



Victorian Equal Opportunity
& Human Rights Commission



ANNUAL REPORT 2008/09



Victorian Equal Opportunity & Human Rights Commission

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Cover image: Members of the Commission's Human Rights Ambassador program 2008/09.

Pictured from top: Uyen Nguyen, Thom Woodroffe, Cassandra Devine, Francis Ventura and Marci Disanayake.

Please see page 7 for full group photograph.

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**We acknowledge and pay respect to Aboriginal peoples
the first people of the land and the traditional and
ongoing custodians of the land.**

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LETTER TO ATTORNEY-GENERAL

The Honourable Rob Hulls, MP
Deputy Premier and Attorney-General
1 Treasury Place
MELBOURNE VIC 3000

Dear Attorney-General

I am pleased to present the Annual Report of the Victorian Equal Opportunity and Human Rights Commission for the year ended June 30 2009.

Yours sincerely

A handwritten signature in black ink, appearing to be 'M. Gorton', with a long horizontal stroke extending to the right.

Michael Gorton, AM
Chairperson

Victorian Equal Opportunity and Human Rights Commission

CHAIRPERSON'S REPORT

Our community has much to offer – a valued lifestyle; a free and tolerant society; and access to significant support for health, education and employment. Occasionally tensions arise which challenge us. Even less occasionally, a global financial crisis stretches us.

Of course we can, and should, always do more for those who do not share all the opportunities our community offers; remove obstacles from those who, for various reasons, have been denied or prevented from accessing those opportunities.

The *Equal Opportunity Act 1995* (EOA), the *Racial and Religious Tolerance Act 2001* (RRTA) and the *Charter of Human Rights and Responsibilities* (the Charter) under which the Commission operates, guide us in our efforts to remove obstacles and promote equality and fairness.

I am, therefore, pleased to present the Annual Report of the Commission's activities for the 2008/2009 financial year.

I rejoined the Commission in 2008 as Chair, and since then I have overseen further changes to the Commission leading to a modernised human rights body for Victoria. It is interesting to have the benefit of perspective, being the first male part-time Commission Member appointed with the introduction of the new EOA in 1995, and participating in the implementation process over the next five years. Much has changed in that time and I now conclude my term overseeing further changes to the EOA and the Commission.

Over the past year, the work of the Commission has embodied change. In 2009, the Commission strengthened our focus to better utilise education and research powers. This is evident in the extremely high demand for our education services, for both community-based training and fee-for-service delivery. We provide high quality training programs to the government, non-government and

the private sector in relation to both equal opportunity and human rights. The future of our human rights education training has been enhanced with the confirmation of continued funding by the government, to ensure that human rights education remains available to the Victorian community.

Under our research powers, we have undertaken a number of important projects that address systemic discrimination, and proposed a range of strategies to tackle discrimination and proactively promote equality. This has included:

- work to reduce racism in employment experienced by people from culturally and linguistically diverse groups
- work to reduce racism directed to Australian-Sudanese young people
- the continued implementation of accessibility of taxi use for people with a disability
- our contribution to the development of policy relating to international students, and
- our ad-hoc contribution to reviews and provision of commentary on the discrimination that occurs in our day-to-day life.

The Commission has developed an authoritative voice for human rights and the Charter. Our *2008 report on the operation of the Victorian Charter of Human Rights and Responsibilities: Emerging change*, delivered to the Attorney-General in February 2009, provided a unique commentary on progress towards a rights culture for the delivery of government services in Victoria.



Mr Michael Gorton, AM
Chairperson, Victorian Equal Opportunity &
Human Rights Commission

Additionally, the power of the Commission to intervene in court or tribunal hearings has been used judiciously, and has been recognised as an important component of developing an understanding of how the Charter enhances human rights in matters before the courts and tribunals.

Historically, the major focus of the Commission has been on complaint-handling. We maintain a sensitive and timely service to assist in the resolution of complaints of discrimination and harassment. We allocate about 29 per cent of our resources to this area. We continue to resolve disputes in the fastest timeframe in Australia, compared with other Commissions. We have continued to ensure that all Victorians have access to high quality information about discrimination.

The Commission is therefore in excellent shape for the first phase of reform of the EOA, which will come into effect on 1 October 2009. The current structure of a full-time Commission Member and CEO, a part-time Chair and four part-time members will be replaced by a full-time Commissioner, who is also Chair of the Board, and a Board of up to six people appointed based on their expertise.

The Commission will thus have a clear public face, and will benefit from the strategic input of the new Board.

We look forward to the Victorian Government's response to the further changes arising from recommendations of the review of the EOA, to re-shaping our legislative approach and transitioning the Commission into an effective human rights body.

As this is my last report as Chairperson, I acknowledge the dedicated work of the Chief Executive Officer and Commission Member, Dr Helen Szoke, and thank her for her great contribution and support. Helen has been tireless in championing the cause of human rights for all, especially for those groups marginalised in our community.

I also thank Commission Members Padma Raman, Karen Jackson and Jamie Gardiner, who have contributed greatly to the work of the Commission over several years. I thank and commend the staff of the Commission, who show great skill, professionalism and dedication to their important work.

I acknowledge the strong support of the Attorney-General and Department of Justice for the work of the Commission and their commitment to the further reform of this area.

This report sets out the extensive range of achievements and highlights the concerted and continuing efforts by the Commission to achieve a fairer Victoria.



Michael Gorton, AM
Chairperson

Victorian Equal Opportunity and
Human Rights Commission



Victorian Equal Opportunity & Human Rights Commission Members: Mr Jamie Gardiner, Dr Helen Szoke (Chief Conciliator and Chief Executive Officer), Ms Padma Raman, Ms Karen Jackson, Mr Michael Gorton (Chair).

In 2009, the Commission strengthened our focus to better utilise education and research powers.

We have undertaken a number of important projects that address systemic discrimination, and proposed a range of strategies to tackle discrimination and proactively promote equality.

Our 2008 report on the operation of the Victorian Charter of Human Rights and Responsibilities: Emerging change, provided a unique commentary on progress towards a rights culture for the delivery of government services in Victoria.

We look forward to re-shaping our legislative approach and transitioning the Commission into an effective human rights body.

CHIEF EXECUTIVE OFFICER'S REPORT

The Commission started this year with a number of challenges that required timely and effective responses. High on the list of priorities was to understand and respond to the experiences of racism and discrimination affecting migrant and refugee communities and, more recently, international students. It is disturbing to see the limiting of human rights in our own community, particularly affecting the safety and education of young people.

Throughout the year, we worked closely with government departments, local communities and service providers to develop short- and longer-term strategies to address racism and discrimination and restore the enjoyment of basic human rights. The Commission believes that it is essential to facilitate the participation of affected groups in defining the problems and solutions.

This year, our Advice Line and complaints services have continued to provide an efficient service to people who experience individual discrimination. Whilst there has been a slight drop in complaints, the 8.2 per cent increase in enquiries indicates a consistent and growing need for our services. Our Advice Line has managed 7,675 enquiries from a wide cross-section of our community including employers, employees, business owners, local and state government public servants. We received 187, 584 visits to our website, which is an 18 per cent increase on last year.

Similarly, the Commission's education services have reached far into the Victorian community. Our emphasis on ensuring regular information exchange with regional and rural communities has resulted in over 130 rural agencies being contacted by the Commission. Our staff met with representatives from local government, business, educational bodies and a wide range of non-government

organisations representing people with disabilities, women, youth, people from culturally and linguistically diverse backgrounds and Indigenous people.

We are pleased that the Commission's Charter education program will continue with ongoing government funding.

In addition, the important role that the Commission plays in matters that are under consideration in courts and tribunals is now resourced on a sustainable basis. The Commission received 49 notifications of court and tribunal proceedings involving a question of law related to the Charter, and intervened in five matters. These early indications suggest that the Charter does not lead to increased litigation nor undermine the role of Parliament.

Much of our attention has been directed to contributing and building a human rights culture in Victoria. We tabled our second report on the implementation of the Charter in April 2009. This report detailed emerging change at many levels of the operation of government.

To assist the Victorian Government with the implementation of the Charter, and to ensure our own work is human rights compliant, the Commission has embedded the focus on human rights into our policy advice, research and reporting, and service delivery.



Dr Helen Szoke, Chief Conciliator and Chief Executive Officer, Victorian Equal Opportunity & Human Rights Commission

This approach requires participation by those people who are affected by our work. Through this approach, we seek empowerment, active promotion of non-discrimination, accountability and transparency. We also guide and enrich our work with links to international treaties and conventions.

Our work has also been strengthened by input from the community. The relevance of our work is determined and defined by the voices of the community we seek to represent, and we thank all of those who have been part of our processes, projects and education activities.

I acknowledge the work of the members of the Disability Reference Group who continue to provide invaluable advice and input into the work of the Commission.

Our 11 youth ambassadors added enormous value to the Commission's work, undertaking various community activities and contributing to the 2009 Human Rights Conference and other events. Their term was completed in April 2009. We thank them for their valuable contribution and look forward to hearing about their individual successes in the future.

The Commission continues to be strengthened by the important partnerships that are developed with other organisations and agencies.

I want to acknowledge and thank our staff, who continue to uphold our organisational values. They ensure that people's rights are protected and upheld in all dealings with the Commission – from staging this year's wonderful Human Rights Conference, attended by over 400 people, or providing one-to-one assistance via our Advice Line.

Commission services will be greatly enhanced by capital improvements commencing in 2009, including a new telephone system and a case management system.

Our Commission Members have continued to provide advice and support to our work. I wish to particularly acknowledge the contribution of our Chairperson, Mr Michael Gorton AM, who alongside a busy professional life, has brought energy and insight to the work of the Commission and facilitated our transition to the new governance and other functions.

I am delighted to present the Commission's activities for the 2008/09 financial year. This will be my last report as Chief Executive Officer, as the new governance arrangements will commence from 1 October. It has been a great privilege to serve as the Commission's Chief Executive Officer and Chief Conciliator and I am pleased to report that the Commission is well placed to continue to develop its responsibilities and services to benefit the Victorian community.



Dr Helen Szoke

Chief Conciliator and Chief Executive Officer
Victorian Equal Opportunity and
Human Rights Commission



Dr Helen Szoke with the Human Rights Ambassadors. L-R, Marci Disanayake, David Vincent, Rahab Mousslimani, Demetrio Zema, Mario Filintatzis (seated), Claudia Stapleton (rear), Uyen Nguyen, Francis Ventura, Cassandra Devine, Thom Woodroffe, (Lucas Ryan not pictured).

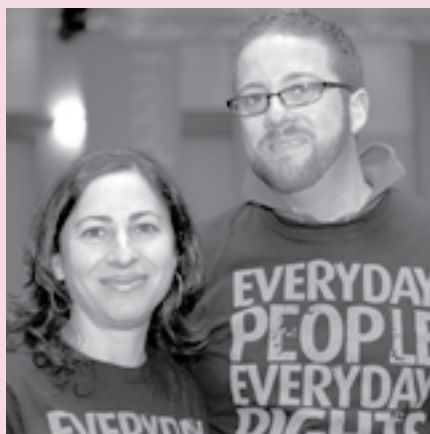
I am delighted to present the Commission's activities for 2008/09. This will be my last report as CEO as new governance arrangements commence from 1 October.

This year, the Commission has worked closely with government departments, local government, communities and service providers to develop strategies to address discrimination and restore the enjoyment of basic human rights.

To ensure that our own work is human rights compliant, the Commission has embedded the focus on human rights into our service model. This approach supports our aim to enable the participation of individuals and groups in the process of developing policy, conducting research and effective service delivery.

I want to thank our staff, who continue to uphold the Commission's values, and ensure that people's rights are respected and upheld.

COMMISSION IN PROFILE



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

The Commission is established under the *Equal Opportunity Act 1995* (EOA). In addition to various functions under the EOA, the Commission has responsibilities under the *Charter of Human Rights and Responsibilities* (the Charter) and the *Racial and Religious Tolerance Act 2001* (RRTA).

Vision and values

The Commission's vision is for a community where every person values and respects equal opportunity and human rights. The Commission's values are:

Fair
Proactive
Collaborative
Effective
Transparent.

Our role

The Commission's role is to:

- help resolve complaints about discrimination, sexual harassment and racial and religious vilification by offering a simple, unbiased complaint-handling service that is free and confidential
- provide education about equal opportunity, racial and religious tolerance and human rights
- undertake projects and activities aimed at eliminating discrimination and racial and religious intolerance
- conduct research and provide policy advice
- undertake specific functions in relation to the Charter, which include:
 - providing an independent assessment of how well state and local governments comply with the Charter
 - advising on and implementing particular human rights issues and concerns.

The Commission does not handle complaints in relation to the Charter.

Our governance and structure

The governance structure of the Commission consists of five members appointed by the Governor in Council for a renewable term of five years, of whom one is the Chief Conciliator/Chief Executive Officer and another is the Chairperson. Members of the Commission are part-time, other than the Chief Conciliator who is full-time.

The Commission members operate as a governing Board, determining the Commission's strategic objectives and plans; monitoring performance against strategic objectives and plans; and setting policies and directions for the administration of the Commission's affairs.

In February this year, Parliament passed the *Equal Opportunity (Amendment) Governance Act 2009* which will amend the governance structure of the Commission. The amending Act alters the governance arrangements of the Commission to give effect to recommendations arising from the review of the Equal Opportunity Act final report, *An Equality Act for a Fairer Victoria*¹.

Notes

¹ Gardner, J. *An equality act for a fairer Victoria: Equal opportunity review final report*. State of Victoria, Department of Justice, 2008. See Chapter 7.



The review concluded that changes were needed to the current governance model of the Commission to better support the Commission's mandate under the Charter as well as other new functions recommended by that review.

From the 1 October 2009, the current governance structure of the Commission will be replaced by a full-time Commissioner who will chair a board of up to six members. The board will have a clear strategic oversight function and be responsible for setting the organisation's strategic direction. The Commissioner will be responsible for the day-to-day administration of the affairs of the Commission, delegating management of operational matters to a chief executive officer.

Business units

The Commission has five units employing 49.2 equivalent full-time staff. The units and their areas of work are:

- **Human Rights Unit** supports the Commission in the preparation of the annual report on the operation of the Charter, as well as the functions related to review, provision of advice and intervention under the Charter.
- **Projects and Communications Unit** creates awareness of rights and responsibilities and encourages positive change through projects that combine research, stakeholder engagement, publications, events, media relations and campaigns.
- **Community Relations Unit** manages the Advice Line and training and consultancy services. The Advice Line provides free and confidential information about rights and responsibilities, and referral to complaint-handling services. Training and consultancy services are aimed at businesses, organisations, government and non-government service providers.
- **Investigation and Conciliation Unit** investigates and resolves complaints through conciliation. The unit also provides internal legal services.
- **Corporate Services Unit** manages the Commission's operations, finance, human resources, information technology and office administration.

Strategic priorities for 2008/09

The Commission's guide for operation and service delivery is developed in line with the Victorian Government's strategic document *Growing Victoria Together, A Fairer Victoria* and the *Charter of Human Rights and Responsibilities* (the Charter).

Growing Victoria Together sets out the goals for the future including building friendly, confident and safe communities; a fairer society that reduces disadvantage and respects diversity; greater public participation; and a more accountable government.

The Charter sets out human rights protected by law and compels the Victorian Government to act compatibly with the Charter.

The Commission is responsible for reporting annually to the Attorney-General on the operation of the Charter.

The Commission, with strong links to community partners, works to achieve results in four areas.

1. **Effective advocacy for realising human rights and equality**
2. **Compliance and demonstrated good practice with human rights and equal opportunity laws**
3. **Adherence to equal opportunity and human rights laws**
4. **Development of our expertise and capacity**

HIGHLIGHT ACHIEVEMENTS IN 2008/09



Effective advocacy for realising human rights and equality

Education and training: A total of 13 994 people participated in educational events delivered by the Commission.

General speaking engagements and keynote speeches: 3 619 people attended general speaking engagements delivered by our staff. Commission Chief Conciliator/CEO, Dr Helen Szoke delivered 19 keynote speeches.

Rights of young refugees and migrants: *Rights of Passage: The experiences of Australian-Sudanese young people* report released.

Young people and climate change: More than 200 people attended the annual Human Rights Oration to hear Dan Adams, the 2008 Young Victorian of the Year, speak about the rights of young people affected by climate change.

