | (1,484) | (506) |
| Assets given free of charge | (1,088) | - |
| Audit services | (19,100) | (19,095) |
| Bank fees and finance charges | (317) | (436) |
| Total other operating expenses | (1,903,148) | (1,973,545) |

Note:

(i) This is the amortisation of building leasehold improvements and leased motor vehicles.

Note 4. Other economic flows included in net result

| | 2015 | 2014 |
|---|-----------------|--------------|
| | \$ | \$ |
| (a) Other gains/(losses) from other economic flows | | |
| Net gain/(loss) arising from revaluation of long service leave liability ⁽ⁱ⁾ | (33,449) | 7,799 |
| Total other gains/(losses) from other economic flows | (33,449) | 7,799 |

(i) Revaluation gain/(loss) due to changes in bond rates.

Note 5. Receivables

| | 2015 | 2014 |
|---|------------------|------------------|
| | \$ | \$ |
| Current receivables | | |
| Contractual | | |
| Receivables | 1,874 | 1,278 |
| | 1,874 | 1,278 |
| Statutory | | |
| Amount owing from Department of Justice and Regulation ⁽ⁱ⁾ | 1,091,928 | 1,069,906 |
| | 1,091,928 | 1,069,906 |
| Total current receivables | 1,093,802 | 1,071,184 |
| Non-current receivables | | |
| Statutory | | |
| Amount owing from Department of Justice and Regulation ⁽ⁱ⁾ | 309,847 | 273,301 |
| Total non-current receivables | 309,847 | 273,301 |
| Total receivables | 1,403,649 | 1,344,485 |

(i) The amounts recognised from Department of Justice and Regulation represent funding for commitments incurred through the appropriations and are drawn as the commitments fall due. In addition the trust fund balance has been reclassified from receivables to cash and prior year comparatives have been restated.

Note 6. Plant and equipment

Classification by 'Public Safety and Environment' Purpose Group - carrying amounts ⁽ⁱ⁾

| | 2015 | 2014 |
|---|----------------|----------------|
| | \$ | \$ |
| Leasehold improvements: | | |
| Leasehold improvements at fair value | 495,850 | 839,132 |
| Plant and equipment: | | |
| Plant and equipment at fair value | 12,498 | 16,014 |
| Computers and communication equipment: | | |
| Motor vehicles under lease: | | |
| Motor vehicles under lease at fair value | 53,037 | 51,870 |
| Net carrying amount of plant and equipment | 561,385 | 907,016 |

(i) Plant and equipment are classified primarily by the 'purpose group' for which the assets are used, according to one of six purpose groups based upon government purpose classifications. All assets in a purpose group are further sub categorised according to the asset's 'nature' (i.e. buildings, plant and equipment, etc) with each sub category being classified as a separate class of asset for financial reporting purposes.

Classification by 'Public Safety and Environment' Purpose Group - Movements in carrying amounts⁽ⁱ⁾

| | <i>Leasehold Improvements at fair value</i> | | <i>Plant & equipment at fair value</i> | | <i>Computers and communication equipment at fair value</i> | | <i>Motor vehicles under lease</i> | | <i>Total</i> | |
|--|---|------------------|--|---------------|--|--------------|---------------------------------------|---------------|----------------|------------------|
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| | 2015 | 2014 | 2015 | 2014 | 2015 | 2014 | 2015 | 2014 | 2015 | 2014 |
| Opening balance | 839,131 | 1,203,582 | 16,012 | 18,607 | - | 7,579 | 51,870 | 71,284 | 907,013 | 1,301,052 |
| Additions | - | - | - | - | - | - | 27,952 | - | 27,952 | - |
| Disposals | - | - | - | - | - | - | (9,118) | - | (9,118) | - |
| Fair value of transfer free of charge | - | - | (921) | - | - | - | - | - | (921) | - |
| Transfer in/out of assets under construction | - | (21,170) | - | - | - | - | - | - | - | (21,170) |
| Depreciation/ amortisation expense ⁽ⁱⁱ⁾ | (343,281) | (343,281) | (2,595) | (2,595) | - | (7,579) | (17,668) | (19,414) | (363,544) | (372,869) |
| Closing Balance | 495,850 | 839,131 | 12,496 | 16,012 | - | - | 53,037 | 51,870 | 561,385 | 907,016 |

Notes:

(i) Fair value assessments have been performed for all classes of assets in this purpose group and the decision was made that movements were not material (less than or equal to 10%) for a full revaluation.

(ii) Aggregate depreciation allocated during the year is recognised as an expense and disclosed in Note 3 to the financial statements.

Fair value measurement hierarchy for assets as at 30 June 2015

| | <i>Carrying amount as at 30 June 2015</i> | <i>Fair value measurement at end of reporting period using:</i> | | | <i>Carrying amount as at 30 June 2014</i> | <i>Fair value measurement at end of reporting period using:</i> | | |
|--|---|---|------------------------|------------------------|---|---|------------------------|------------------------|
| | | Level 1 ⁽ⁱ⁾ | Level 2 ⁽ⁱ⁾ | Level 3 ⁽ⁱ⁾ | | Level 1 ⁽ⁱ⁾ | Level 2 ⁽ⁱ⁾ | Level 3 ⁽ⁱ⁾ |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Leasehold improvements at fair value: | 495,850 | | | 495,850 | 839,131 | | | 839,131 |
| Total of leasehold improvements at fair value | 495,850 | | | 495,850 | 839,131 | | | 839,131 |
| Plant and equipment at fair value | 25,028 | | | | 25,949 | | | |
| Less: accumulated depreciation | (12,530) | | | | (9,935) | | | |
| Plant and equipment at fair value | 12,496 | | | 12,496 | 16,012 | | | 16,012 |
| Total of plant and equipment at fair value | 12,496 | | | 12,496 | 16,012 | | | 16,012 |

Notes:

(i) Classified in accordance with the fair value hierarchy, see Note 1 (B)

There have been no transfers between levels during the period.

Vehicles

Vehicles are valued using the depreciated replacement cost method. The DJR acquires new vehicles on behalf of the Commission and at times disposes of them before the end of their economic life. The process of acquisition, use and disposal in the market is managed by experienced fleet managers in the DJR who set relevant depreciation rates during use to reflect the utilisation of the vehicles.

Plant and equipment

Plant and equipment is held at fair value. When plant and equipment is specialised in use, such that it is rarely sold other than as part of a going concern, fair value is determined using the depreciated replacement cost method.

There were no changes in valuation techniques throughout the period to 30 June 2015.

For all assets measured at fair value, the current use is considered the highest and best use.

Reconciliation of Level 3 fair value

| | <i>Leasehold improvement</i> | <i>Plant and equipment</i> | <i>Computer equipment</i> |
|---|----------------------------------|--------------------------------|-------------------------------|
| Opening balance at 1 July 2014 | 839,131 | 16,012 | |
| Purchases (sales) | - | - | - |
| Transfers in (out) of Level 3 | - | (921) | - |
| Gains or losses recognised in net result | - | - | - |
| Depreciation | (343,281) | (2,595) | - |
| Impairment loss | - | - | - |
| Subtotal | (343,281) | (3,516) | - |
| Gains or losses recognised in other economic flows - other comprehensive income | | | |
| Revaluation | | | |
| Subtotal | | | |
| Closing balance | 495,850 | 12,496 | - |
| Unrealised gains/(losses) on non-financial assets | | | |

Description of significant unobservable inputs to Level 3 valuations

| | <i>Valuation technique ⁽ⁱ⁾</i> | <i>Significant unobservable inputs ⁽ⁱ⁾</i> | <i>Range (weighted average) ⁽ⁱ⁾</i> | <i>Sensitivity of fair value measurements to changes in significant unobservable inputs</i> |
|---------------------|---|---|--|--|
| Plant and equipment | Depreciated replacement cost | cost per unit | \$5,275 - \$14,728 (\$8,343 per unit) | A significant Increase or decrease in cost per unit would result in a significant higher or lower fair value |
| | | Useful life | 4-10 years (10 years) | A significant Increases or decreases in the estimated useful life of the asset would result in a significant higher or lower valuation |

Notes:

(i) [Illustrations on the valuation techniques, significant unobservable inputs and the related quantitative range of those inputs are indicative and should not be directly used without consultation with the Commission's independent valuer.]

Note 7. Intangible assets

| | Computer Software | Computer Software |
|--|-------------------|-------------------|
| | 2015 | 2014 |
| | \$ | \$ |
| Gross carrying amount | | |
| Opening Balance | 701,324 | 531,840 |
| Additions to work-in-progress | - | 169,484 |
| Closing balance | 701,324 | 701,324 |
| Accumulated depreciation, amortisation and impairment | | |
| Opening balance | 64,288 | - |
| Amortisation expense ⁽ⁱⁱ⁾ | 70,132 | 64,288 |
| Disposals or classified as held for sale | - | - |
| Closing balance | 134,420 | 64,288 |
| Net book value at end of financial year | 566,904 | 637,036 |

Notes:

(ii) The consumption of intangible produced assets is included in the 'depreciation and amortisation expense' in Note 2 and the comprehensive operating statement

Significant intangible assets

The Commission has capitalised software development expenditure in respect of its Case Management System. The carrying amount of the capitalised software development expenditure is \$566,904. Its useful life is 10 years and will be fully amortised in 2023. It is designed to capture complaint data to identify trends and areas of systemic discrimination. The system has a training module that manages all training sessions and speaking engagements provided by the Commission. It also manages the Commission's stakeholders and has the ability to generate mail merge letters and emails to all contacts.

Note 8. Payables

| | 2015 | 2014 |
|---|----------------|----------------|
| | \$ | \$ |
| Current payables | | |
| Contractual | | |
| Supplies and services ⁽ⁱ⁾ | 44,345 | - |
| Accruals - expenses ⁽ⁱ⁾ | 56,336 | 142,472 |
| Accruals - salaries ⁽ⁱ⁾ | 72,227 | 33,712 |
| Total contractual payables | 172,908 | 176,184 |
| Statutory | | |
| Accruals - Fringe Benefits Tax ⁽ⁱ⁾ | 556 | 491 |
| Total statutory payables | 556 | 491 |
| Total payables | 173,464 | 176,675 |

Note:

(i) Creditors and accruals represent liabilities for goods and services provided to the Commission, prior to the end of the financial year, which are unpaid. Amounts are normally settled within 30 days and are carried at nominal value.

(a) Maturity analysis of payables

Please refer to Note 11 for the ageing analysis of payables.

(b) Nature and extent of risk arising from payables

Please refer to Note 11 for the nature and extent of risks arising from contractual payables.

Note 9. Borrowings

| | 2015 | 2014 |
|--|---------------|---------------|
| | \$ | \$ |
| Current borrowings | | |
| Finance lease liabilities ⁽ⁱ⁾ (Note 18) | 35,307 | 22,592 |
| Total current borrowings | 35,307 | 22,592 |
| Non-current borrowings | | |
| Finance lease liabilities ⁽ⁱ⁾ (Note 18) | 18,442 | 30,020 |
| Total non-current borrowings | 18,442 | 30,020 |
| Total borrowings | 53,749 | 52,612 |

Note:

(i) Secured by the assets leased. Finance leases are effectively secured as the rights to the leased assets revert to the lessor in the event of default.

(a) Maturity analysis of borrowings

Please refer to Note 11 for the ageing analysis of borrowings.

(b) Nature and extent of risk arising from borrowings

Please refer to Note 11 for the nature and extent of risks arising from borrowings.