Gay, lesbian, bisexual, transsexual and intersex community: The Commission welcomed the *Relationships Act 2008* and subsequent launch of the same sex couple register in December 2008. This came 10 years after the release of the Commission's landmark report, *Same-Sex Relationships and the Law*. The Commission continued its support for Pride March.

Human rights conference: More than 400 people attended the Human Rights Conference held in Melbourne. The two-day conference program featured the latest in human rights thinking, policy and service delivery.

Human rights ambassadors: The Commission appointed 11 inspiring young people as human rights ambassadors who raised community awareness of the Charter.

Human rights in Hume project: The *Everyday People, Everyday Rights* project funded by the Legal Services Board, commenced to promote human rights education and advocacy at the local level.

Regional community engagement: Over 130 visits were made to businesses and agencies in regional Victoria. The visits provided direct access to the Commission for people to receive information about their rights and responsibilities and tell us about their local experiences.

Your rights are recession-proof: This advertising campaign raised public awareness about discrimination in employment. Since the campaign started in May 2009, the Advice Line has experienced a significant increase in enquiries about discrimination in employment.

Submissions for policy and law reform: 13 submissions were prepared by the Commission to influence and inform government reform at a state and national level.

Participation in national human rights consultation: Our submission to the consultation argued for the adoption of a national human rights instrument based on the dialogue model that operates in Victoria.

Review of the Equal Opportunity Act: The Commission continued to contribute to the process of review and prepare for reforms that will transform the Commission to a more proactive authority tackling systemic discrimination.

Compliance and demonstrated good practice with human rights and equal opportunity laws

Human rights education: 4 867 people participated in human rights education and training.

Equal opportunity education and training: 5 508 people participated in fee-for-service equal opportunity training.

Calendar training program: 64 training sessions were delivered. There were 15 different types of courses on offer.

Equal opportunity consultancy: Consultancy provided to employers and other bodies implementing equal opportunity in the workplace. The Commission developed a train the trainer module in a pilot project with the Red Cross.

Government and public authorities: The *2008 report on the operation of the Victorian Charter of Human Rights and Responsibilities: Emerging change* detailed the impact of the Charter on the work of local and state government in the promotion and protection of rights.

Children and young people: The *2008 report on the operation of the Victorian Charter of Human Rights and Responsibilities: Emerging change* report included a special report on the rights of children and young people, focussing on their right to participate in community life and decision-making.

Indigenous community: The Commission's Indigenous community engagement team provided education, training and information to Indigenous organisations and advocacy groups.



Pregnancy discrimination in the retail sector: In collaboration with the Department of Innovation Industry and Regional Development (DIIRD), JobWatch and the retail sector, this project has commenced with the aim to reduce pregnancy discrimination in the workplace.

Pregnancy guidelines: The Commission contributed to the development of guidelines for employers and employees. This project was run by DIIRD.

Family responsibilities: The *Equal Opportunity Amendment (Family Responsibilities) Act 2008* introduced 1 September 2008, resulted in 23 complaints being lodged under this new provision. Guidelines were developed and launched to explain the new law and what it means for employees and employers. Information resources were produced in nine languages and distributed in hard copy and online.

Employment activity: Discrimination on the basis of employment activity became against the law with the introduction of the *Equal Opportunity Amendment Act 2007* in March 2008. In its first full year after commencement, 118 complaints of discrimination on the basis of employment activity were lodged with the Commission.

Equality by example: The Commission devised an *Equality Plan* to meet our commitment to achieving equality for our employees, stakeholders and people who come into contact with us.

Privacy: The Commission reviewed and revised our Privacy Policy, in line with the *Information Privacy Act 2000*. The policy is available online at www.humanrightscommission.vic.gov.au/privacy

Adherence to equal opportunity and human rights laws

Advice Line service delivery: 7 675 enquiries to the Advice Line, an 8.2 per cent increase on 2007/08 levels.

Complaint-handling service: 2 066 complaints were lodged with the Commission. Sixty per cent of complaints were finalised within three months.

Complaints lodged under the Equal Opportunity Act: 2 039 complaints were lodged under the Equal Opportunity Act.

Complaints lodged under the Racial and Religious Tolerance Act: 27 complaints were lodged under the Racial and Religious Tolerance Act.

Web-based service delivery: 187 584 visits were recorded on our website, a 17.8 per cent increase compared to last year.

Intervention in matters before courts and tribunals: The Commission received 49 notifications of court and tribunal proceedings involving a question of law related to the Charter, and intervened in five matters.

Intervention in exemption applications at the Victorian Civil and Administrative Complaints Tribunal (VCAT): The Commission received 15 notifications from VCAT of exemption applications raising public interest issues. The Commission provided written comment to VCAT on two applications.

Taxi services for people with a disability: Following last year's report *Time to respond: Realising equality of people with a disability utilising taxi services*, the Commission implemented the recommendations, working closely with the Taxi Directorate, disability advocates and the Victorian Government.

Accessible services: The Commission's services and events continued to be accessible to people with a disability.

Accessible resources: Information on discrimination for people with a disability was produced in 'easy English', large print, Braille, audio tape and CD.

Culturally and linguistically diverse communication: The *Your rights are recession-proof* advertising campaign allocated six per cent of budget for delivery in seven languages other than English and utilised ethnic radio and print media.

A range of materials was produced in languages other than English when appropriate.

Harnessing Diversity: Following the 2008 release of the Commission's research report *Harnessing Diversity: Addressing racial and religious discrimination in employment*, the Commission worked with the Victorian Multicultural Commission, DIIRD and industry leaders to further the recommendations.

Picture captions

- A. 13 994 people participated in educational events and training delivered by the Commission
- B. 'Rights of passage: The experiences of Australian-Sudanese young people' report launched in November 2008. Pictured L-R: David Vincent, Dr Helen Szoke, John Balieu
- C. Rosslyn Noonan, Chief Commissioner, New Zealand Human Rights Commission, addressed the 2009 Human Rights Conference
- D. Julie McCrossin, media personality, facilitated audience participation in the 2009 Human Rights Conference.
- E. The Commission continued to advocate and promote the rights of gay, lesbian, bi-sexual, transgender and intersex people (GLBTI). Pictured here: the Commission banner at Pride March 2008.

ADVICE LINE PROVIDES FIRST PORT OF CALL

Advice Line services

The Commission's Advice Line manages enquiries from the Victorian community about questions related to equal opportunity, discrimination, racial and religious vilification and the Charter of Human Rights and Responsibilities.

The Advice Line is the gateway for people wishing to lodge a complaint about discrimination to the Commission, and our staff can assist callers with the process of lodging a complaint.

Complaints in relation to the Equal Opportunity Act and the Racial and Religious Tolerance Act are referred to the Commission's complaint-handling service.

Complaints in relation to the Charter are referred to the Ombudsman.

Callers to the Advice Line staff are presented with options to deal with their individual concerns. After receiving information from the Advice Line, people may choose to resolve the matter themselves, accept a referral to another organisation, or lodge a complaint with the Commission.

Commentary

In 2008/09, the Advice Line experienced an 8.2 per cent increase in demand for information and referral services, managing 7 675 enquiries. This continues a trend of increasing demand for the Advice Line service. (See Table 1: Enquiries to Advice Line by issue, 2007/08 and 2008/09.)

The increase is due to the *Your rights are recession proof* advertising campaign conducted by the Commission in May and June, 2009. The Commission received a spike in enquiries over the duration of this campaign. The Equal Opportunity Amendment (Family Responsibilities) Act, which took effect on 1 September 2008, resulted in 253 enquiries about the requirement for employers to consider seriously any request for flexible work arrangements from staff members who have children or people who depend on them for care.

The EOA was amended to prohibit discrimination on the basis of 'employment activity' on 31 March 2008. This resulted in 290 enquiries related to employees' right to know about their employment entitlements, such as rates of pay or annual leave. Under this amendment employers cannot treat their workers unfairly or penalise them for making a reasonable request for information about their employment entitlements.

Enquiries related to the Charter increased by 53.7 per cent (n=146). 2008 was the first full year of operation of the Charter.

Also of note:

- Age discrimination related enquiries up by 10.4 per cent
- Carer status discrimination related enquiries up by 68.9 per cent
- Parental status discrimination related enquiries up by 20.7 per cent

The Commission experienced a decrease in enquiries related to sex discrimination (down from 377 enquiries in 2007/08 to 319 in 2008/09) and sexual harassment (down from 439 in 2007/08 to 344 in 2008/09). However, these categories combined continue to bring a significant number of enquiries, comprising 8.6 per cent of total enquiries.

People most commonly accessed the Advice Line by phone, but also used the email address or visited the Commission's office in person.

Issue of enquiry	Number 07/08	Number 08/09
Age	299	330
Authorising or assisting discrimination	7	20
Breastfeeding	29	13
Carer status	196	331
Charter of Human Rights	95	146
Disability / impairment	1276	1322
Discriminatory information request	48	55
*Employment Activity	38	290
**Family Responsibilities	NA	253
Gender Identity	44	36
General Information	1163	879
Industrial Activity	49	59
Lawful sexual activity	43	49
Marital status	70	66
Other / no attribute	1155	1329
Parental status	305	368
Personal association	46	35
Physical features	159	133
Political belief or activity	20	20
Pregnancy	246	256
Race	522	509
Racial vilification	41	52
Religious belief or activity	135	134
Religious vilification	20	40
Sex	377	319
Sexual harassment	439	344
Sexual orientation	109	98
Victimisation	164	189
Total	7,095	7,675

Table 1: Enquiries to Advice Line by issue 2007/08 and 2008/09

* Equal Opportunity Amendment Act 2007 outlaws discrimination on the basis of employment activity in March 2008.

** Equal Opportunity Amendment (Family Responsibilities) Act 2008 introduced.

Mode of contact	Number 07/08	Number 08/09
Consultancy	6	7
Email	276	357
Fax	14	7
Letter written	122	103
Telephone	4967	5349
Visit to office	86	89
Total	5,471	5,912

Table 2: Mode of contact with Advice Line 2007/08 and 2008/09

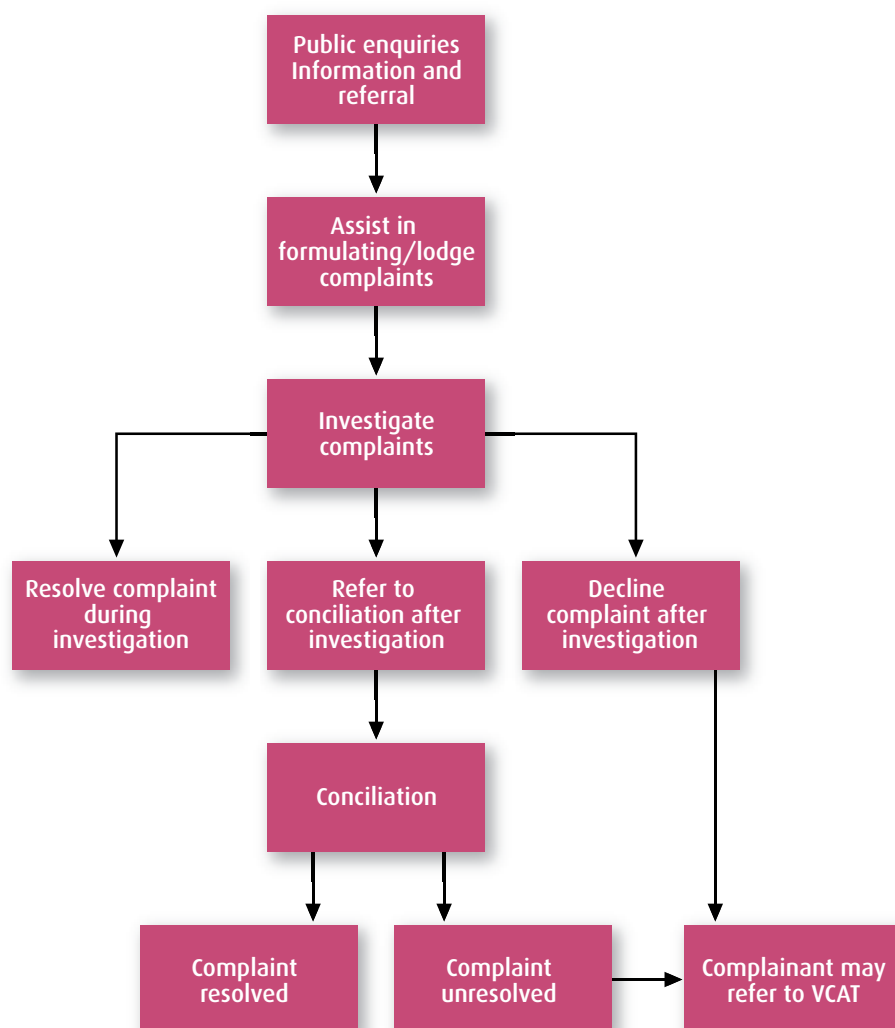
Note: An individual may enquire about more than one issue.

COMPLAINT-HANDLING SERVICE PROVIDES FREE AND IMPARTIAL RESOLUTION

Complaint-handling services

The Commission's complaint-handling process incorporates our Advice Line enquiry service, assistance with formulating a complaint, and investigation and conciliation of complaints under the Equal Opportunity Act (EOA) and the Racial and Religious Tolerance Act (RRTA). The complaint-handling process is summarised in Figure 1, below.

Figure 1: Summary of complaint-handling process



Commentary

This year, 2 066 complaints were lodged with the Commission. This is slightly lower than 2007/08. (See Table 3.)

Under the RRTA, 11 people lodged 27 complaints against 22 respondents. There were no religious vilification complaints. (See Tables 5 and 6.)

Under the EOA, 696 people lodged 2 039 complaints against 1 049 respondents. (See Tables 5 and 6.)

Disability (impairment) continues to be the most common reason for a complaint to the Commission, accounting for 19.4 per cent of all complaints. (See Table 3.)

Women lodged 58.9 per cent of complaints received by the Commission. (See Table 4.) Compared to men, women were more likely to lodge complaints about discrimination on the basis of age, parental status, carer status, family responsibilities, racial vilification, sex, sexual harassment and victimisation. Men were more likely to lodge complaints about discrimination on the basis of sexual orientation, race and religious belief or activity.

Private enterprise continued to be the leading respondent to complaints under the RRTA and the EOA. (See Table 6.)

Employment discrimination

Discrimination in employment continued to be the area where most complaints were lodged. Of all complaints lodged with the Commission, 78.4 per cent were in the area of employment (n=1 619). This represented an increase from 62 per cent of all complaints received in the area of employment in 2007/08. This represented a return to historical levels after a decrease in employment-related complaints in 2007/08. (See Table 3.)

In the area of employment:

- discrimination on the basis of sex and sexual harassment accounted for 17.6 per cent of complaints
- discrimination on the basis of disability/impairment accounted for 16.8 per cent of complaints
- complaints of victimisation comprised 13.4 per cent of complaints
- discrimination on the basis of parental status and carer status combined accounted for 9.6 per cent of complaints
- discrimination on the basis of race and religious belief or activity combined accounted for 10.4 per cent of complaints
- 51 complaints related to pregnancy discrimination, three per cent of all complaints in the area of employment.

Employment activity

Discrimination on the basis of employment activity became unlawful when the *Equal Opportunity Amendment Act 2007* took effect in March 2008. In its first full year after commencement, 118 complaints of discrimination on the basis of employment activity were lodged with the Commission.

Family Responsibilities

The Equal Opportunity Amendment (Family Responsibilities) Act took effect on 1 September 2008, resulting in 23 complaints being lodged under this new provision.

Complaints by individual complainants

The Commission counts the number of complaints lodged as well as the number of individual complainants and respondents. The number of complaints is generally higher than the number of complainants and respondents as some people lodge complaints in relation to more than one personal attribute.

For example, a person may lodge a complaint of sexual harassment and sex discrimination at the same time. The Commission counts this as two complaints (one about sex discrimination and one about sexual harassment).

The reason the Commission counts complaints in this manner is that each individual complaint is investigated and a decision made and explained on each one. While these complaints may be dealt with at the same time, there may be different outcomes arising from each complaint or against each respondent.

Complaints against individual respondents

Often a person lodges a complaint against more than one respondent. The EOA and the RRTA allows an employer or principal to be held vicariously liable for the actions of its employees or agents in the course of employment. For example, a complaint relating to discrimination in the area of employment may be lodged against an individual employee and their employer. In some circumstances, one person may lodge two or more complaints against two or more people depending on the situation. While these complaints may be dealt with at the same time, there may be different outcomes arising from each complaint or against each respondent.