Note 10. Provisions

| | 2015 \$ | 2014 \$ |
|---|------------------|------------------|
| Current provisions | | |
| Employee Benefits ⁽ⁱ⁾ (Note 10(a)) - annual leave: | | |
| Unconditional and expected to settle within 12 months ⁽ⁱⁱ⁾ | 300,352 | 248,225 |
| Unconditional and expected to settle after 12 months ⁽ⁱⁱⁱ⁾ | 35,176 | 34,763 |
| Long service leave (Note 10(a)): | | |
| Unconditional and expected to settle within 12 months ⁽ⁱⁱ⁾ | 299,298 | 275,378 |
| Unconditional and expected to settle after 12 months ⁽ⁱⁱⁱ⁾ | 178,993 | 133,481 |
| | 813,819 | 691,847 |
| Provisions for on-costs (Note 10(a)) | | |
| Unconditional and expected to settle within 12 months ⁽ⁱⁱ⁾ | 132,774 | 116,226 |
| Unconditional and expected to settle after 12 months ⁽ⁱⁱⁱ⁾ | 39,294 | 30,867 |
| | 172,068 | 147,093 |
| Total current provisions | 985,887 | 838,940 |
| Non-current provisions | | |
| Employee Benefits (Note 10(a)) | 309,847 | 236,702 |
| On-costs | 49,725 | 36,599 |
| Total non-current provisions | 359,572 | 273,301 |
| Total provisions^(iv) | 1,345,459 | 1,112,241 |

Notes:

(i) Employee benefits consist of annual leave and long service leave accrued by employees. On-costs such as payroll tax and workers' compensation insurance are not employee benefits and are recognised as a separate provision.

(ii) The amounts disclosed are nominal amounts.

(iii) The amounts disclosed are discounted to present values.

(iv) Increase from previous year due to entitlements of new staff, and performance pay increases.

(a) Employee benefits and on-costs (i)

| | 2015 \$ | 2014 \$ |
|---|------------------|------------------|
| Current employee benefits: | | |
| Annual leave | 335,528 | 282,988 |
| Long service leave | 478,290 | 408,860 |
| Non-current employee benefits: | | |
| Long Service leave | 309,847 | 236,702 |
| Total employee benefits | 1,123,666 | 928,549 |
| Current on-costs | 172,068 | 147,093 |
| Non-current on-costs | 49,725 | 36,599 |
| Total on-costs | 221,793 | 183,692 |
| Total employee benefits and on-costs | 1,345,459 | 1,112,241 |

Note:
(i) Employee benefits consist of annual leave and long service leave accrued by employees. On-costs such as payroll tax and workers' compensation insurance are not employee benefits and are recognised as a separate provision.

(b) Movement in provisions

| | On-costs 2015 \$ | On-costs 2014 \$ |
|---------------------------------------|------------------------|------------------------|
| Opening balance | 183,692 | 185,571 |
| Additional provisions recognised | 146,142 | 129,263 |
| Reductions arising from payments etc. | (108,041) | (131,142) |
| Closing balance | 221,793 | 183,692 |
| Current | 172,068 | 147,093 |
| Non-current | 49,725 | 36,599 |
| | 221,793 | 183,692 |

Note 11. Financial instruments

(a) Financial risk management objectives and policies

The Commission's principal financial instruments comprise of:

- cash and deposits;
- receivables (excluding statutory receivables);
- payables (excluding statutory payables); and
- finance lease payables.

Details of the significant accounting policies and methods adopted, including the criteria for recognition, the basis of measurement and the basis on which income and expenses are recognised, with respect to each class of financial asset, financial liability and equity instrument are disclosed in Note 1 to the financial statements.

The main purpose in holding financial instruments is to prudentially manage the Commission's financial risks within the government policy parameters.

The Commission's main financial risks include credit risk, liquidity risk and interest rate risk.

The carrying amounts of the Commission's contractual financial assets and financial liabilities by category are shown below.

Categorisation of financial instruments

| 2015 | Contractual financial liabilities at amortised cost | Contractual financial assets, loans and receivables | Total |
|--|---|--|----------------|
| | | \$ | \$ |
| Contractual financial assets | | | |
| Cash and deposits | - | 731,942 | 731,942 |
| Receivables ⁽ⁱ⁾ | - | 1,874 | 1,874 |
| Total contractual financial assets | - | 733,816 | 733,816 |
| Contractual financial liabilities | | | |
| Payables ⁽ⁱⁱ⁾ | 172,908 | - | 172,908 |
| Finance lease liabilities | 53,749 | - | 53,749 |
| Total contractual financial liabilities | 226,657 | - | 226,657 |
| 2014 | Contractual financial liabilities at amortised cost | Contractual financial assets, loans and receivables | Total |
| | | \$ | \$ |
| Contractual financial assets | | | |
| Cash and deposits | - | 774,789 | 774,789 |
| Receivables ⁽ⁱ⁾ | - | 1,278 | 1,278 |
| Total contractual financial assets | - | 776,067 | 776,067 |
| Contractual financial liabilities | | | |
| Payables ⁽ⁱⁱ⁾ | 176,184 | - | 176,184 |
| Finance lease liabilities | 52,612 | - | 52,612 |
| Total contractual financial liabilities | 228,796 | - | 228,796 |

Notes:

(i) The carrying amount disclosed here excludes statutory receivables (i.e. amounts owing from Victorian Government)

(ii) The carrying amount disclosed here excludes statutory payables (i.e. taxes payable).

(b) Credit risk

Credit risk arises from the contractual financial assets of the Commission, which comprise cash and trade and other receivables. The exposure to credit risk arises from the potential default of a counter party on their contractual obligations resulting in financial loss to the Commission. Credit risk is measured at fair value and is monitored on a regular basis.

Credit risk associated with the Commission's financial assets is minimal because the main debtor is the Victorian Government.

Provision of impairment for contractual financial assets is recognised when there is objective evidence that the Commission will not be able to collect a receivable. Objective evidence includes financial difficulties of the debtor, default payments, debts which are more than 60 days overdue, and changes in debtor credit ratings.

The carrying amount of contractual financial assets recorded in the financial statements, net of any allowances for losses, represents the Commission's maximum exposure to credit risk without taking account of the value of any collateral obtained.

Contractual financial assets that are either past due or impaired

There are no material financial assets which are individually determined to be impaired. Currently the Commission does not hold any collateral as security nor credit enhancements relating to any of its financial assets.

There are no financial assets that have had their terms renegotiated so as to prevent them from being past due or impaired, and they are stated at their carrying amounts as indicated. The ageing analysis table on the next page discloses the ageing only of contractual financial assets that are past due but not impaired.