Complaints against clubs and incorporated associations, state and commonwealth departments and local government have fallen this year. Complaints against educational institutions and individuals have risen, with educational institutions responding to 46 complaints, and individuals responding to 420 complaints. (See Table 6.)

COMPLAINT-HANDLING SERVICE PROVIDES FREE AND IMPARTIAL RESOLUTION CONT.

Characteristic/ Attribute	Accom		Clubs		Educ		Employ		Goods Services		Local Govt		No area req		Sport		Total	
	06/07	08/09	07/08	08/09	07/08	08/09	07/08	08/09	07/08	08/09	07/08	08/09	07/08	08/09	07/08	08/09	07/08	08/09
Age	1	3	9		1	8	57	50	14	10					7		89	71
Authorising and assisting	1		1	5	26	2	30	37	6	11			47	5			111	60
Breastfeeding							2		4								6	0
Carer status		1	3				55	69	11	8	2						71	78
Disability (impairment)	15	14	8	7	35	28	330	272	91	79					2	1	481	401
Discriminatory information request						1	7	17									7	18
Employment activity							3	118									3	118
Family responsibilities								23									0	23
Gender identity		2					1		4	4							5	6
Industrial activity						1	38	88	2								40	89
Lawful sexual activity	3	1	1				11	9	9	5							24	15
Marital status	4	1	1	1			12	24	4	3							21	29
Parental status	4	1	3				91	87	15	6	2						115	94
Personal association	3	2		1	9		10	15	19								41	18
Physical features					2	2	38	46	17	5					1		58	53
Political belief or activity			2	2	1	1	4	31	4								11	34
Pregnancy	1	1					55	51									56	52
Race	10	8	1	3	29	12	94	137	55	48	2						191	208
Racial vilification													52	21			52	21
Religious belief or activity		2	4	2	26	5	22	31	18	8							70	48
Religious vilification													61				61	0
Sex	1	2	6	8	4	6	119	120	18	19					10	2	158	157
Sexual harassment		2	1	7		4	190	165	15	14							206	192
Sexual orientation	2	2	12				10	12	26	8					10		60	22
Victimisation	2	2	16	10	3	9	155	217	29	10			16	11	10		231	259
Total	47	44	68	46	136	79	1334	1619	361	238	6	0	176	37	40	3	2168	2066

Table 3: Complaints by personal characteristic 2007/08 and 2008/09

Characteristic/Attribute	Female	Male	Representative complaints	Total
Age	40	31		71
Authorising and assisting	32	28		60
Breastfeeding				0
Carer status	53	25		78
Disability (impairment)	216	183	2	401
Discriminatory information request	5	13		18
Employment activity	57	61		118
Family responsibilities	16	7		23
Gender identity	5	1		6
Industrial activity	44	45		89
Lawful sexual activity	10	5		15
Marital status	23	6		29
Parental status	73	21		94
Personal association	5	13		18
Physical features	29	24		53
Political belief or activity	16	18		34
Pregnancy	52			52
Race	87	121		208
Racial vilification	14	7		21
Religious belief or activity	16	29	3	48
Religious vilification				0
Sex	121	34	2	157
Sexual harassment	141	51		192
Sexual orientation	2	20		22
Victimisation	160	99		259
Total	1217	842	7	2066

Table 4: Complaints by gender under all Acts 2008/09

Complainant	RRTA	VIC EOA	No.
Female	5	377	382
Male	6	313	319
Representative complaints	0	6	6
Unregistered organisation	0	0	0
Total	11	696	707

Table 5: Complaints by individual complainant 2008/09

COMPLAINT-HANDLING SERVICE PROVIDES FREE AND IMPARTIAL RESOLUTION CONT.

Respondent Type	RRTA	VIC EOA	No.
Clubs / incorporated associations		14	14
Commonwealth government department		4	4
Educational institution	1	45	46
Government business enterprise		8	8
Individual female	4	148	152
Individual male	7	261	268
Local government		21	21
Not-for-profit non-govern. org / non-educational religious org.		47	47
Other – please specify		1	1
Private enterprise	9	427	436
State government department	1	44	45
State government statutory authority		19	19
Trade union / professional organisation		8	8
Unknown – not identified		2	2
Total	22	1049	1071

Table 6: Complaints by individual respondents under EOA and RRTA 2008/09

Figure 2: Complaints finalised in 2008/09

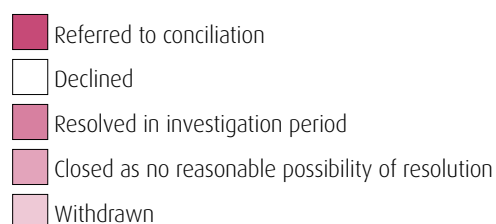
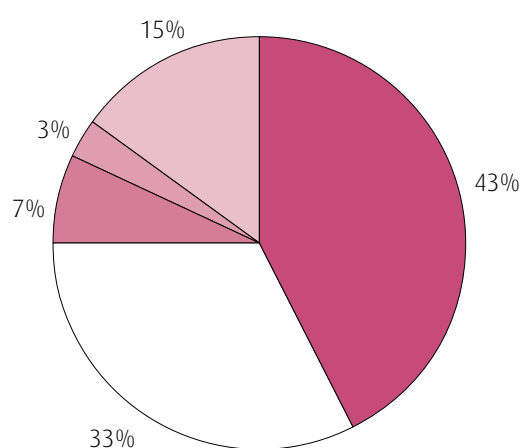
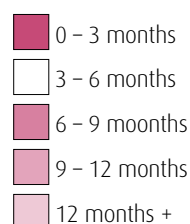
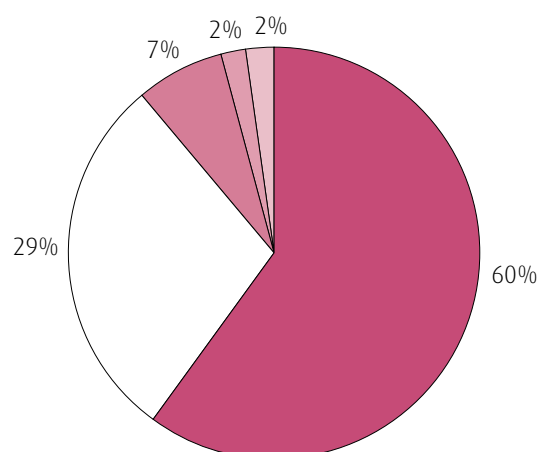


Figure 3: Time taken to close files 2008/09



Conciliation and early resolution

The Commission referred 43 per cent of all lodged complaints to conciliation (see Figure 2), an increase of three per cent on 2007/08. Forty-nine per cent of these resulted in an agreed resolution.

The Commission continued its focus on early resolution of complaints where appropriate, with 24 per cent of all complaints resolved at the Commission being resolved in the initial investigation period.

Time taken to finalise complaints

The Commission continued to provide a fast and effective complaint-handling service with 60 per cent of all complaints lodged with the Commission finalised within three months. This year, 89 per cent of all complaints were finalised within six months of lodgement. (See Figure 3.)

Referrals to the Victorian Civil and Administrative Tribunal (VCAT)

Complainants can request the Commission refer their matters to VCAT if the Commission has declined their complaints or it failed to conciliate successfully. This year, 203 referrals were made to VCAT.

Client satisfaction

In 2008 the Commission produced the *Complaint handling service quality assurance feedback* report, an internal report to assist in complaint-handling service improvement.

The report was based on a survey of 247 clients who used the complaint-handling service from June to September 2007. Clients include complainants, respondents, complainants' representatives and respondents' representatives.

The survey asked clients about their level of satisfaction with the complaint-handling process – from the initial contact with the Commission through to the outcome.

Seventy-seven per cent of those surveyed reported being satisfied or very satisfied with the overall process. Sixty-six per cent of respondents were either satisfied or very satisfied with the outcome.

CONTINUING SIXTY YEARS OF HUMAN RIGHTS AND EQUAL OPPORTUNITY LAW

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

Universal Declaration of Human Rights, endorsed by the United Nations General Assembly 10 December 1948.

Timeline of human rights and equal opportunity laws

2009

2008 – 2009

December 10, 2008 marks 60 years since the *Universal Declaration of Human Rights*, in a year that saw ongoing reform to human rights and equal opportunity laws.

The Commission makes 13 submissions arguing for reform to legislation and policy to tackle systemic discrimination, promote equality and protect human rights.

The first round of reform to the *Equal Opportunity Act 1995* (EOA) is passed by Parliament, resulting in changes to the governance of the Commission.

The Victorian Parliament's Scrutiny of Acts and Regulations Committee undertakes a review of the EOA exceptions and exemptions.

The Commission celebrates the 60 years of human rights at our Annual Oration.

The Federal Government announces a national human rights consultation to look at options for human rights protection at a national level.

The *Relationships Act 2008* changes the law to tackle discrimination against same sex couples, including the establishment of a couples register.

The *Equal Opportunity Amendment (Family Responsibilities) Act 2008* protects working parents and carers from discrimination when trying to balance their work and family responsibilities. Under the revised EOA, employers in Victoria must seriously consider a request for flexible work arrangements from an employee or job applicant with family responsibilities.

The Victorian Government publishes *An Equality Act for a Fairer Victoria: Equal Opportunity Act final review*. The review looks at options for reducing red tape in the complaints process, and encouraging compliance and enforcement of laws.

2007

The *Charter of Human Rights and Responsibilities* (the Charter) takes effect. The Commission is renamed the Victorian Equal Opportunity and Human Rights Commission to reflect its new responsibilities under the Charter.

Amendments to the EOA include 'employment activity' protects employees right to know about their employment entitlements, such as rates of pay or annual leave.

2006

Amendments made by the *Equal Opportunity and Tolerance Legislation (Amendment) Act 2006* strengthen the Commission's investigative powers, tighten procedures relating to racial and religious vilification complaints, and clarify the operation of the *Racial and Religious Tolerance Act 2001* (Vic).

Amendments to the EOA allow representatives to lodge complaints on behalf of others, expand the activities included in the definition of industrial activity and revise the definitions of 'employer', 'employee' and 'employment' in line with changes to the *Workplace Relations Act 1996* (Cth).

2002

The *Racial and Religious Tolerance Act 2001* takes effect, prohibiting racial and religious vilification.

2001

The *Statute Law Amendment (Relationships) Act 2001* and the *Statute Law Further Amendment (Relationships) Act 2001* change more than 50 Victorian Acts of Parliament to ensure that all couples are treated equally in relation to property rights, compensation and superannuation.

2000

The EOA is amended to include breastfeeding, sexual orientation and gender identity.

2000



1990

1995

The *Equal Opportunity Act 1995* makes it against the law to sexually harass someone or to treat someone unfairly or unfavourably because of their sex, age, carer status, disability, industrial activity, lawful sexual activity, marital status, parental status, physical features, pregnancy, race, religious belief/activity or personal association with someone else perceived to have one or more of the listed characteristics.

Unfair treatment on the basis of these personal characteristics is against the law in the areas of employment, accommodation, education, provision of goods and services, disposal of land, sport, local government and clubs.

1993

The *Equal Opportunity (Amendment) Act 1993* makes a number of structural and operational changes to the equal opportunity framework including replacing the Equal Opportunity Commissioner with the present governance structure of a five-member Equal Opportunity Commission. The changes commenced in March 1994.

1984

The *Equal Opportunity Act 1984* adds race, religion, ethnic origin, political belief and de-facto spouse status to the list of personal characteristics upon which it is unlawful to discriminate. Sexual harassment becomes unlawful.

1982

Amendments to the *Equal Opportunity Act 1977* extend protection to people with a disability.

1980

1977

1977

Equal Opportunity Act 1977 creates the Equal Opportunity Board and the Office of Equal Opportunity Commissioner. The Act outlaws discrimination because of marital status and gender in the areas of employment, education, accommodation and in the provision of goods and services.

Picture captions

- A. Victorian Registrar, Helen Trihas (centre) pictured with Commission member Jamie Gardiner and Greg Chenhall at the launch of the Relationships Register
- B. Submission by the Victorian Equal Opportunity and Human Rights Commission to the National Human Rights Consultation
- C. Dan Adams delivered the Annual Oration that marked 60 years since the Universal Declaration of Human Rights

CONTINUING SIXTY YEARS OF HUMAN RIGHTS AND EQUAL OPPORTUNITY LAW CONT.

Equal Opportunity Act exemptions

The Victorian Civil and Administrative Tribunal (VCAT) can grant temporary exemptions from the *Equal Opportunity Act 1995* (EOA).

In 2008/09, the Commission received 15 notifications from VCAT of exemption applications raising public interest issues. The Commission provided written comment to VCAT on two applications. The first, *Royal Victorian Bowls Association Inc (Anti-Discrimination Exemption)*, involved an application to allow certain single sex lawn bowling events at the state championship level. While the Commission expressed no view about whether the exemption should be granted, VCAT adopted the Commission's suggested approach to interpreting its discretion to grant exemptions under the EOA in light of the Charter of Human Rights and Responsibilities. When deciding this application, VCAT considered the purpose of the exemption, which was said to be to promote equal opportunity around Australia for elite bowlers of both sexes, and whether the proposed limitation on the right of equality was reasonable, justified and proportionate. VCAT granted the exemption.

VCAT has taken the same approach in subsequent exemption decisions. VCAT's approach to its discretion may influence how courts, tribunals and other Victorian government bodies with broad discretions exercise these in light of the Charter.

The second application related to an exemption sought by a retailer to enable it to deny entry to people under-18 not accompanied by a responsible adult. The Commission raised issues at VCAT about the limitations this exemption would impose on the rights to equality and freedom of movement. The retailer withdrew this application prior to VCAT making a decision.

Exemption applications made under Commonwealth anti-discrimination acts

The Commission was also notified by the Australian Human Rights Commission of two exemption applications made under Commonwealth anti-discrimination acts in 2008/09. The Commission made a written submission in one of these, which related to proposed restrictions on people aged 18-21 years going on cruise ship holidays. The outcome of this application is not yet known.

Submissions

Submission by the Victorian Equal Opportunity and Human Rights Commission to the National Human Rights Consultation

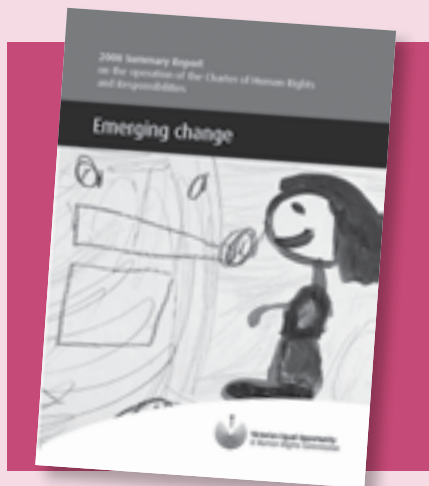
The adoption and operation of the Charter in Victoria placed the Commission in a position to make an evidence-based contribution to the national consultation. The Commission's submission argued for the adoption of a national human rights instrument, based on Victoria's experience of the operation of the Charter.

Submission the Equal Opportunity Act Review – Exceptions and Exemptions

The Commission made submissions to the Parliamentary Committee for the Scrutiny of Acts and Regulations (SARC) about amendments to the exceptions and exemptions in the EOA.

The submission supported amendments to the 50 plus exception provisions in the EOA, the VCAT exemption process and the statutory authority exception. The submission also supported changes to the EOA that require exemptions and exceptions to be justified, reasonable and necessary when they have the potential to limit human rights.

Note: All public submissions are available from our website www.humanrightscommission.vic.gov.au/publications



Fulfilling our role under the Charter of Human Rights and Responsibilities

The Charter became law in 2006. Under the Charter, the Commission has reporting, educative and intervention functions.

The Commission's educative role is fulfilled through our Advice Line telephone service and human rights training program.

2008 report on the operation of the Charter of Human Rights and Responsibilities

The Commission's 2008 report on the operation of the Victorian Charter of Human Rights and Responsibilities: *Emerging Change*, tabled in Parliament in March this year, showed that the Charter was starting to make a positive impact on government services and culture.

The understanding of human rights in the Victorian public sector has been amplified and brought into sharper focus by the Charter. The Charter has strengthened our democracy and improved organisational culture: reinvigorating existing principles of practice, causing better and fairer laws to be developed at first instance and encouraging transparent decision-making processes.

This report was delivered to government and stakeholder groups. A summary report was also produced and delivered to the community.