Ageing analysis of contractual financial assets

| 2015 | Carrying amount | Not past due and not impaired | Past due but not impaired | | | | Impaired financial assets |
|----------------------------|-----------------|-------------------------------|---------------------------|--------------------|-------------------|-------------|---------------------------|
| | | | Less than 1 month | 1 month - 3 months | 3 months - 1 year | 1 - 5 years | |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Cash and deposits | 731,942 | 731,942 | | | | | |
| Receivables ⁽ⁱ⁾ | 1,874 | 1,874 | - | - | - | - | - |
| Total | 733,816 | 733,816 | - | - | - | - | - |
| | | | | | | | |
| 2014 | | | | | | | |
| Cash and deposits | 774,789 | 774,789 | | | | | |
| Receivables ⁽ⁱ⁾ | 1,278 | 1,278 | - | - | - | - | - |
| Total | 776,067 | 776,067 | - | - | - | - | - |

Note:

(i) The carrying amounts disclosed here exclude statutory amounts (e.g. amounts owing from Victorian Government)

(c) Liquidity risk

Liquidity risk is the risk that the Commission would be unable to meet its financial obligations as and when they fall due. The Commission operates under the Government fair payments policy of settling financial obligations within 30 days and in the event of a dispute, make payments within 30 days from the date of resolution.

The Commission's maximum exposure to liquidity risk is the carrying amounts of financial liabilities as disclosed in the face of the balance sheet.

The Commission's exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk.

The table below discloses the contractual maturity analysis for the Commission's contractual financial liabilities.

Maturity analysis of contractual financial liabilities ⁽ⁱ⁾

| 2015 | Maturity dates | | | | | | |
|--------------------------------------|-----------------|----------------|-------------------|--------------|-------------------|---------------|----------|
| | Carrying amount | Nominal amount | Less than 1 month | 1 - 3 months | 3 months - 1 year | 1 - 5 years | 5+ years |
| | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| Payables: ⁽ⁱⁱ⁾ | | | | | | | |
| Supplies and services | 172,908 | 172,908 | 172,908 | - | - | - | - |
| Interest bearing liabilities: | | | | | | | |
| Lease liabilities | 53,749 | 56,440 | 1,767 | 3,534 | 31,961 | 19,178 | - |
| Total | 226,657 | 229,348 | 174,675 | 3,534 | 31,961 | 19,178 | - |
| 2014 | | | | | | | |
| Payables: ⁽ⁱⁱ⁾ | | | | | | | |
| Supplies and services | 176,184 | 176,184 | 176,184 | - | - | - | - |
| Interest bearing liabilities: | | | | | | | |
| Lease liabilities | 52,612 | 56,021 | 11,346 | 2,488 | 11,197 | 30,990 | - |
| Total | 228,796 | 232,205 | 187,530 | 2,488 | 11,197 | 30,990 | - |

Notes:

(i) Maturity analysis is presented using the contractual undiscounted cash flows

(ii) The carrying amounts disclosed exclude statutory amounts (e.g. GST payable).

(d) Market risk

The Commission's exposure to market risk is primarily through interest rate risk. The exposure to interest rate risk is insignificant and arises primarily through the Commission's interest bearing liabilities (3 motor vehicles leased through VicFleet).

The carrying amounts of financial assets and financial liabilities that are exposed to interest rates are set out below.

Interest rate exposure of financial instruments

| | Weighted average effective interest rate | Carrying amount | Interest rate exposure | | |
|------------------------------------|---|--------------------|---------------------------|------------------------------|-----------------------------|
| | | | Fixed interest rate | Variable interest rate | Non- interest bearing |
| 2015 | % | \$ | \$ | \$ | \$ |
| Financial Assets | | | | | |
| Cash and deposits | | 731,942 | | | 731,942 |
| Receivables: ⁽ⁱ⁾ | | | | | |
| Sale of goods and services | | 1,874 | | | 1,874 |
| Total financial assets | | 733,816 | | | 733,816 |
| Financial Liabilities | | | | | |
| Payables ⁽ⁱ⁾ : | | | | | |
| Supplies and services | | 172,908 | - | - | 172,908 |
| Lease liabilities | 5.95% | 53,749 | 53,749 | - | - |
| Total financial liabilities | | 226,657 | 53,749 | - | 172,908 |
| 2014 | | | | | |
| Financial Assets | | | | | |
| Cash and deposits | | 774,789 | | | 774,789 |
| Receivables: ⁽ⁱ⁾ | | | | | |
| Sale of goods and services | | 1,278 | | | 1,278 |
| Total financial assets | | 776,067 | | | 776,067 |
| Financial Liabilities | | | | | |
| Payables ⁽ⁱ⁾ : | | | | | |
| Supplies and services | | 176,184 | - | - | 176,184 |
| Lease liabilities | 6.62% | 52,612 | 52,612 | - | - |
| Total financial liabilities | | 228,796 | 52,612 | - | 176,184 |

Note:

(i) The carrying amounts disclosed here exclude statutory amounts (e.g. amounts owing from Victorian Government, and GST payables)

(e) Fair value

The Commission considers that the carrying amount of financial instrument assets and financial liabilities recorded in the financial statements to be a fair approximation of their fair values, because of the short term nature of the financial instruments and the expectation that they will be paid in full.

Note 12. Responsible persons

In accordance with the Ministerial Directions issued by the Minister for Finance under the *Financial Management Act 1994*, the following disclosures are made regarding responsible persons for the reporting period.