Copies of the reports are available from the Commission and online.

Educating the community about the Charter

The Commission's Advice Line received 146 enquiries about the Charter, an increase of 53.7 per cent on last year. This year, 4 867 people participated in human rights education.

Interventions under the Charter

The Commission has a statutory right to intervene in court and tribunal proceedings that raise a question of law related to the Charter. The Commission views this intervention function as an integral part of its role as Victoria's independent human rights monitor.

In 2008/09, the Commission received 49 notifications under the Charter, and decided to intervene in the following five matters:

RJE v Secretary, Department of Justice [2008] VSCA 131 (December 2008)

The Commission intervened in this appeal against the granting of an extended supervision order under the *Serious Sex Offenders Monitoring Act 2005*. The Commission made submissions primarily about the operative provisions of the Charter such as the interpretive obligation.

In the Matter of the Major Crime (Investigative Powers) Act 2004 (February 2009)

The Commission intervened in this matter to make submissions before the Supreme Court about how the court should interpret the *Major Crime (Investigative Powers) Act 2004* in accordance with the Charter.

The Queen v Fenech, Murone and Fenech (March 2009)

In this matter, the Commission intervened to make submissions about the court's decision about whether to refer a question for determination to the Supreme Court, pursuant to s33 of the Charter.

Momcilovic v The Queen (June – July 2009)

The Commission is currently intervening in this matter before the Court of Appeal. The Commission has made submissions on the interpretation of s5 of the *Drugs, Poisons and Controlled Substances Act 1981* in accordance with the Charter.

MVB v Secretary, Department of Justice (April 2009 – Present)

The Commission is currently intervening in this appeal against the grant of an extended supervision order under the *Serious Sex Offenders Monitoring Act 2005* before the Court of Appeal. The Commission intends to make submissions primarily in respect of the interpretation of s 11 of the *Serious Sex Offenders Monitoring Act* in accordance with the Charter and in light of legislative amendments to that Act that were passed in early 2009.

BUILDING A CULTURE OF RIGHTS

Main points

- Building a culture of rights – a society where people are aware of and actively assert their rights – takes time. The Charter is being used by the public sector to improve laws and services.
- Advocates are using the Charter as a tool to gain access to vital services, to challenge government policy and improve the way organisations operate.
- The Commission has adopted the PANEL approach to ensure our own work is human rights compliant.
- The Commission has provided education and consultancy services and undertaken a number of projects to promote a culture of human rights and equal opportunity.

The PANEL approach – embedding rights

This year, the Commission has embedded all its work in a human rights framework to ensure our own work is human rights compliant.

PANEL – **P**articipation **A**ccountability **N**on-discrimination **E**mpowerment **L**inkages to human rights standards – is a process-driven approach to developing policy, conducting research and service delivery.

The PANEL approach is derived from the United Nations development work, and is consistent with the Commission's aim to encourage participation and self-efficacy in individuals and organisations.

The Commission's publication, *From Principles to Practice: Implementing the human rights based approach in community organisations*, can assist government and non-government agencies to use the PANEL approach. This publication is used in our human rights training program and available for sale from the Commission.

Your rights your stories – Charter good news stories

The *Your rights your stories* section of the Commission's website invites people to submit their examples of how the Charter can be used as a tool to gain access to vital services, to challenge government policy and improve the way organisations operate. Examples of stories collected on the site include:

- a disability service provider developed a Human Rights Checklist for use in the routine assessment of client needs and, as a result, rectified the fact that clients previously had their right to vote restricted
- a woman with an acquired brain injury receiving treatment for painful condition of her left hand – a condition that may have required amputation if left too long. Her advocates used human rights arguments to gain funding for her treatment. The woman was previously not considered a treatment priority because she was aged over 50

- positive progress in relation to the treatment of female and maximum-security prisoners by Victoria Police and Corrections Victoria.

Charter good news stories can be viewed and submitted at www.humanrightscommission.vic.gov.au/yourstories

Human rights conference

The Commission held its second Human Rights Conference on 16-17 March 2009. Adopting the theme of Everyday People, Everyday Rights, the conference showcased the major human rights issues that the Victorian community identified as being important including: the impact of the Charter on government, achieving good outcomes for vulnerable people, promoting the human rights of young people, access to public services and corporate social responsibility, Indigenous issues, finding solutions to racism and discrimination, access to employment and education, refugee issues and people with a disability.

Over 400 delegates were welcomed to the conference via video by Archbishop Desmond Tutu with the opening address given by Victorian Deputy Premier and Attorney-General the Hon Rob Hulls.

Fantastic conference, enjoyed the ... great variety of topics, very inspiring conference
2009 Human Rights Conference delegate

The presentations ... were all so diverse and I gained a great deal from all of them
2009 Human Rights Conference delegate



A



B



C

- A. Fred's Fair Play was developed from a Commission grant in 2008. The play was performed at the 2009 Human Rights Conference
- B. Stock photo
- C. The Everyday People, Everyday Rights project commenced in the City of Hume, to develop rights awareness and advocacy at a local level

BUILDING A CULTURE OF RIGHTS CONT.

Everyday People, Everyday Rights in Hume

Everyday People, Everyday Rights is a 12-month pilot project in the City of Hume, funded by the Legal Services Board.

This project equips people with knowledge and skills in understanding and claiming their rights by involving them in a range of activities including education and the development of public information materials.

Twenty-one community members with a passion for human rights have become facilitators for delivering human rights training and activities in their community.

Participants have developed resources to spark discussion of how human rights are relevant to people on a personal level and to local community issues.

Everyday People, Everyday Rights uses action research to allow continuous feedback from participants to be incorporated into the project as it unfolds.

For more information about the progress of this project, visit www.humanrightscormission.vic.gov.au/hume

Regional engagement

Our Victorian regional community engagement program continued to expand during the 2008/09 financial year.

Building on the success of last year, Commission staff made 42 visits to different regional centres covering 130 organisations. We met with representatives from local government, business, educational bodies and a wide range of non-government organisations representing people with disabilities, women, people from culturally and linguistically diverse backgrounds, young people and the Indigenous community.

Play by the rules

Play by the Rules is a national initiative, partnered in Victoria by the Commission and Sport and Recreation Victoria, to keep sport fun, safe, fair and free from discrimination and harassment.

The Commission ran a half-day workshop to help sporting organisations, clubs and schools recognise, prevent and deal with issues of discrimination and harassment in sport.

The Play by the Rules website offers free online training, information and resources for clubs and sporting organisations.

More information about the Commission's Play by the Rules program can be found on our website, or visit www.playbytherules.net.au

Education, training and consultancy

There has been an unprecedented demand for equal opportunity and human rights training in this financial year. This is largely attributable to the high quality of the training provided and the effectiveness of the Commission's promotion of the Charter of Human Rights and Responsibilities, the Equal Opportunity Act and Equal Opportunity Amendment (Family Responsibilities) Act.

Nearly 14 000 Victorians participated in education programs and events delivered by the Commission, with 5 500 of these participating in workshops delivered in workplaces and businesses.

Figure 4: Map of Victoria showing locations of regional visits conducted by the Commission.



Our calendar training program offered 15 courses and a range of additional programs tailored to the needs of clients. The Commission continued to deliver free or heavily discounted education sessions to not-for-profit community and advocacy organisations, sporting bodies and providers of other health services.

This year, the Commission offered new workshops on changes to the law in relation to the Equal Opportunity Amendment (Family Responsibilities) Act and revised our existing programs to ensure that Victorians are offered the most current and relevant skills development training.

The Commission updated its *Equal Opportunity Contact Officer Resource Manual*, the resource for our most popular training course, and started the production of a manual for use in the training of managers.

New guidelines were developed for organisations wanting to draft or update their equal opportunity policies and complaint-handling procedures. These are available online.

Developmental work commenced for an online training module about equal opportunity.

Following the 2007/08 education strategy, the Commission adopted a capacity-building approach, whereby we train and assist organisations to enhance their own skills and expertise about equal opportunity. The Commission continued to provide consultancy advice to employers and other bodies implementing equal opportunity in the workplace.

A Train the Trainer package was developed and piloted successfully at the Australian Red Cross. This program is now included in our training calendar.

The Commission training calendar and online registration are available at www.humanrightscommission.vic.gov.au/training



Stock photo

The Australian Red Cross – Train the Trainer pilot project

Australian Red Cross (ARC) and the Commission worked together to develop a customised Equal Employment Opportunity (EEO) program to be delivered nationally by Red Cross facilitators.

Knowledge of EEO policy is a requirement for ARC staff to enable them to adhere to the organisation's seven principles: Humanity, Impartiality, Neutrality, Independence, Voluntary Service, Unity, and Universality.

The two-day Train the Trainer program focussed on equal opportunity policies and procedures at ARC, and how to recognise and manage unacceptable behaviour.

This collaboration demonstrated the benefits of successful partnering to ensure compliance with the law and embedding the principles of EEO into organisational culture.

The Australian Red Cross National has commenced wide implementation of the program with ongoing support from the Commission. The Commission now delivers Train the Trainer as part of our training calendar.

FOCUS ON THE RIGHTS OF CHILDREN AND YOUNG PEOPLE

Main points

- Children and young people hold the same rights as everyone else with additional protections.
- Participation by young people in the development of policy and services is critical.
- The rights of children from disadvantaged groups, such as migrants and refugees, require special attention.
- In 2008, the Commission undertook a suite of projects to promote and advocate for young people's rights.

Charter report presents snapshot of children's rights

*"There is growing evidence that when children are respected as citizens they demonstrate the values, skills and behaviours that define active citizenship."*¹

The Commission's 2008 Report on the Victorian Charter of Human Rights and Responsibilities: Emerging change contained a special report on the rights of young people. Drawn from the United Nations Convention on the Rights of the Child, these rights will be considered for inclusion in the 2011 review of the Victorian Charter.

The report noted the significant benefits in ensuring that children and young people are able to participate meaningfully in decision-making. These benefits include improving the effectiveness of policy and services, promoting children's protection and building children's skills, development and self-esteem.

Copies of the report and a summary copy are available from the Commission and online at www.humanrightscommission.vic.gov.au/publications

ArtPlay

ArtPlay was commissioned to conduct workshops for children to explore the concept of participation. Increasingly, there is recognition that children of a very young age have a sophisticated understanding of their environment. On the recommendation of our Children and Young People Advisory Committee, the Commission engaged ArtPlay to convene a number of workshops for children to explore the notion of participation.

The workshops encouraged children to explore how they see themselves, and what participation means to them in their community and family life. The workshop resulted in a poster capturing the various ways children can be engaged through art to contribute their thoughts on any issue.

The poster is available free from the Commission.

Young people and climate change

Dan Adams, 2008 Young Victorian of the Year, delivered the Commission's Annual Oration on the 60th anniversary of the United Nations Declaration of Human Rights.

Dan spoke about how the decisions and actions we take on climate change will show how much we understand the concepts of equality, how much we value human rights: the rights of young people and future generations of the world, the rights of people we will never meet.

"Climate change impacts directly on today's young people. Our rights must be considered in the response to climate change – the right to freedom, dignity, respect, protection, safety and even life itself. And, most importantly our right to participate in the process of finding solutions to climate change," said Dan.

The Human Rights Youth Ambassador project

In 2008, the Commission appointed 11 inspiring young people as human rights ambassadors to raise awareness of the Charter.

Each of our ambassadors offered unique insight into human rights issues in the Victorian community and helped make the Charter real and relevant to young Victorians. The ambassadors worked with the Commission until the end of April 2009 on a range of activities, including speaking about human rights within their existing community groups and networks, and developing individual projects to promote the Charter.

The youth ambassadors were Uyen Nguyen, Mario Filintatzis, Demetrio Zema, Thom Woodroffe, Claudia Stapledon, Cassandra Devine, Marci Disanayake, Lucas Ryan, Rahab Mousslimani, David Vincent and Francis Ventura.

Thom Woodroffe is the 2009 Young Victorian of the Year.

Notes

¹ Howe, R. B., & Covell, K., (2007), Empowering children: Children's rights and education as a pathway to citizenship, Toronto, Canada, University of Toronto Press.



A



B



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- A. ArtPlay conducted workshops with children to explore the concept of participation
- B. Dan Adams, 2008 Young Victorian of the Year, spoke about climate change at the Commission's Annual Oration
- C. Stock photo

FOCUS ON THE RIGHTS OF CHILDREN AND YOUNG PEOPLE CONT.

Survey on participatory rights of Victorians aged under-18

A survey conducted on 'youthcentral', the Victorian Government's website for young people collected information from 312 respondents, mostly from metropolitan Melbourne. The survey found that young people wanted to be involved in decision-making and gained positive benefits from participation including a sense of acceptance and connection to the community.

The majority of young people surveyed felt that they were not given a say in things that happen in the local community. (See figure 5)

The survey also found that young people are dissatisfied with the type of consultation that seeks their views when the agenda or outcome is already determined.

Racism limits rights of African young people

Research undertaken by the Commission in 2008, found that racism against young Australian-Sudanese people prevents them from moving freely in the community and limits their access to services, employment and education.

Rights of Passage: Experiences of Australian-Sudanese young people, presented an analysis of more than 200 interviews with young people, consultations with more than 30 community and government workers and written submissions.

The report made 37 recommendations including the provision of information and education resources to assist young people to deal with racism, the provision of low-cost and accessible recreation and meeting places, ongoing education and training of police, teachers and public bodies about human rights and responsibilities.

The Commission believes that in order for real change to take place, young Australian-Sudanese people need to have a direct and genuine involvement in developing the programs designed to support them.

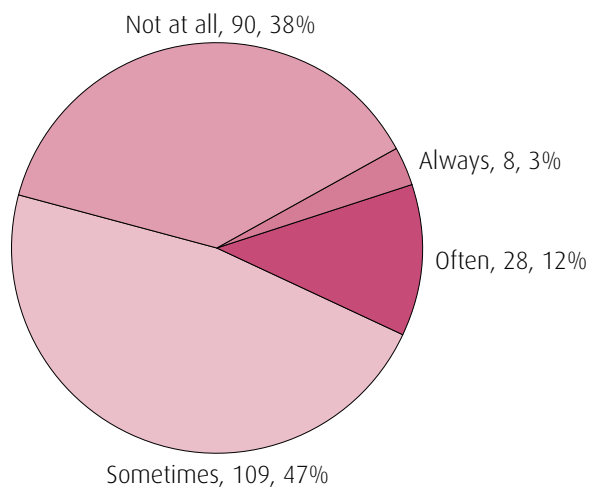
In 2009, the Commission continued to consult with Victoria Police, City of Greater Dandenong and several government departments and community groups to implement the recommendations to tackle discrimination and improve services.