Names

The persons who held the positions of Ministers and Accountable Officers in the Department of Justice and Regulation are as follows:

| | | |
|--|----------------------------|-----------------------------------|
| Attorney-General | The Hon. Robert Clark, MP | 1 July 2014 - 3 December 2014 |
| | The Hon. Martin Pakula, MP | 4 December 2014 - 30 June 2015 |
| Acting Attorney-General | The Hon. Jane Garrett, MP | 24 December 2014 - 6 January 2015 |
| Secretary to the Department of Justice and Regulation | Greg Wilson | 1 July 2014 - 30 June 2015 |
| Acting Secretary to the Department of Justice and Regulation | Julia Griffith | 7 July 2014 - 13 July 2014 |
| | Dr Claire Noone | 22 January 2015 - 8 February 2015 |

The Director, Commissioner's Office, Commissioner and people who held positions as Board Members are as follows:

| | | |
|---------------------------------|--------------------|--------------------------------|
| Commissioner | Ms Kate Jenkins | 1 July 2014 - 30 June 2015 |
| Director, Commissioner's Office | Ms Catherine Dixon | 27 October 2014 - 30 June 2015 |
| Board Member, Chair | Mr John Searle | 1 July 2014 - 30 June 2015 |
| Board Member | Mr Josef Szwarc | 1 July 2014 - 30 June 2015 |
| Board Member | Mr Abeselom Nega | 1 July 2014 - 30 June 2015 |
| Board Member | Ms Colleen Pearce | 1 July 2014 - 30 June 2015 |
| Board Member | Ms Moana Weir | 25 March 2015 - 30 June 2015 |
| Board Member | Mr Timothy Goodwin | 25 March 2015 - 30 June 2015 |
| Board Member | Ms Megan Boston | 22 July 2014 - 30 June 2015 |

Remuneration

Remuneration received or receivable by each Board Member, the Director, Commissioner's Office and Commissioner in connection with the management of the Commission during the reporting period was in the range shown below.

| Income Band | Total Remuneration | | Base Remuneration | |
|-----------------------|--------------------|----------------|-------------------|----------------|
| | 2015 | 2014 | 2015 | 2014 |
| \$0 – \$9,999 | 6 | 3 | 6 | 3 |
| \$10,000 – \$19,999 | 1 | 1 | 1 | 1 |
| \$20,000 – \$29,999 | - | 1 | - | 1 |
| \$30,000 – \$39,999 | - | 1 | - | 1 |
| \$70,000 – \$79,999 | - | 1 | - | 1 |
| \$90,000 – \$99,999 | - | 1 | - | 1 |
| \$100,000 – \$109,999 | 1 | - | 1 | - |
| \$220,000 – \$229,999 | - | 1 | - | 1 |
| \$330,000 – \$339,999 | 1 | - | 1 | - |
| Total numbers | 9 | 9 | 9 | 9 |
| Total amount | 474,421 | 479,594 | 444,619 | 420,383 |

Remuneration received or receivable by Ministers is reported in the financial statements of the Department of Premier and Cabinet.

Remuneration received or receivable by the Secretary to the Department of Justice and Regulation is reported in the financial statements of the Department of Justice and Regulation.

Note 13. Remuneration of executives

The accountable officer is also the Commissioner whose remuneration has been disclosed under Note 12 as part of the responsible persons disclosure. The remuneration of the Director, Commissioner's Office is also included in Note 12.

Note 14. Related parties

During the financial year, the Commission, the Office of the Public Advocate and the Department of Justice and Regulation conducted business transactions at arms length and at normal commercial terms.

Other transactions

Other related transactions requiring disclosure under the Directions of the Minister for Finance have been considered and there are no matters to report.

Note 15. Remuneration of auditors

| | 2015 | 2014 |
|---|--------|--------|
| | \$ | \$ |
| Victorian Auditor - General's Office | | |
| Audit of the financial statements | 19,100 | 19,100 |
| | 19,100 | 19,100 |

Note 16. Commitments for expenditure

(a) Capital expenditure

There are no capital expenditure commitments as at 30 June 2015 (2014:\$Nil)

(b) Lease commitments

Finance lease liabilities and non-cancellable operating lease commitments are disclosed in Note 18 to the financial statements.

Note 17. Contingent assets and contingent liabilities

There are no contingent liabilities or contingent assets as at 30 June 2015 (2014:\$Nil).

Note 18. Leases

Leasing arrangements

The finance lease entered into by the Commission relates to motor vehicles with maximum lease terms of 3 years.

Finance lease liabilities

| | Minimum future lease payments ⁽ⁱ⁾ | | Present value of minimum future lease payments | |
|---|--|---------------|--|---------------|
| | 2015 | 2014 | 2015 | 2014 |
| | \$ | \$ | \$ | \$ |
| Not longer than 1 year | 37,262 | 25,032 | 35,307 | 22,592 |
| Longer than 1 year and not longer than 5 years | 19,178 | 30,990 | 18,442 | 30,020 |
| Minimum future lease payments | 56,440 | 56,022 | 53,749 | 52,612 |
| less: Future finance charges | (2,691) | (3,410) | - | - |
| Present value of minimum lease payments | 53,749 | 52,612 | 53,749 | 52,612 |
| Included in the financial statements as: | | | | |
| Current interest bearing liabilities (Note 9) | | | 35,307 | 22,592 |
| Non-current interest bearing liabilities (Note 9) | | | 18,442 | 30,020 |
| | | | 53,749 | 52,612 |

The weighted average interest rate implicit in the leases is 5.95% (2014:6.62%)

Note:

(i) Minimum lease payments include the aggregate of all lease payments and any guaranteed residual.

Leasing arrangements

Operating leases relate to buildings.

| | 2015 | 2014 |
|--|----------------|------------------|
| | \$ | \$ |
| Non-cancellable operating leases | | |
| Not longer than 1 year | 585,913 | 560,682 |
| Longer than 1 year and not longer than 5 years | 224,502 | 810,415 |
| Longer than 5 years | - | - |
| | 810,415 | 1,371,097 |

Note 19. Superannuation

Employees of the Commission are entitled to receive superannuation benefits and the Commission contributes to both defined benefit and defined contribution plans. The defined benefit plan(s) provides benefits based on years of service and final average salary.

The Commission does not recognise any defined benefit liability in respect of the plan(s) because the entity has no legal or constructive obligation to pay future benefits relating to its employees; its only obligation is to pay superannuation contributions as they fall due. The Department of Treasury and Finance recognises and discloses the State's defined benefit liabilities in its disclosure for administered items.

However, superannuation contributions paid or payable for the reporting period are included as part of employee benefits in the comprehensive operating statement of the Commission.

The name, details and amounts expensed in relation to the major employee superannuation funds and contributions made by the Commission are as follows:

| Fund | Paid contribution for the year 2015 \$ | Paid contribution for the year 2014 \$ | Contribution outstanding at year end 2015 \$ | Contribution outstanding at year end 2014 \$ |
|--|--|--|--|--|
| ⁽ⁱ⁾Defined benefit plans: | | | | |
| State Superannuation Fund - revised and new | 25,227 | 25,653 | - | - |
| Defined contribution plans: | | | | |
| Victorian Superannuation Fund - Accumulation | 310,473 | 282,685 | - | - |
| Other | 198,520 | 163,553 | - | - |
| Total | 534,220 | 471,891 | - | - |

Note:

(i) The bases for determining the level of contributions is determined by the various actuaries of the defined benefit superannuation plans.

Note 20. Cash flow information

| | 2015 \$ | 2014 \$ |
|---|----------------|----------------|
| (a) Reconciliation of cash and cash deposits | | |
| Total cash and cash deposits disclosed in the balance sheet | 731,942 | 774,789 |
| Balance as per cash flow statement | 731,942 | 774,789 |

(b) Reconciliation of net result for the period.

| | 2015 \$ | 2014 \$ |
|---|------------------|------------------|
| Net result for the period | (630,589) | (142,709) |
| Non-cash movements: | | |
| Depreciation and amortisation | 433,676 | 437,157 |
| Resources provided free of charge | - | - |
| Gain on disposal of non-financial assets | - | - |
| Movements in assets and liabilities | | |
| (Increase)/decrease in receivables | (59,164) | 109,433 |
| (Increase)/decrease in prepayments | - | - |
| Increase/(decrease) in payables | (3,211) | (99,750) |
| Increase/(decrease) in provisions | 233,218 | (22,213) |
| Net cash flows from/(used in) operating activities | (26,070) | 281,918 |

Note 21. Trust account balances

The trust account was created for the purpose of engaging in specific collaborative work with the Commission's external stakeholders in the areas of sexual harassment, racial discrimination and equal participation in sporting activities.

Payments from the trust fund during 2014/15 amounted to \$547,269 (2013/14:\$206,013).

| | <i>Opening balance as at 1 July 2013</i> | <i>Total receipts</i> | <i>Total payment</i> | <i>Closing balance as at 30 June 2014</i> | <i>Opening balance as at 1 July 2014</i> | <i>Total receipts</i> | <i>Total payment</i> | <i>Closing balance as at 30 June 2015</i> |
|---|--|---------------------------|--------------------------|---|--|---------------------------|--------------------------|---|
| Controlled trust fund | \$ | \$ | \$ | \$ | \$ | | | \$ |
| For collaborative work with external stakeholders | 660,052 | 320,250 | (206,013) | 774,289 | 774,289 | 504,422 | (547,269) | 731,442 |
| Total controlled trust | 660,052 | 320,250 | (206,013) | 774,289 | 774,289 | 504,422 | (547,269) | 731,442 |

Note 22. Glossary of terms and style conventions

Amortisation

Depreciation is the expense which results from the consumption, extraction or use over time of a non-produced physical or intangible asset. This expense is classified as an other economic flow.

Borrowings

Borrowings refers to interest-bearing liabilities mainly raised from public borrowings raised through the Treasury Corporation of Victoria, finance leases and other interest-bearing arrangements. Borrowings also includes non-interest-bearing advances from government that are acquired for policy purposes.

Comprehensive result

The net result of all items of income and expense recognised for the period. It is the aggregate of operating result and other comprehensive income.

Commitments

Commitments include those operating, capital and other outsourcing commitments arising from non-cancellable contractual or statutory sources.

Depreciation

Depreciation is an expense that arises from the consumption through wear or time of a produced physical or intangible asset. This expense is classified as a 'transaction' and so reduces the 'net result from transaction'.

Employee benefits expenses

Employee benefits expenses include all costs related to employment including wages and salaries, leave entitlements, redundancy payments and superannuation contributions.

Financial asset

A financial asset is any asset that is:

- (a) cash;
- (b) an equity instrument of another entity;
- (c) a contractual right:
 - to receive cash or another financial asset from another entity; or
 - to exchange financial assets or financial liabilities with another entity under conditions that are potentially favourable to the entity; or
- (d) a contract that will or may be settled in the entity's own equity instruments and is:
 - a non-derivative for which the entity is or may be obliged to receive a variable number of the entity's own equity instruments; or a derivative that will or
 - may be settled other than by the exchange of a fixed amount of cash or another financial asset for a fixed number of the entity's own equity instruments.

Financial instrument

A financial instrument is any contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity.

Financial assets or liabilities that are not contractual (such as statutory receivables or payables that arise as a result of statutory requirements imposed by governments) are not financial instruments.

Financial liability

A financial liability is any liability that is:

- (a) A contractual obligation:
 - (i) to deliver cash or another financial asset to another entity; or
 - (ii) to exchange financial assets or financial liabilities with another entity under conditions that are potentially unfavourable to the entity; or
- (b) A contract that will or may be settled in the entity's own equity instruments and is:
 - (i) a non-derivative for which the entity is or may be obliged to deliver a variable number of the entity's own equity instruments; or
 - (ii) a derivative that will or may be settled other than by the exchange of a fixed amount of cash or another financial asset for a fixed number of the entity's own equity instruments. For this purpose the entity's own equity instruments do not include instruments that are themselves contracts for the future receipt or delivery of the entity's own equity instruments.

Financial statements

A complete set of financial statements comprises:

- (a) a balance sheet as at the end of the period;
- (b) a comprehensive operating statement for the period;
- (c) a statement of changes in equity for the period;
- (d) a statement of cash flows for the period;
- (e) notes, comprising a summary of significant accounting policies and other explanatory information;
- (f) comparative information in respect of the preceding period as specified in paragraphs 38 of AASB 101 Presentation of Financial Statements; and
- (g) a statement of financial position as at the beginning of the preceding period when an entity applies an accounting policy retrospectively or makes a retrospective restatement of items in its financial statements, or when it reclassifies items in its financial statements in accordance with paragraphs 41 of AASB 101.