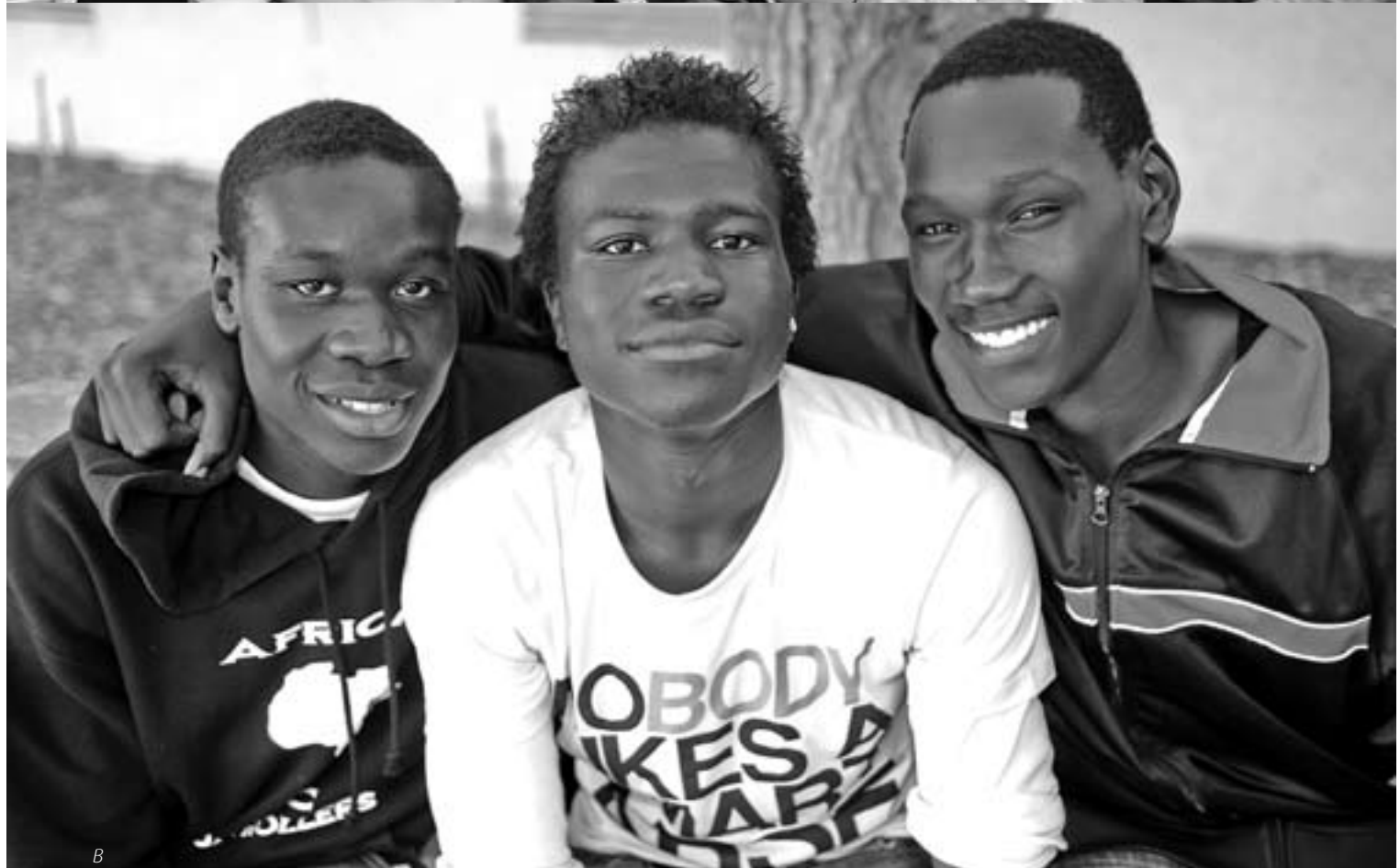
This research demonstrated that the Charter could be used to give people a voice, to inform them about how the system works, to understand their rights and how to assert them.

The report was widely read by agencies and communities across Victoria because it presented a complex situation from the perspective of human rights, and provided a useful framework for defining the problems and solutions using the Charter.

The report is available from our website.

Figure 5: Question 22 from 'youthcentral' survey. How often do you have a chance to have a say and/or be involved in the things that happen in your local community?





- A. *Multifaith Multicultural Youth Network members spoke about issues relevant to young people of all faiths and cultures at our 2009 Human Rights Conference*
- B. *The rap band, A-MCs, performed at the launch of 'Rights of Passage: The experience of Australian-Sudanese young people.'*

FOCUS ON THE RIGHTS OF PEOPLE WITH A DISABILITY

Main points

- People with disabilities continue to experience discrimination, particularly in employment and access to the built environment, which restricts their right to participate in community life.
- Participation by people with disabilities in the development of policy and services is critical.
- The Disability Reference Group has provided valuable contributions to the Commission, assisting with events, resource development, submissions and media comment.
- In 2008, the Commission undertook a suite of projects to promote and advocate for the rights of people with disabilities.

The Disability Reference Group

The Disability Reference Group convened by the Commission played a key role in helping us develop submissions, information materials and services. Reference group members participated in the Human Rights Conference and took part in media interviews.

The Disability Reference Group members are Trevor Carroll, Bernie Clifford, Margaret Cooper, Michelle De Hommel, Michael Downes, Frank Hall-Bentick, Garry Hammer, Maree Ireland, Valerie Johnstone, Licia Kokocinski, Tricia Malowney, Jessica O'Brien, Enid Richards, Jody Saxton and Jenna Willett. The group is co-chaired by Tricia Malowney and Dr Helen Szoke.

Better taxi access

The Commission welcomed Victorian Government reforms to taxi services for people with disabilities including the introduction of 330 new licences, minimum quotas for pick-ups of people with disabilities and stronger enforcement of standards on waiting times.

These changes followed the Commission's recommendations in our 2007 report, *Time to Respond: Realising equality for people with a disability utilising taxi services*.

The Commission continued to work closely with the government and consumer groups to monitor the effectiveness of the changes, and further improve access and affordability of taxi services.

Accessible services, publications and resources

This year, the Commission continued to deliver accessible hard copy and online information, services and events. In summary:

- our website adheres to the AAA accessibility guidelines of the World Wide Web Consortium (W3C – www.w3c.org)
- all events were accessible and catered for the needs of people with hearing impairment and those requiring attendant care
- information about rights for people with a disability was produced in 'easy English,' large print formats, Braille and audio tape and CD
- TTY continued to be provided to enable deaf and hearing impaired people to access to our enquiry and complaints services.



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- A. Stock photo
- B. Stock photo
- C. Stock photo
- D. Auslan sign: All Commission events were accessible and catered for the needs of people with hearing impairment and attendant care

FOCUS ON THE RIGHTS OF PEOPLE WITH A DISABILITY CONT.

Submissions

Submission to the review of the Mental Health Act 1986

In February 2009, the Commission took part in one of the most important legislative reviews in recent times when it made a submission to the review of the *Mental Health Act 1986*.

A new vision for mental health in Victoria has been outlined in *Because mental health matters: a new focus for mental health and wellbeing in Victoria Consultation paper May 2008*.

The Commission's submission to the review of the legislation adopted a human rights framework in examining what we believed should be included in the new Act. The Commission asserted that it is crucial that any treatment of mental illness occur within a framework of universal human rights protections to which people with a mental illness are entitled. The submission covered areas such as involuntary treatment, the role of family and carers of people with mental illness, ensuring the best interests of the child or adolescent are protected, ensuring the cultural rights of people with mental illness are respected, clinical decision-making and practice.

The Disability Reference Group provided input to the Commission's submission.

Submission to the Draft Disability Standards

In February 2009, the Commission made a submission to the *House of Representatives Legal and Constitutional Committee Inquiry into the Draft Disability (Access to Premises – Buildings) Standards*. The Commission's submission supported the introduction of standards as well as identifying omissions for consideration by the Committee and suggestions as to how these might be resolved.

The Commission believes that accessible housing is affordable and necessary to meet the needs of an ageing population, as well as the 20 per cent of Victorians who have a disability.

Submission to the National Disability Strategy

The Commission welcomed the strategy and was pleased that human rights obligations were embedded in the formulation of such a significant policy initiative. Our submission explained that a human rights framework has the potential to work to eliminate the discrimination experienced by people with disability and to improve support services for people with disabilities, their families and carers.

Commission response to the Victorian Law Reform Commission's Community Law Reform Consultation Paper: Assistance Animals

The Commission expressed its view that the EOA should refer to a category of assistance animals, rather than guide dogs, and that the Act should cover animals that provide assistance in relation to any disability. The focus of the Commission's response was on how this change could best be achieved.

Complaints

The Commission received 401 complaints about discrimination on the basis of impairment (disability) in 2008/09. Impairment (disability) continued to be the most common reason for complaint to the Commission. Of the total complaints made to the Commission, 19.4 per cent related to impairment (disability) discrimination. (See Table 3.)

Employment discrimination

This year, 67.8 per cent of complaints about discrimination on the basis of impairment (disability) related to employment. This figure is consistent with previous year. (See Table 3.)



Stock photo

Case study: Rebekah

Rebekah Turner attended several public schools from 1999 to 2006. She has a number of impairments, including a severe receptive and expressive language disorder and severe learning disability.

After hearing expert evidence, the Victorian Civil and Administrative Tribunal (VCAT) found the Department of Education and Training had indirectly discriminated against Rebekah by requiring her to access her education without the assistance of a full-time teacher's aide for a number of subjects over several years. See *Turner v Department of Education and Training* [2007] VCAT 873 and *Turner v State of Victoria* [2008] VCAT.

VCAT also noted themes across years and schools. These included teachers being too busy to answer Rebekah's questions, monitor her work, or explain the work to her. Teachers often expected Rebekah to recognise that she needed help, which was unreasonable given her severe language disorder and her inability to predict when she would need help.

The department appealed VCAT's decision on a number of grounds. Aspects of the Supreme Court decision relevant to equal opportunity include the discussion about how a government program aimed at addressing disadvantage may still indirectly discriminate against an individual. The Court upheld the appeal in part. Orders were made with the parties' consent that clarified what subjects Rebekah required a full-time teacher's aide and reduced the amount of compensation payable. The finding of indirect discrimination was affirmed.

FOCUS ON THE RIGHTS OF WOMEN

Main points

- Women continue to experience sex discrimination and sexual harassment, particularly in employment.
- Compared to men, women were more likely to lodge a complaint with the Commission about discrimination on the basis of age, parental and carer status, family responsibilities, sex, sexual harassment and victimisation.
- In 2008/09, the Commission focussed on pregnancy discrimination and maternity leave as effective areas to promote and advocate for the rights of women.

Pregnancy at work guidelines

The Pregnancy and Work Guides for Employers and Employees was a joint initiative with the Department of Innovation, Industry and Regional Development (DIIRD) and JobWatch, which produced booklets for employers and women workers about their rights and responsibilities in managing pregnancy in the workplace. The guides were released in January 2009 and are currently undergoing revision to incorporate the legislative changes in the *Fair Work Act 2009* (Cth).

Pregnancy discrimination in the retail sector project

The Pregnancy and Work Project follows a joint initiative between DIIRD, JobWatch and the Commission that produced the *Pregnancy and Work Guides*.

The 12-month project targets the retail sector, a sector with a high proportion of female employees and one that encompasses both large and small/medium enterprises.

It is promoting best practice in managing pregnancy and work in the retail sector through:

- consulting with major retailers, industry bodies and trade unions to identify the barriers and opportunities in managing pregnancy and work
- identifying and promoting examples of leading practice in the retail sector
- developing a business case and practical tools to support leading practice
- providing training and support to enable the adoption of equal opportunity policies and practices across the retail sector.

The economic downturn is impacting heavily on the retail sector and undertaking a project of this kind creates significant challenges. However, it also brings unique opportunities for the Commission to work with the retail sector to develop solid anti-discrimination arguments that can withstand changing economic circumstances and provide retailers with a competitive edge at a time when business confidence is in sharp decline.

Table 6: Complaints under the Racial and Religious Tolerance Act and the Equal Opportunity Act in 2008/09, by individual complainants according to gender

Complainant	RRTA	EOA	No.
Female	5	377	382
Male	6	313	319
Registered Organisation	0	6	6
Unregistered Organisation	0	0	0
Total	11	696	707

Submissions

Submission to Productivity Commission's Inquiry into Paid Maternity, Paternity and Parental Leave

Our submission supported a scheme that would see every woman entitled to 18 weeks paid maternity leave, with employers required to administer the scheme on behalf of the government and continue superannuation payments for the duration of maternity leave.

The submission noted that just over half of women in the workforce have access to employer-paid maternity leave. Only 10 per cent of women on low wages have access, compared to 80 per cent of women on high wages. Casual, part-time, new employees and contractors are often not eligible.

Copies of submissions made by the Commission are available on www.humanrightscommission.vic.gov.au/publications/submissions.

Complaints lodged with the Commission

Women represented 54 per cent of complainants and lodged 58.9 per cent of complaints received by the Commission in 2008/09. (See Table 6 and Table 4.) Compared to men, women were more likely to lodge a complaint about discrimination on the basis of age, parental status and carer status, family responsibilities, sex, sexual harassment and victimisation.

Women are far more likely than men to lodge a complaint about sex discrimination. (See Table 4.)



Sex discrimination case example: Melanie

Melanie was employed as a sales representative for a food company for two years.

She was the only female sales representative in a team of six. When Melanie's manager left the company, the new manager Ted set new sales figures for all staff. Melanie alleges that she was required to reach higher sales figures than her male counterparts which required her to work longer hours.

Ted was unhappy with her sales figures and when she raised the fact that her male colleagues were not required to reach the same level of sales, he said she was a 'useless female' and gave her a written warning. She felt she had no alternative but to resign and look for another job.

The complaint was resolved at conciliation with compensation for loss of earnings/pain and suffering and a statement of service.

Note: This case example is a composite designed to highlight the themes most commonly seen in a complaint of this type.

- A. Stock photo
- B. Stock photo
- C. Stock photo
- D. Stock photo
- E. Vanessa Peters of the Victorian Multicultural Commission, Anita Aliono and Heba Ibrahim at the 2009 Human Rights Conference

FOCUS ON THE RIGHTS OF PEOPLE FROM CULTURALLY AND LINGUISTICALLY DIVERSE BACKGROUNDS

Main points:

- People from culturally and linguistically diverse (CALD) backgrounds continue to experience discrimination in the areas of recruitment and employment.
- Racism and discrimination is limiting the human rights of migrants and refugees.
- International students are open to discrimination and exploitation, particularly in the areas of accommodation and employment.
- The Commission worked closely with the Victorian Multicultural Commission, industry groups, government departments and local community groups to tackle racism and discrimination.
- The Commission continued its work to advance equal rights for people from CALD backgrounds, support diversity and foster harmony.

Harnessing diversity in the workforce

The Commission's *Harnessing Diversity* report, published in 2008, highlighted systemic discrimination in relation to people from CALD backgrounds in the areas of recruitment and employment.

The economic climate of 2008/09 presented a more negative jobs outlook for CALD groups, placing them at risk of discrimination and retrenchment.

In June 2009, the Commission hosted a roundtable attended by key government and industry representatives. The roundtable produced suggestions for revising the *Harnessing Diversity* recommendations and implementation

strategy. These included formal workplace-based mentoring programs, the development of pathways to recognition of overseas qualifications that combined on-the-job experience, pre- and post-employment support services for workers, support for employers, and that ensuring workers are well placed to take advantage of the future upturn in the jobs market.

The Commission continued to work with the Victorian Multicultural Commission and the Department of Innovation, Industry and Regional Development to implement measures that supported the recommendations of the *Harnessing Diversity* report.

The Australian-Sudanese community

Sudanese community leaders in Dandenong approached the Commission in December 2007 for assistance to deal with experiences of racism and discrimination. In 2008, the Commission undertook a research project, interviewing over 200 Australian-Sudanese young people, over 30 community organisations, police, employers and schools.

Rights of passage: the experience of Australian-Sudanese young people was released in November 2008. The report highlighted the consequences of the limitation of the human rights of Australian-Sudanese young people and made 37 recommendations in areas such as public space and safety, policing, legal and consumer rights, accommodation, services, sport and recreation.

The Commission is working with stakeholders to implement the recommendations. The Commission will also be asking government department and statutory authorities to report on their progress towards implementing recommendations.

The Commission produced media releases and report updates in Dari, Dinka and Sudanese-Arabic, and utilised ethnic media to communicate about the report and proposed solutions.



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A. John Balieu of Foundation House, Mayor of the City of Greater Dandenong, Cr Pinar Yesil and David Vincent, Human Rights Ambassador at the launch of the Commission's Rights of passage report

B. Stock photo

C. Stock photo

D. Stock photo

FOCUS ON THE RIGHTS OF PEOPLE FROM CULTURALLY AND LINGUISTICALLY DIVERSE BACKGROUNDS CONT.

Submissions

Submission to the Victorian Overseas Student Taskforce

The Commission submission to the Taskforce adopted a human rights approach and provided an overview of the human rights engaged by the problems facing international students, including an analysis of rights according to the subject areas to be addressed by the taskforce.

The Commission found that international students are open to discrimination and exploitation, particularly in the areas of accommodation and employment.

The Commission's recommendations to the Taskforce covered:

- improvements to the standards contained in the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*
- human rights compliance by education providers in their procurement and contracting arrangements
- pre- and post-arrival information, education and support for students about the law and their rights
- intercultural contact strategies that engage local students with international students
- workforce development and employer training.

African-Australians human rights consultation

The Commission made a submission to the Australian Human Rights Commission (AHRC) project *African-Australians: A report on human rights and social inclusion issues*. A copy of our *Rights of Passage* report was included as part of the submission.

The Commission recommended that the AHRC consider the findings and recommendations of *Rights of Passage* as part of the African-Australians project. The Commission also recommended that, as part of a human rights-based approach to project implementation, the AHRC continue to involve African-Australian communities as key participants in the implementation of strategies resulting from the project.

Victorian Multicultural Commission

All of Us: Victoria's Multicultural Policy, released in March 2009, revised the previous whole-of-government multicultural policy. The Commission provided input into the development of the policy.