Grants and other transfers

Transactions in which one unit provides goods, services, assets (or extinguishes a liability) or labour to another unit without receiving approximately equal value in return. Grants can either be operational or capital in nature. While grants to government may result in the provision of some goods or services to the transferor, they do not give the transferor a claim to receive benefits of approximately equal value. Receipt and sacrifice of approximately equal value may occur, but only by coincidence. For example, governments are not obliged to provide commensurate benefits, in the form of goods and services, to particular taxpayers in return for their taxes. For this reason, grants are referred to by the AASB as involuntary transfers and are termed non-reciprocal transfers.

Grants can be paid as general purpose grants which refer to grants that are not subject to conditions regarding their use. Alternatively, they may be paid as specific purpose grants which are paid for a particular purpose and/or have conditions attached regarding their use.

Intangible assets

Intangible assets represent identifiable non-monetary assets without physical substance, e.g. software.

Interest expense

Costs incurred in connection with the borrowing of funds. Interest expenses include interest on bank overdrafts and short-term and long-term borrowings, amortisation of discounts or premiums relating to borrowings, interest component of finance lease repayments, and the increase in financial liabilities and non-employee provisions due to the unwinding of discounts to reflect the passage of time.

Net result

Net result is a measure of financial performance of the operations for the period. It is the net result of items of income, gains and expenses (including losses) recognised for the period, excluding those that are classified as ‘other economic flows - other comprehensive income’.

Net result from transactions/net operating balance

Net result from transactions or net operating balance is a key fiscal aggregate and is revenue from transactions minus expenses from transactions. It is a summary measure of the ongoing sustainability of operations. It excludes gains and losses resulting from changes in price levels and other changes in the volume of assets. It is the component of the change in net worth that is due to transactions and can be attributed directly to government policies.

Net worth

Assets less liabilities, which is an economic measure of wealth.

Non-financial assets

Non-financial assets are all assets that are not ‘financial assets’.

Other economic flows included in net result

Other economic flows are changes in the volume or value of an asset or liability that do not result from transactions. It includes: gains and losses from disposals, revaluations and impairments of non-financial physical and intangible assets; fair value changes of financial instruments and agricultural assets; and depletion of natural assets (non-produced) from their use or removal.

Payables

Includes short and long term trade debt and accounts payable, grants, taxes and interest payable.

Receivables

Includes amounts owing from government through appropriation receivable, short and long term trade credit and accounts receivable, accrued investment income, grants, taxes and interest receivable.

Supplies and services

Supplies and services generally represent cost of goods sold and the day-to-day running costs, including maintenance costs, incurred in the normal operations of the Commission.

Transactions

Transactions are those economic flows that are considered to arise as a result of policy decisions, usually an interaction between two entities by mutual agreement. They also include flows within an entity such as depreciation where the owner is simultaneously acting as the owner of the depreciated asset and as the consumer of the service provided by the asset. Transactions can be in kind e.g. assets provided/given free of charge or for nominal consideration) or where the final consideration is cash. In simple terms transactions arise from the policy decisions of the Commission.

Style conventions

Figures in the tables and in the text have been rounded. Discrepancies in tables between totals and sums of components reflect rounding. Percentage variations in all tables are based on the underlying unrounded amounts.

The notation used in the tables is as follows:

| | |
|---------|--------------------------|
| - | zero, or rounded to zero |
| (xxx.x) | negative numbers |
| 201x | year period |
| 201x/0x | year period |

Chairperson, accountable officer, and chief finance and accounting officer's declaration

The attached financial statements for the Victorian Equal Opportunity and Human Rights Commission have been prepared in accordance with Standing Direction 4.2 of the *Financial Management Act 1994*, applicable Financial Reporting Directions, Australian Accounting Standards including Interpretations, and other mandatory professional reporting requirements.

We further state that, in our opinion, the information set out in the comprehensive operating statement, balance sheet, statement of changes in equity, cash flow statement, and accompanying notes forming part of the financial statements, presents fairly the financial transactions during the year ended 30 June 2015 and financial position of the Commission as at 30 June 2015.

At the time of signing, we are not aware of any circumstance which would render any particulars included in the financial statements to be misleading or inaccurate.

We authorise the attached financial statements for issue on 10 September 2015



Kate Jenkins
Commissioner
Victorian Equal Opportunity
and Human Rights Commission
Melbourne
10 September 2015



Yamusa Alhassan
Chief Finance and Accounting Officer
Victorian Equal Opportunity
and Human Rights Commission
Melbourne
10 September 2015



John Searle
Chairperson of the Board
Victorian Equal Opportunity
and Human Rights Commission
Melbourne
10 September 2015

INDEPENDENT AUDITOR'S REPORT

To the Board Members, Victorian Equal Opportunity and Human Rights Commission

The Financial Report

The accompanying financial report for the year ended 30 June 2015 of the Victorian Equal Opportunity and Human Rights Commission which comprises the comprehensive operating statement, balance sheet, statement of changes in equity, statement of cash flows, notes comprising a summary of significant accounting policies and other explanatory information, and the chairperson, accountable officer and chief finance and accounting officer's declaration has been audited.

The Board Members' Responsibility for the Financial Report

The Board Members of the Victorian Equal Opportunity and Human Rights Commission are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards, and the financial reporting requirements of the *Financial Management Act 1994*, and for such internal control as the Board Members determine is necessary to enable the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

As required by the *Audit Act 1994*, my responsibility is to express an opinion on the financial report based on the audit, which has been conducted in accordance with Australian Auditing Standards. Those standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance about whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The audit procedures selected depend on judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, consideration is given to the internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Board Members, as well as evaluating the overall presentation of the financial report.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Independent Auditor's Report (continued)

Independence

The Auditor-General's independence is established by the *Constitution Act 1975*. The Auditor-General is not subject to direction by any person about the way in which his powers and responsibilities are to be exercised. In conducting the audit, the Auditor-General, his staff and delegates complied with all applicable independence requirements of the Australian accounting profession.

Opinion

In my opinion, the financial report presents fairly, in all material respects, the financial position of the Victorian Equal Opportunity and Human Rights Commission as at 30 June 2015 and of its financial performance and its cash flows for the year then ended in accordance with applicable Australian Accounting Standards, and the financial reporting requirements of the *Financial Management Act 1994*.

MELBOURNE
18 September 2015


for John Doyle
Auditor-General

Appendix

Disclosure index

The Annual Report of the Commission is prepared in accordance with all relevant Victorian legislations. This index has been prepared to facilitate identification of the Commission's compliance with statutory disclosure requirements.

| Legislation | Requirement | Page Number |
|---|---|-------------|
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| Report of Operations | | |
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| FRD 22E | Objectives, functions, powers and duties | 8 |
| FRD 22E | Nature and range of services provided | 8 |
| <i>Management & structure</i> | | |
| FRD 22E | Organisational structure | 10 |
| <i>Financial and other information</i> | | |
| FRD 10 | Disclosure index | 100 |
| FRD 22E | Occupational health and safety | - |
| FRD 22E | <i>Application and operation of Freedom of Information Act 1982</i> | 103 |
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Workforce data trends

| | Ongoing | | Fixed Term | | Casual | | Total |
|-----------|-----------------------|-------|-----------------------|-------|-----------------------|------|-------------|
| | Number (Headcount) | FTE | Number (Headcount) | FTE | Number (Headcount) | FTE | FTE |
| June 2015 | 57 | 52.40 | 19 | 15.10 | 4 | 1.90 | 80 69.40 |

| Active staff in last pay period June 2015 | | | | |
|---|-----------|-------|-----------------------|------|
| | Ongoing | | Fixed term and Casual | |
| | Headcount | FTE | Headcount | FTE |
| Gender | | | | |
| Male | 16 | 15.00 | 5 | 4.0 |
| Female | 41 | 37.40 | 18 | 13.0 |
| Age | | | | |
| Under 25 | 0 | 0.00 | 0 | 0.00 |
| 25–34 | 16 | 14.80 | 11 | 8.50 |
| 35–44 | 23 | 20.20 | 5 | 3.40 |
| 45–54 | 8 | 8.00 | 7 | 5.10 |
| 55–64 | 10 | 9.40 | 0 | 0.00 |
| Over 64 | 0 | 0.00 | 0 | 0.00 |
| Classification | | | | |
| Executive Officers 3 | 1 | 1.00 | 0 | 0.00 |
| Principal Solicitor | 1 | 1.00 | 0 | 0.00 |
| Senior Solicitor | 5 | 4.60 | 0 | 0.00 |
| Solicitor 3 | 1 | 0.60 | 0 | 0.00 |
| VPS Grade 1 | 1 | 1.00 | 0 | 0.00 |
| VPS Grade 2 | 2 | 2.00 | 1 | 1.00 |
| VPS Grade 3 | 4 | 4.00 | 5 | 3.10 |
| VPS Grade 4 | 20 | 18.20 | 7 | 5.60 |
| VPS Grade 5 | 19 | 17.00 | 5 | 3.80 |
| VPS Grade 6 | 3 | 3.00 | 5 | 3.50 |

Compliance reporting

Attestation of compliance with the Ministerial Standing Direction 4.5.5 – Risk Management Framework and Processes

I, Kate Jenkins, Commissioner of the Victorian Equal Opportunity and Human Rights Commission, certify that the Commission has complied with the *Ministerial Standing Direction 4.5.5 - Risk Management Framework and Processes*, with the exception of the obligation to 'provide required below deductible claims data for self-managed claims to VMIA', with which the Commission is partially compliant. This partial compliance, is being addressed by the Department of Justice and Regulation who are in the process of implementing a below deductible claims system, which will be complete by 30 September 2015..



Kate Jenkins
Commissioner
Victorian Equal Opportunity
and Human Rights Commission
Melbourne
10 September 2015

Audit and risk management committee report

The primary role of the Audit and Risk Management Committee is to provide independent oversight of the Commission's financial and business processes. The Committee considers reports from the Commission and auditors that provide assurance about the integrity of the financial processes, systems and reporting of the Commission. The Audit and Risk Management Committee oversees and advises the Commission on matters of accountability, risk management and internal controls affecting operations.

The Audit and Risk Management Committee consists of three board members and one independent representative.

2014/15 members were as follows: Megan Boston (Chair), John Searle and Abeselom Nega.

Independent representative: Hugh Parkes BA MBA FCA CISA.

External audits of the Commission are undertaken by the Victorian Auditor-General's Office.

Application and operation of the Freedom of Information Act 1982

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, Victoria 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. For the period 1 July 2014 to 30 June 2015, the fee was \$26.50. 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).

Further information on current charges (including access charges) is available online at 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

FOI Requests for the period 1 July 2014 to 30 June 2015

The Commission received three formal FOI requests and finalised two formal FOI requests.

The Commission also dealt with and finalised four administrative requests for information.

There were no complaints to the FOI Commissioner about a FOI decision, no applications for review by

the FOI Commissioner and no applications to the Victorian Civil and Administrative Tribunal.

One application for review by the FOI Commissioner from the previous financial year, which the Commission reported in our last annual report was resolved informally, was formally finalised in this financial year with the application for review being dismissed.

Compliance with the Protected Disclosure Act 2012 (Vic)

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.

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*. These 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; by 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; by 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
- ensuring our staff have an awareness and understanding of the care relationship principles set out in the Act by developing and implementing a staff awareness strategy about the principles and objects of the Act and what they mean for staff; by offering a presentation at a general staff meeting about the objects and principles of the Act; by forwarding an email to all staff following the presentation to reiterate

the principles of the Act; by posting information on the internal staff intranet and by placing informative posters in communal staff areas; by nominating and alerting all staff to a contact person within the Commission who can provide further information about the Act

- considering the carer relationships principles set out in the Act when setting policies and providing services by continuing employment policies that include flexible working arrangements and leave provisions that comply with the principles of the Act; by offering a dispute resolution service that is flexible and takes account of the specific needs of parties involved in conciliation including those in care relationships. The Commission received 111 complaints for dispute resolution relating specifically to carer status as an attribute under the Equal Opportunity Act.

Compliance with building and maintenance provisions of the Building Act 1993

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