Rights information in languages other than English

The Commission continued to target people from culturally and linguistically diverse backgrounds to raise awareness about their rights and our complaints service, producing information, resources and utilising ethnic media.

The 'Your rights are recession-proof' campaign

This campaign was conducted to raise awareness of people's employment rights. Materials were produced in seven languages other than English (LOTE) – Arabic, Persian, Punjabi, Somali, Spanish and Vietnamese. The campaign utilised ethnic radio and print media.

Equal Opportunity Amendment (Family Responsibilities) Act

The Commission and DIIRD produced information about the amendments, which compel employers to seriously consider requests for flexible work arrangements, in Arabic, Bosnian, Chinese, Dari, Khmer, Vietnamese, Macedonian, Somali and Spanish.

Characteristic/ Attribute	Accom	Clubs	Education	Employ	Goods & Services	Local Government	Sport	Total
Race	8	3	12	137	48	0	0	208
Religious Belief or Activity	2	2	5	31	8	0	0	48
Total	10	5	17	168	56	0	0	256

Table 7: Complaints of discrimination on the basis of race and religious belief (EOA) 2008/09

Complaints

The Commission received 256 complaints of discrimination based on race or religious belief. (See Table 7). A further 27 complaints were made under the Racial and Religious Tolerance Act.

Employment remains the area in which people are most likely to complain of discrimination on the basis of race and religious belief or activity. This year, 65.6 per cent of complaints related to race and religious belief or activity were made in the area of employment.



Stock photo

Race discrimination case example: Nigel

Nigel is of Indian descent and was employed as an engineer. He alleges that from the beginning of his employment he was isolated in the workplace by colleagues and subjected to racist taunts such as being called black, dirty and curry muncher. Nigel reported his concerns to his manager. A week later, he was informed that his work performance was less than satisfactory and his employment terminated.

The complaint was resolved at a conciliation conference for compensation, letter of regret, statement of service and equal opportunity training for all staff.

Note: This case example is a composite designed to highlight the themes most commonly seen in a complaint of this type.

FOCUS ON THE RIGHTS OF INDIGENOUS PEOPLE

The Commission is committed to raising awareness of its role, providing services and engaging with the Indigenous community.

The Commission's Indigenous Engagement Strategy aims to:

- provide education on the legislation administered by the Commission, the complaints process and education services relating to the Charter of Human Rights and Responsibilities
- identify local issues and work with the community to explore appropriate responses
- identify opportunities for Indigenous staff, the CEO and other Commission staff to attend community events
- maintain relationships with the Indigenous community and organisations' and encourage them to keep the Commission informed about local concerns and events
- report to the Commission regularly on community engagement activities.

Indigenous women

The Commission worked on engaging Indigenous women in communities across Victoria by attending the Sisters Day Out: Koori Women's Wellbeing Workshops. The workshops provide an opportunity for information on legal, health and other useful services to be delivered in an informal, interactive and safe environment. Aboriginal Family Violence Prevention and Legal Service and support services in each local area deliver this activity.

The Victorian Aboriginal Justice Forum

The Aboriginal Justice Forum is the peak body responsible for delivering the Victorian Aboriginal Justice Agreement (AJA). Dr Helen Szoke, the Commission's CEO, is a member of the forum, which includes senior representatives of the Indigenous community and justice system. The AJA is an agreement between the Victorian Indigenous Community and the Victorian Government. It aims to improve outcomes for the Indigenous community by reducing their representation in the criminal justice system.

Enquiries and complaints

This year, the Commission continued to work with the Indigenous community to raise awareness of the enquiry and complaints services available to Indigenous people. Monthly outreach and information sessions at the Victorian Aboriginal Legal Service commenced in 2008/09.



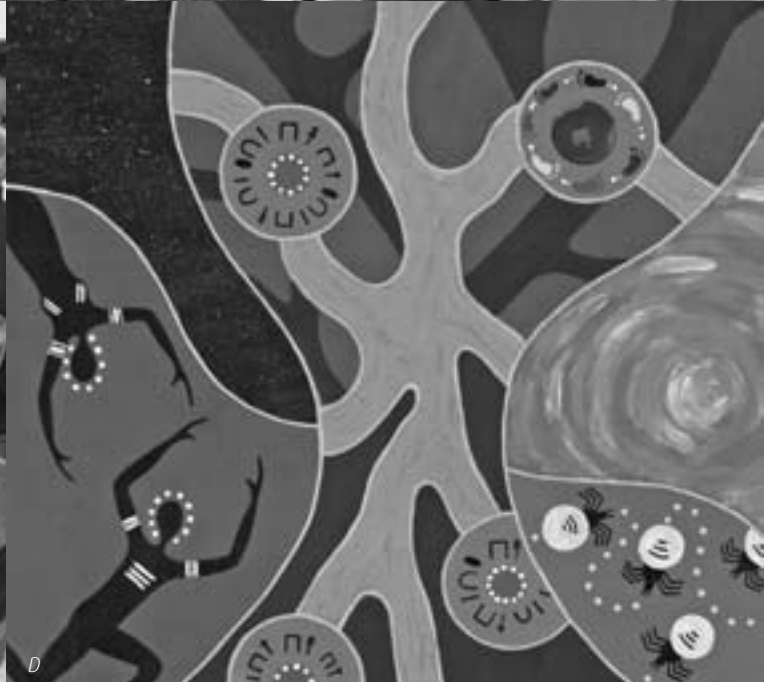
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B



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Case example: John

John is Aboriginal and visited a hotel with his family to celebrate the birthday of his wife. He was denied entry by the proprietor who said, "Your kind caused trouble last weekend and you are not welcome here".

The complaint was resolved at conciliation for an apology and meal vouchers.

Note: This case example is a composite designed to highlight the themes most commonly seen in a complaint of this type.

- A. Ms Caroline Briggs provided the Welcome to Country at Commission events in 2009/10
- B. Frank Giavarra, CEO, Victorian Aboriginal Legal Service, and Karen Jackson, Victorian Equal Opportunity and Human Rights Commission member
- C. Children pictured at the launch of 'Dardee Boorai: the Victorian Charter of Safety and Wellbeing for Aboriginal Children and Young People'
- D. 'Tree of Equality' artwork and story by Joanne Dwyer and Laura Thompson 'Sister Designs', 2002

COMMUNICATIONS

News

This year presented many opportunities for media coverage of issues related to the work of the Commission.

In July 2008, the release of the *Harnessing Diversity* report gained print and radio coverage about the racist attitudes, racial discrimination and harassment in Victorian workplaces.

In November 2008, release of the *Rights of Passage* report generated widespread media interest, from local through to national level, on the experiences of racism and the limitation of the human rights of Australian-Sudanese young people in the City of Dandenong.

The EOA review, including an inquiry into the EOA exemptions and exceptions, created considerable media interest about private clubs, religious exceptions and the exemptions process.

The national human rights consultation sparked heated debate about whether Australia needs a charter of rights.

The Commission provided comment to the media about a range of issues including crime on Melbourne streets, discrimination in employment, the rights of international students, paid maternity leave, work/life balance and the rights of people with a disability.

In 2008/09, the Commission initiated 146 proactive media contacts and managed 158 media enquiries from outlets across metropolitan Melbourne and regional Victoria. This is a significant increase from the 2007/08 period where the Commission made 109 proactive and 58 reactive contacts.

Media releases are available on our website at www.humanrightscommission.vic.gov.au/media

Online communication

The Commission continued to expand our effort to keep the Victorian community up to date and informed by using online services. The Commission's website continued to attract more people with 187 584 visits to our website, an 18 per cent increase on last year. Our free subscription email list provides regular issues-based emails, and a monthly eBulletin to over 2 000 subscribers.

The eBulletin also allows subscribers to include their own relevant notices. Since its first edition was distributed in October 2006, the eBulletin has continued to be a popular source of information for those interested in human rights.

Campaigns

Family responsibilities information and media campaign

From 1 September 2008, the Equal Opportunity Amendment (Family Responsibilities) Act protected working parents and carers from discrimination when trying to balance their work and family responsibilities.

The Commission and DIIRD published guidelines to provide practical information to employers and employees about the new rights and responsibilities. The guidelines were developed in consultation with employer organisations, unions and community organisations.

The Commission undertook a media campaign in late August 2008 to inform the public of the changes to the law and the availability of the guidelines. The campaign utilised metropolitan and regional press and radio, and ethnic print and radio in nine languages.

Your rights are recession-proof advertising campaign

In 2008, the global financial crisis changed the economic and workplace environment, making lower-skilled and casual workers potentially more vulnerable to discrimination and workplace rights abuse.

In response, the Commission devised a campaign to raise awareness about equal opportunity rights and the Commission's Advice Line and complaint-handling service.

The campaign ran from 11 May to 19 June 2009. During the period of the campaign, 1107 enquiries were made to the Advice Line, a figure 37.5 per cent higher than projected for the period.

The campaign also showed changes in activity on the Commission's website, in comparison to the previous six-week period. For the duration of the campaign period, there was a:

- 17.4 per cent increase in the number of visits to the 'contact us' page
- 26.9 per cent increase in the number of visits to racial discrimination information
- 8.8 per cent increase in the number of visits to impairment (disability) information
- 3.2 per cent increase in the number of visits to sex discrimination information
- 3.1 per cent increase in the number of visits to age discrimination information.

Men-only clubs at risk

Equal opportunity laws to be reviewed

Partia Kamran
Political Correspondent
A 2012/13 review is under way to see if the Victorian Equal Opportunity Act needs to be updated.

AFL introduces new rules of vilification

Fairness fighter

EVERYDAY PEOPLE EVERYDAY RIGHTS

Students lead fight for unity

Students at Monash University are leading a fight for unity and equality across the campus. They are calling for a more inclusive environment for all students.

Right on, locals

Residents in Frankston are raising their voices against the proposed development. They are concerned about the impact on the local community and environment.

Outrage over racist flyers

Anti-African brochures 'reprehensible', says mayor. The mayor of Frankston has expressed his outrage over the distribution of racist flyers targeting the African community.

Greater Dandenong Mayor Pinar Yesil has condemned the racist anti-Dandenong flyers being distributed around Frankston. He described the flyers as "offensive and reprehensible".



Pinar Yesil

She urged these responsible to visit Greater Dandenong and witness its multicultural harmony firsthand. The flyer urges Frankston residents to "say no to importing rape and violence state Labor MP Alastair Harkness to the high-rise above".



Community member speaking at a meeting.

Unions fear for fate of ma

Unions are concerned about the future of the manufacturing sector in Victoria. They are worried about job losses and the impact of global economic changes.

Sudanese youth feel sharp end

Sudanese youth in Melbourne are experiencing the harsh realities of life in a new country. They are facing challenges such as language barriers, cultural differences, and limited access to services.

New structure for Commission...

From 1 October 2013, the Commission will have a new Commissioner and Board.

For information about your rights and responsibilities, or to make a complaint, call our Advice Line on 03 9281 7100 or e-mail us at complaints@equality.vic.gov.au

Latest news:

- 06/04/2013 - Mayor's new chapter on Human Rights
- 03/04/2013 - Prepare your daughter for working life: Less money, more work and don't get pregnant



YOUR RIGHTS ARE RECESSION PROOF

If you have been sacked, demoted, denied an entitlement or overlooked for a job or a promotion because of your **sex, disability, family responsibilities, race or age** you may have been discriminated against. Discrimination is against the law.

Making a complaint can help you resolve discrimination and get on with your life.

Advice Line (03) 9281 7100
TTY (03) 9281 7110 Interpreters (03) 9280 1995
Country callers 1800 134 142
www.humanrightscscommission.vic.gov.au



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Szoke, H. *Launch of Dardee Boorai: Victorian Charter of Safety and Wellbeing for Aboriginal Children and Young People*. Yappera 2B Watt Street Thornbury. 10 December 2008



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Szoke, H. *Launch of resources addressing priority issues for women with disabilities*. UniMelb, VWDN, DVRCV, WHV Melbourne Convention Centre. 11 September 2008

Szoke, H. *Launch of Second Charter Report – Emerging Change*. Parliament House. 31 March 2009

Szoke, H. *Launch of the Victorian Relationships Register*. Registry of Births Deaths and Marriages, Collins Street, Melbourne. 4 December 2008

Szoke, H. *Margins to Mainstream*. Keynote to 5th World Conference on the Promotion of Mental Health and the Prevention of Mental Health and Behavioural Disorders. Melbourne Convention Centre. 11 September 2008

Szoke, H. *Opening of Chisholm's Homes Exhibition*. The Art Space, Level 17, Victoria University. 1 July 2008

Szoke, H. *OUT There – Launch of Rural Victorian Youth Council for Sexual Diversity*. Speech to ALSO GLBTIQ Rural Forum – Queer in the country. Ballarat, Victoria. 26 June 2009

Szoke, H. *Recognising resilience and rights. Values and Public Policy. Fairness, Diversity and Social Change*. Centre for Public Policy Conference. 26 February 2009

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Victorian Equal Opportunity and Human Rights Commission, *Submission to the Victorian Civil and Administrative Tribunal (VCAT) – President's Review* (2008)

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FINANCIAL STATEMENTS

COMPREHENSIVE OPERATING STATEMENT

for the financial year ended 30 June 2009

	Notes	2009 \$	2008 \$
Income from transactions			
Government grant		6,156,778	5,548,836
Other income	2(a)	286,364	10,000
Total income from transactions		6,443,142	5,558,836
Expenses from transactions			
Employee benefits	3(a)	(4,136,901)	(3,943,844)
Depreciation and amortisation	3(b)	(74,894)	(31,206)
Interest expense	3(c)	(5,632)	(5,273)
Other operating expenses	3(d)	(1,985,566)	(1,629,076)
Total expenses from transactions		(6,202,993)	(5,609,399)
Net result from transactions (net operating balance)		240,149	(50,563)
Other economic flows included in net result			
Other gains/(losses) from other economic flows	4(a)	(20,204)	2,768
Total other economic flows included in net result		(20,204)	2,768
Net result		219,945	(47,795)
Comprehensive result		219,945	(47,795)

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

BALANCE SHEET

as at 30 June 2009

	Notes	2009 \$	2008 \$
Assets			
Financial assets			
Cash and cash equivalents	20	500	500
Receivables	5	1,336,790	895,135
Total financial assets		1,337,290	895,635
Non-financial assets			
Property, plant and equipment	6	45,942	68,287
Total non-financial assets		45,942	68,287
Total assets		1,383,232	963,922
Liabilities			
Payables	7	314,322	200,001
Interest bearing liabilities	8	47,307	79,794
Provisions	9	774,053	666,277
Total liabilities		1,135,682	946,072
Net assets		247,550	17,850
Equity			
Accumulated surplus/(deficit)		(244,310)	(464,252)
Contributed capital		491,860	482,102
Total equity		247,550	17,850

Contingent liabilities and contingent assets 16

Commitments for expenditure 15

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

STATEMENT OF CHANGES IN EQUITY

for the financial year ended 30 June 2009

	Notes	Equity at 1 July 2008 \$	Total comprehensive result \$	Transactions with owners in their capacity as owners	Equity at 30 June 2009 \$
Accumulated surplus/(deficit)		(464,252)	219,945	-	(244,310)
Adjustment due to change in accounting policy		-	-	-	-
		(464,252)	219,945	-	(244,310)
Contributed capital		482,102		9,758	491,860
Total equity at end of financial year		17,850	219,945	-	247,550

	Notes	Equity at 1 July 2007 \$	Total comprehensive result \$	Transactions with owners in their capacity as owners	Equity at 30 June 2008 \$
Accumulated surplus/(deficit)		(339,508)	(47,795)	-	(387,303)
Adjustment due to change in accounting policy		(76,949)	-	-	(76,949)
		(416,457)	(47,795)	-	(464,252)
Contributed capital		482,102		-	482,102
Total equity at end of financial year		65,645	(47,795)	-	17,850

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

CASH FLOW STATEMENT

for the financial year ended 30 June 2009

	Notes	2009 \$	2008 \$
Receipts			
Receipts from Department of Justice		5,715,123	5,468,663
Other receipts		286,364	-
Total receipts		6,001,487	5,468,663
Payments			
Payments to suppliers and employees		(5,926,209)	(5,494,434)
Total payments		(5,926,209)	(5,494,434)
Net cash from / (used in) operating activities	20(b)	75,278	(25,771)
Cash flows from investing activities			
Payments for non-financial assets		(95,475)	-
Proceeds from sale of non-financial assets			17,049
Net cash from / (used in) investing activities		(95,475)	17,049
Proceeds from interest bearing liabilities		42,928	8,722
Repayment of interest bearing liabilities		(32,489)	-
Owner contributions by State Government		9,758	
Net cash from / (used in) financing activities		20,197	8,722
Net increase (decrease) in cash and cash equivalents		-	-
Cash and cash equivalents at the beginning of the financial year		500	500
Cash and cash equivalents at the end of the financial year	20(a)	500	500

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

NOTES TO THE FINANCIAL STATEMENTS

30 June 2009

Note 1: Summary of accounting policies

(a) Statement of compliance

The financial report is a general purpose financial report which has been prepared on an accrual basis in accordance with the *Financial Management Act 1994*, and applicable Australian Accounting Standards and Interpretations (AASs). AASs include Australian equivalents to International Financial Reporting Standards.

In complying with AASs, the entity has, where relevant, applied those paragraphs applicable to not-for-profit entities.

(b) Scope and presentation of financial statements

Early adoption of AASB 101 (September 2007)

As a result of a state wide policy to improve consistency in public sector reporting, the Commission has revised the presentation of its complete set of financial statements to align with the AASB 1049 presentation format, used in the Financial Report for the State and the general government sector.

In addition, the Commission has also early adopted the September 2007 version of AASB 101.

In keeping with AASB 101 (September 2007) this complete set of financial statements includes the following changes:

(a) the notion of:

- 'a complete set of financial statements' rather than using 'financial report';
- 'changes in equity' rather than 'movements in equity'; and
- 'transactions with owners in their capacity as owners' rather than 'transactions with owners as owners'.

(b) references to equity holders as *owner*.

Some of the changes applied to the financial statements and notes as a result of alignment to AASB 1049 that are allowable under the AASB 101 (September 2007) include the following:

- extended operating statement incorporating non-owner changes in equity, which is now referred to as comprehensive operating statement;
- items being presented by liquidity order in the balance sheet;
- the inclusion of a limited number of Government Finance Statistics (GFS) classifications, such as income or expenses from transactions, and other economic flows.

Comprehensive operating statement

The comprehensive operating statement includes items previously included in the statement of changes in equity. Income and expenses in the comprehensive operating statement are separated into either 'transactions' or 'other economic flows'.

Balance sheet

Items of assets and liabilities in the balance sheet are:

- ranked in liquidity order;
- aggregated into financial and non-financial assets;
- classified according to GFS terminology, but retain measurement and disclosure rules under existing accounting standards applicable to the Commission; and
- current versus non-current assets and liabilities are disclosed in the notes where relevant.

Statement of changes in equity

The statement of changes in equity presents reconciliation of each non-owner and owner equity opening balance at the beginning of the year to the closing balance at the end of the year, showing separately movements due to amounts recognised in the comprehensive result and amounts recognised in equity related to transactions with owners in their capacity as owners.

Cash flow statement

The cash flow statement classifies flows by operating, investing and financing activities in accordance with AASB 107 Cash Flow Statements.

There were no significant changes due to alignment of the Commission's financial statements presentation formats to AASB 1049.

(c) Basis of preparation

The financial statements have been prepared on a historical cost basis, except for the revaluation of certain non-current assets and financial instruments. Cost is based on the fair value of the consideration given in exchange for assets.

In the application of Australian Accounting Standards management is required to make judgements, estimates and assumptions about carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis of making the judgements. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period or in the period of the revision and future periods if the revision affects both current and future periods.

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 real underlying transactions or other events is reported.

Note 1: Summary of accounting policies (continued)

The accounting policies set out below have been applied in preparing the financial statements for the year ended 30 June 2009, and the comparative information presented in these financial statements for the year ended 30 June 2008.

(d) Reporting entity

On January 1 2007, section 3 of the Charter of Human Rights & Responsibilities Act 2006 and a consequential amendment to section 4(1) of the Equal Opportunity Act 1995 amended the name of the Equal Opportunity Commission Victoria to the Victorian Equal Opportunity and Human Rights Commission, ("the Commission").

The Commission was established under the Victorian Equal Opportunity Act 1995. The Commission's policy, investigation, conciliation, educative and research powers and functions are set out in sections 161 and 162 of the Act. The Commission's Charter powers and functions are set out in sections 40-42 of the Charter of Human Rights & Responsibilities Act 2006. The Commission is an independent statutory authority accountable to Parliament.

The Commission is responsible for the administration of the Equal Opportunity Act and Racial and Religious Tolerance Act and has expanded powers under the Charter of Human Rights & Responsibilities.

(e) Objectives and funding

The Commission's objectives are to uphold human rights, eliminate unlawful discrimination and promote equal opportunity in Victoria through:

- Informing and educating Victorians about the Charter of Human Rights and Responsibilities and their rights and responsibilities under the Equal Opportunity Act and Racial and Religious Tolerance Act.
- Providing a fair and impartial, confidential and free complaint resolution service for parties to complaints of discrimination and racial or religious vilification.
- Undertaking research on identifying discrimination and equal opportunity issues and advising Government on discriminatory legislation.
- Monitoring the operation of the Charter of Human Rights and Responsibilities and presenting the Attorney General with an annual Charter report.
- Intervening in court or tribunal proceedings that involve interpretation or application of the Charter (as of 1 January 2008).
- Reviewing a public authority's programs and practices to determine their compatibility with human rights when requested.

- Reviewing the effect of statutory provisions and the common law on human rights and providing a report to the Attorney-General, when requested.
- Assisting the Attorney-General in a review of the Charter after the first four years of its operation.

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

(f) 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. The Department of Justice 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 Department of Justice's financial statements.

(g) Income from transactions

All income received by the Commission is generally required to be paid into the Consolidated Fund.

Income becomes controlled by the Commission when it is granted from the Department of Justice. Additionally, the Commission is permitted under section 29 of the Financial Management Act 1994 to have certain revenue annotated to the annual grant. The revenue 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 revenue recognition, section 29 provides for an equivalent amount to be added to the annual grant.

Government Grants

Revenue 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.

Other income

Other income from third parties are recognised as revenue in the reporting period in which the Commission gains control over the underlying assets.

NOTES TO THE FINANCIAL STATEMENTS CONT.

Note 1: Summary of accounting policies (continued)

Consultancy revenue

Revenue from the provision of consultancy services to other government departments and the private sector (refer note 1(e)) is recognised by reference to the stage completion of the contract. The revenue is recognised when:

- The amount of the revenue, stage of completion and transaction costs incurred can be reliably measured; and
- It is probable that the economic benefits associated with the transaction will flow to the Commission.

The stage of completion is measured by reference to labour hours incurred to date as a percentage of estimated total labour hours for each contract.

(h) Expenses from transactions

Grants and other payments

Grants and other payments to third parties are recognised as an expense in the reporting period in which they are paid or payable.

Employee benefits

Employee benefits expenses include all costs related to employment including wages and salaries, leave entitlements, redundancy payments and superannuation contributions. These are recognised when incurred, except for contributions in respect of defined benefit plans.

Superannuation

Defined benefit plans

The amount charged to the comprehensive operating statement in respect of defined benefit plan superannuation represents the contributions made by the Commission

Commission to the superannuation plan in respect of the current services of current Commission staff. Superannuation contributions are made to the plans based on the relevant rules of each plan.

The Department of Treasury and Finance centrally recognises the defined benefit liability or surplus of Commission employees in such funds.

Amounts to defined contribution superannuation plans are expensed when incurred.

Depreciation

Depreciation is provided on plant and equipment. Depreciation is generally calculated on a straight-line basis so as to write off the net cost or other revalued amount of each asset over its expected useful life to its estimated residual value. Leasehold improvements are depreciated over the period of the lease or estimated useful life, whichever is 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.

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

	2009	2008
Plant and equipment	3 – 10 years	3 – 10 years
Leasehold improvements	5 – 10 years	5 – 10 years

Other operating expenses

Supplies and services

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

Finance costs

Finance costs are recognised as expenses in the period in which they are incurred and include finance lease charges.

Impairment of assets

If there is an indication of impairment, the assets concerned are tested as to whether their carrying value exceeds their possible recoverable amount.

Where an asset's carrying value exceeds its recoverable amount, the difference is written off as a transaction expense except to the extent that the write-down can be debited to an asset revaluation reserve amount applicable to that class of asset.

It is deemed that, in the event of the loss of an asset, the future economic benefits arising from the use of the asset will be replaced unless a specific decision to the contrary has been made. The recoverable amount for most assets is measured at the higher of depreciated replacement cost and fair value less costs to sell.

The recoverable amount for assets held primarily to generate net cash inflows is measured at the higher of the present value of future cash flows expected to be obtained from the asset and fair value less costs to sell.

Note 1: Summary of accounting policies (continued)

(i) Financial assets

Cash and cash equivalents

Cash and cash equivalents comprise cash on hand.

Receivables

Receivables consist predominantly of amounts receivable from the Department of Justice. In addition, receivables also include debtors in relation to goods and services. Receivables are recognised initially at fair value.

Leases

Leases are classified as finance leases whenever the terms of the lease transfer substantially all the risks and rewards of ownership to the lessee. All other leases are classified as operating leases. Finance leases are 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 leased asset is depreciated over the shorter of the estimated useful life of the asset or the term of the lease. Minimum lease payments are allocated between the principal component of the lease liability, and the interest expense calculated using the interest rate implicit in the lease, and charged directly to the comprehensive operating statement. 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.

Plant and equipment

Plant, equipment and vehicles are measured at cost less accumulated depreciation and impairment.

Cultural depreciated assets and collections, heritage assets and other non-current physical assets that the State intends to preserve because of their unique historical, cultural or environmental attributes are measured at the cost of replacing the asset less, where applicable, accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefits of the asset.

Revaluation of non-current physical assets

Non-current physical assets measured at fair value are revalued in accordance with FRDs issued by Minister for Finance. This revaluation process normally occurs every five years, based upon the asset's Government Purpose Classification.

Revaluation increases or decreases arise from differences between carrying value and fair value. Revaluation increases are credited directly to equity in the revaluation reserve, except that, to the extent that an increase reverses a revaluation decrease in respect of that class of asset previously recognised as an expense (other economic flows) in the net result, the increase is recognised as income (other economic flows) in determining the net result. Revaluation decreases are recognised immediately as expenses (other economic flows) in the net result, except that, to the extent that a credit balance exists in the revaluation reserve in respect of the same class of assets, they are debited to the revaluation reserve. Revaluation increases and revaluation decreases relating to individual assets within an asset class are offset against one another within that class but are not offset in respect of assets in different classes.

Revaluation reserves are not normally transferred to accumulated surplus on de-recognition of the relevant asset.

(j) Liabilities

Payables

Payables consist predominantly of creditors and other sundry liabilities. They represent liabilities for goods and services provided to the Commission that are unpaid prior to the end of financial year. Payables are initially measured at fair value, being the cost of the goods and services, and then subsequently measured at amortised cost.

Interest bearing liabilities

Interest bearing liabilities are recorded initially at fair value, being the cost of the interest bearing liabilities, net of transaction costs. Subsequent to initial recognition, interest bearing liabilities are measured at amortised cost with any difference between the initial recognised amount and the redemption value being recognised in profit and loss over the period of the interest bearing liability using the effective interest rate method.

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 reporting date, 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. Details of provisions are set out in Note 9.

NOTES TO THE FINANCIAL STATEMENTS CONT.

Note 1: Summary of accounting policies (continued)

Employee benefits

(i) Wages and salaries, annual leave and sick leave

Liabilities for wages and salaries, including non-monetary benefits, annual leave and accumulating sick leave expected to be settled within 12 months of the reporting date are recognised in the provision for employee benefits in respect of employee services up to the reporting date, classified as current liabilities and measured at their nominal values. Those liabilities that are not expected to be settled within 12 months are recognised in the provision for employee benefits as current liabilities, measured at present value of the amounts expected to apply at the time of settlement.

(ii) Long service leave

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

• Current liability – unconditional LSL

is disclosed 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:

present value - component that the Commission does not expect to settle within 12 months; and

nominal value - component that the Commission expects to settle within 12 months.

• Non-current liability – 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.

Employee benefits on-costs

Employee benefits on-costs (payroll tax, workers compensation, superannuation, annual leave and LSL accrued while on LSL taken in service) are recognised separately from provision for employee benefits.

(k) Equity

Contribution 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.

(l) Cash flow statement

For the purposes of the cash flow statement, cash comprises cash on hand.

(m) Rounding of amounts

Amounts in the financial report have been rounded to the nearest dollar.

(n) Going concern basis

The Commission is ultimately part of the State Government of Victoria which guarantees payment of the Commission's debts as and when they are due.

Accordingly, these accounts have been prepared on a going concern basis.

(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 and, if quantifiable, are measured at nominal value inclusive of GST receivable and payable respectively.

(p) Commitments

Commitments include those operating, capital and other outsourcing commitments arising from non-cancellable contractual or statutory sources and are disclosed at their nominal value and inclusive of the GST payable.

(q) Other economic flows included in 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.

(r) New accounting standards and interpretations

As at 30 June 2009, the following standards and interpretations had been issued but were not mandatory for financial year ending 30 June 2009.

The Commission has not adopted and does not intend to adopt these standards early.

Note 1: Summary of accounting policies (continued)

Standard / Interpretation	Summary	Applicable for annual reporting periods beginning or ending on	Impact on Commission financial statements
AASB 2007-3 <i>Amendments to Australian Accounting Standards</i> arising from AASB 8, [AASB 5, AASB 6, AASB 102, AASB 107, AASB 119, AASB 127, AASB 134, AASB 136, AASB 1023, and AASB 1038]	An accompanying amending standard also introduced consequential amendments into other Standards.	Beginning 1 January 2009	AASB 8 does not apply to not-for-profit entities therefore amendments arising from AASB 8 will have an insignificant impact.
AASB 8 Operating Segments	Supersedes AASB 114 <i>Segment Reporting</i>	Beginning 1 January 2009	Not applicable
AASB 123 Borrowing Costs	Option to expense borrowing cost related to a qualifying asset had been removed. Entities are now required to capitalise borrowing costs relevant to qualifying assets. In February 2009, the AASB decided that not-for-profit public sector entities could continue to expense borrowing costs attributable to qualifying assets pending the outcome of various IPSASB/AASB projects	Beginning 1 January 2009	The Commission continues to expense borrowing costs.
AASB 2007-10 Further Amendments to Australian Accounting Standards arising from AASB 101	This Amending Standard changes the term 'general purpose financial report' to 'general purpose financial statements' and the term 'financial report' to 'financial statements'.	Beginning 1 January 2009	Impact is insignificant.
AASB 2008-1 Amendments to Australian Accounting Standard – Share-based Payments: Vesting Conditions and Cancellations	These amendments clarify that vesting conditions comprise service conditions and performance conditions only and that other features of a share-based payment transaction are not vesting conditions.	Beginning 1 January 2009	Impact expected to be insignificant to the Commission.
AASB 2008-2 Amendments to Australian Accounting Standards Puttable Financial Instruments and Obligations arising on Liquidation	This Amending Standard introduces an exception to the definition of financial liability, to classify as equity instruments certain puttable financial instruments and certain instruments that impose on an entity an obligation to deliver to another party a pro rata share of the net assets of the entity only on liquidation of the entity.	Beginning 1 January 2009	Not applicable to not for profit entities.
AASB 2008-5. Amendments to Australian Accounting Standards arising from the Annual Improvements Project [AASBs5, 7, 101, 102, 107, 108, 110, 116, 118, 119, 120, 123, 127, 128, 129, 131, 132, 134, 136, 138, 139, 140, 141, 1023 & 1038]	A suite of amendments to existing standards following issuance of IASB Standard Improvements to IFRSs in May 2008. Some amendments result in accounting changes for presentation, recognition and measurement purposes.	Beginning 1 January 2009	Impact is being evaluated.
AASB 2008-7 Amendments to Australian Accounting Standards Cost of an Investment in a Subsidiary, Jointly Controlled Entity or Associate [AASB 1, AASB 118, AASB 121, AASB 127 & AASB 136]	Changes mainly relate to treatment of dividends from subsidiaries, associates and jointly controlled entities.	Beginning 1 January 2009	Impact is being evaluated.

NOTES TO THE FINANCIAL STATEMENTS CONT.

Note 1: Summary of accounting policies (continued)

Standard / Interpretation	Summary	Applicable for annual reporting periods beginning or ending on	Impact on Commission financial statements
Interpretation 15 -Agreements for the Construction of Real Estate [AASB 118]	This Interpretation addresses two issues: 1. Is the agreement within the scope of AASB 111 <i>Construction Contracts</i> or AASB 118 <i>Revenue</i> ? 2. When should revenue from the construction of real estate be recognised?	Beginning 1 January 2009	Impact is being evaluated.
AASB 2008 9 Amendments to AASB 1049 for Consistency with AASB 101	Amendments to AASB 1049 for consistency with AASB 101 (September 2007) version.	Beginning 1 January 2009	Not applicable to public sector entities except for certain presentation formats.
AASB 2009-1 Amendments to Australian Accounting Standards - Borrowing Costs of Not-for-Profit Public Sector Entities [AASB 1, AASB 111 & AASB 123]	The amendments arise from the AASB's review of the requirement in AASB 123 to capitalise borrowing costs. In February 2009, the AASB decided that not for profit public sector entities could continue to expense borrowing costs attributable to qualifying assets pending the outcome of various IPSASB/AASB projects.	Operative for periods beginning on or after 1 January 2009 that end on or after 30 April 2009	The Commission continues to expense borrowing costs.
AASB 2009-2 Amendments to Australian Accounting Standards – Improving Disclosures about Financial Instruments [AASB 4, AASB 7, AASB 1023 & AASB 1038]	These amendments arise from the issuance of <i>Improving Disclosures about Financial Instruments (Amendments to IFRS 7)</i> by the IASB in March 2009. The amendments require enhanced disclosures about fair value measurements and liquidity risk.	Operative for periods beginning on or after 1 January 2009 that end on or after 30 April 2009	Impact is being evaluated.
AASB 2009-6 Amendments to Australian Accounting Standards	This standard makes numerous editorial amendments as a consequence of the issuance in September 2007 of a revised AASB 101. For example, the term 'revaluation reserve' is changed to 'revaluation surplus'.	Operative for periods beginning on or after 1 January 2009 that end on or after 30 June 2009	Impact is expected to be insignificant.
AASB 2008 3 Amendments to Australian Accounting Standards arising from AASB 3 & AASB 127 [AASB 1, 2, 4, 5, 7, 101, 107, 112, 114, 116, 121, 128, 131, 132, 133, 134, 136, 137, 138 & 139 and Interpretations 9 & 107]	This Standard gives effect to consequential editorial changes to other Australian Accounting Standards arising from revised AASB 3 and amended AASB 127.	Beginning 1 July 2009	Impact is being evaluated.
AASB 2008 6 Further Amendments to Australian Accounting Standards arising from the Annual Improvements project [AASB 1 & AASB 5]	The amendments require all the assets and liabilities of a for sale subsidiary to be classified as held-for-sale and clarify the disclosures required when the subsidiary is part of a disposal group that meets the definition of a discontinued operation.	Beginning 1 July 2009	Impact is being evaluated.
AASB 2008 8 Amendments to Australian Accounting Standards - Eligible Hedged Items [AASB 139]	The amendments to AASB 139 clarify how the principles that determine whether a hedged risk or portion of cash flows is eligible for designation as a hedged item should be applied in particular situations.	Beginning 1 July 2009	Impact is expected to be insignificant.

Note 1: Summary of accounting policies (continued)

Standard / Interpretation	Summary	Applicable for annual reporting periods beginning or ending on	Impact on Commission financial statements
AASB 2008-11 Amendments to Australian Accounting Standard - Business Combinations Among Not-for-Profit Entities [AASB 3]	This Standard makes amendments as a result of a review by the AASB, of the suitability of applying the requirements in that Standard for business combinations among not-for-profit entities. Amendments only relate to local governments.	Beginning 1 July 2009	Impact is expected to be insignificant.
AASB 2008-13 Amendments to Australian Accounting Standards arising from AASB Interpretation 17 - Distributions of Non-cash Assets to Owners [AASB 5 & AASB 110]	Some of the amendments are in respect of the classification, presentation and measurement of non-current assets held for distribution to owners in their capacity as owners.	Beginning 1 July 2009	Impact is being evaluated.
AASB 2009-4 Amendments to Australian Accounting Standards arising from the Annual Improvements Project [AASB 2 and AASB 138 and AASB Interpretations 9 & 16]	Various consequential amendments to existing standards as a result of IASB's Annual Improvement's project.	Beginning 1 July 2009	Impact is expected to be insignificant.
AASB 2009-7 Amendments to Australian Accounting Standards [AASB 5, 7, 107, 112, 136 & 139 and Interpretation 17]	A suite of amendments as a result of editorial corrections by the AASB and by the IASB, some of which relate to correcting errors made in AASB 2008-12.	Beginning 1 July 2009	Impact is being evaluated.
AASB 2009-5 Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project [AASB 5, 8, 101, 107, 117, 118, 136 & 139]	Some amendments will result in accounting changes for presentation, recognition or measurement purposes, while other amendments will relate to terminology and editorial changes.	Beginning 1 January 2010	Impact is being evaluated.

(s) Prospective accounting changes

Service concessions

In December 2007, The Australian Standards Board (AASB) decided that:

- (a) the requirements of Interpretation 12 are not obligatory for public service grantors: however
- (b) grantors are required to consider Interpretation 12 when developing their accounting policy under the hierarchy for selecting accounting policies set out in AASB 108 *Accounting Policies, Changes in Accounting Estimates and Errors*.

The AASB did not decide on a preferred accounting policy for grantors, as the International Public Sector Accounting Standards Board (IPSASB) currently has a project looking at accounting for service concessions from an international public sector perspective. The IPSASB intends to issue an Exposure Draft in December 2009, and a new IPSASB standard is expected during 2010. Any Australian public sector standard is therefore unlikely before 2010-11.

As a result of the above and the continuing uncertainty and lack of applicable accounting guidance on the recognition and measurement by the State of assets arising from some service concession arrangements, there has been no change in policy and those assets are currently not recognised.

NOTES TO THE FINANCIAL STATEMENTS CONT.

Note 1: Summary of accounting policies (continued)

Borrowing costs

In May 2007, the AASB agreed on amendments to AASB 123 *Borrowing Costs*, in respect of both for-profit entities and not-for-profit entities for application to annual reporting periods beginning on or after 1 January 2009. These amendments removed the option of recognising borrowing costs immediately as an expense, to the extent that they directly attributable to the acquisition, construction or production of a qualifying asset.

In 2008, the IPSASB considered whether to withdraw the expensing option and proposed in Exposure Draft 35 *Borrowing Costs*, retention of the expense option. In February 2009, the AASB decided to extend the option to expense borrowing cost attributable to qualifying assets for another two years while AASB continues to observe developments from IPSASB. This extension is applicable to not-for-profit public sector entities only.

Pending resolution of this matter, the State is continuing with its existing policy of expensing borrowing costs in the period in which they are incurred.

Note 2. Income from transactions

	2009 \$	2008 \$
(a) Other income		
Services provided to VicHealth in relation to racial discrimination	-	10,000
Services provided to Legal Services Board in relation to human rights education	150,000	-
Services provided to Australian Sports Commission. (education to enhance the National Integrity in Sports Framework)	136,364	-
Total other income	286,364	10,000

Note 3. Expenses from transactions

	2009 \$	2008 \$
(a) Employee benefits		
Salary & wages	(3,230,450)	(2,978,709)
Superannuation	(323,755)	(301,420)
Annual leave and long service leave	(357,190)	(447,461)
Other on-costs (fringe benefits tax, payroll tax and workcover levy)	(225,506)	(216,254)
Total employee benefits	(4,136,901)	(3,943,844)
(b) Depreciation and amortisation		
Depreciation of non-current assets	(30,903)	(31,206)
Amortisation of non-current assets	(43,991)	-
Total depreciation and amortisation	(74,894)	(31,206)
(c) Interest expense		
Finance lease costs	(5,632)	(5,273)
Total interest expense	(5,632)	(5,273)

Note 3. Expenses from transactions (continued)

	2009 \$	2008 \$
(d) Other operating expenses		
Supplies and services:		
Travel, carparking and accommodation	(74,376)	(71,714)
Printing, stationery and office consumables ^(a)	(482,924)	(311,522)
Postage and communication	(94,186)	(87,288)
Contractors and professional services	(361,196)	(386,436)
Rent and property services ^(b)	(534,235)	(407,308)
Information technology ^(c)	(122,075)	(83,425)
Utilities and maintenance ^(d)	(29,292)	(33,530)
Training and development ^(e)	(171,123)	(100,077)
Total supplies and services	(1,869,407)	(1,481,300)
Grants and subsidies ^(f)	(24,545)	(79,564)
Motor vehicles	4,697	(10,416)
Insurance premiums (non MV)	(865)	-
ASIC/title searches	(4,226)	(1,034)
Honorarium payments	(4,540)	(4,748)
Display costs - events/shows ^(g)	(38,201)	(10,979)
Interpreter services ^(h)	(19,266)	(11,978)
Police/hospital records search	(767)	(702)
Membership subscriptions to professional bodies	(7,221)	(7,555)
Medical/vaccination costs	(188)	(183)
Operating expense recoup	(676)	(265)
Purchasing card	(83)	(3,268)
Audit services ⁽ⁱ⁾	(19,545)	(16,200)
Other financing costs (other than interests)	(733)	(884)
Total other operating expenses	(1,985,566)	(1,629,076)

Material variances are explained as follows:

- | | |
|---|---|
| <p>(a) Advertising to raise awareness of the Commission's services (particularly address concerns that people may be reluctant to complain in tough economic climate), reprinting of brochures and publications, redevelopment of major educational resources for fee for service training.</p> <p>(b) Annual rent increase.</p> <p>(c) Upgrade of training room: purchase of audio equipment hearing loop and projector to enable better delivery of training.</p> <p>(d) Reduced need for maintenance as a result of work done the previous year.</p> | <p>(e) Cost of venue hire for the Human Rights Conference, that is included in this expenditure category.</p> <p>(f) Some grants were once off last year and therefore not repeated this year.</p> <p>(g) Other costs of staging the Human Rights Conference including video link with international presenter.</p> <p>(h) Increased interpreting requirements for complainants and translation of publications and advertising material into languages other than English.</p> <p>(i) Annual increase in cost of audit</p> |
|---|---|

NOTES TO THE FINANCIAL STATEMENTS CONT.

Note 4. Other economic flows included in net result

	2009 \$	2008 \$
(a) Other gains/(losses) from other economic activities		
Net gain/(loss) arising from revaluation of long service leave liability ^(a)	(20,204)	2,768
Total other gains/(losses) from other economic activities	(20,204)	2,768

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

Note 5. Receivables

	2009 \$	2008 \$
Current receivables		
Contractual		
Debtors	5,536	5,536
	5,536	5,536
Statutory		
Amounts owing from Department of Justice ^(a)	1,220,151	796,985
	1,220,151	796,985
Total current receivables	1,225,687	802,521
Non-current receivables		
Amount owing from Department of Justice ^(a)	111,103	92,614
Total non-current receivables	111,103	92,614
Total receivables	1,336,790	895,135

(a) The amounts recognised from Department of Justice represent funding for commitments incurred through the appropriations and are drawn as the commitments fall due.

(a) Maturity analysis of receivables

Please refer to Note 9 for the ageing analysis of receivables

(b) Nature and extent of risk arising from receivables

Please refer to Note 9(c) for the nature and extent of credit risk arising from receivables.

Note 6. Plant and equipment

	2009 \$	2008 \$
Leasehold improvements at cost	941,633	885,038
Less: accumulated amortisation	(929,029)	(885,038)
	12,604	-
Plant and equipment:		
Plant and equipment at cost	56,292	68,305
Less: accumulated depreciation	(45,604)	(54,620)
	10,688	13,685
Motor vehicles under lease:		
Motor vehicles under lease at cost	55,059	88,067
Less: accumulated amortisation	(32,410)	(33,464)
	22,649	54,603
Net carrying amount of plant and equipment	45,942	68,288

Classification by 'Purpose Groups' - Carrying amounts

	Public Administration	
	2009	2008
Nature-based classification		
Leasehold improvements	12,604	-
Plant & equipment	10,688	13,686
Motor vehicles under lease	22,649	54,602
Net carrying amount of Property, Plant & Equipment	45,942	68,288

NOTES TO THE FINANCIAL STATEMENTS CONT.

Note 6. Plant and equipment (continued)

Classification by 'Public Administration' Purpose Group - Movements in carrying amounts

	Leasehold Improvements \$		Plant & equipment \$		Motor vehicles under lease \$		Total	
	2009	2008	2009	2008	2009	2008	2009	2008
Opening balance	-	-	13,686	23,973	54,602	95,474	68,288	119,447
Additions	56,595	-	5,945	-	32,935	43,214	95,475	43,214
Disposals	-	-	-	-	(42,928)	(16,836)	(42,928)	(16,836)
Transfers	-	-	-	-	-	(46,331)	-	(46,331)
Depreciation/ amortisation expense	(43,991)	-	(8,943)	(10,286)	(21,960)	(20,920)	(74,894)	(31,207)
Closing Balance	12,604	-	10,688	13,686	22,649	54,602	45,942	68,288

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

Leasehold improvements 3 – 10 years

Plant and equipment 3 – 10 years

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

Note 7. Payables

	2009 \$	2008 \$
Current payables		
Contractual		
Trade creditors ^(a)	108,398	56,756
Accruals – expenses ^(a)	71,214	68,424
Accruals – salaries	134,710	74,821
	314,322	200,001

Note:

^(a) 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 10 for the ageing analysis of payables.

(b) Nature and extent of risk arising from payables

Please refer to Note 10(c) for the nature and extent of risks arising from payables.

Note 8. Interest bearing liabilities

	2009 \$	2008 \$
Current		
Secured:		
At amortised cost:		
Finance lease liabilities ^(a) (note 17)	24,840	49,274
Total current interest bearing liabilities	24,840	49,274
Non-current		
Secured:		
At amortised cost :		
Finance lease liabilities ^(a) (note 17)	22,467	30,520
Total non-current interest bearing liabilities	22,467	30,520
Total interest bearing liabilities	47,307	79,794

Note:

^(a) Secured by the assets leased.

Lease liabilities are effectively secured as the rights to the leased assets revert to the lessor in the event of default.

(a) Maturity analysis of interest bearing liabilities

Please refer to Note 10 for the ageing analysis of interest bearing liabilities

(b) Nature and extent of risk arising from interest bearing liabilities

Please refer to Note 10(c) for the nature and extent of risks arising from interest bearing liabilities

NOTES TO THE FINANCIAL STATEMENTS CONT.

Note 9. Provisions

	2009 \$	2008 \$
Current		
Employee Benefits ^(a) (note 9(a))		
Unconditional and expected to be settled within 12 months ^(b)	398,410	322,994
Unconditional and expected to be settled after 12 months ^(c)	159,868	161,902
	558,278	484,897
Provisions related to employee benefit on-costs		
Unconditional and expected to be settled within 12 months ^(b)	78,435	64,264
Unconditional and expected to be settled after 12 months ^(c)	25,859	24,502
	104,294	88,767
Total current provisions	662,572	573,663
Non-current		
Employee Benefits ^(a) (note 9(a))	96,899	80,480
Provisions related to employee benefit on-costs	14,583	12,134
Total non-current provisions	111,481	92,614
Total provisions^(d)	774,053	666,277

(a) Employee benefits ^(a) and related on-costs

	2009 \$	2008 \$
Current employee benefits:		
Annual leave entitlements	140,736	122,019
Unconditional long service leave entitlements	417,541	362,878
	558,277	484,897
Non-current employee benefits:		
Conditional long service leave entitlements	96,899	80,480
Total employee benefits	655,176	565,377
Current on-costs	104,294	88,767
Non-current oncosts	14,583	12,134
Total on-costs	118,877	100,900
Total employee benefits and related on-costs	774,053	666,277

(a) Provisions for employee benefits consist of amounts for annual leave and long service leave accrued by employees, not including on costs

(b) The amounts disclosed are nominal amounts.

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

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

Note 9. Provisions (continued)

(b) Movement in provisions

	On-costs 2009 \$
Long service leave:	
Opening balance	66,844
Additional provisions recognised	13,482
Reductions arising from payments etc.	(2,905)
Closing balance	77,421
Annual leave:	
Opening balance	34,056
Additional provisions recognised	73,622
Reductions arising from payments etc.	(66,222)
Closing balance	41,456
Closing balance (long service and annual leave)	118,877
Current	104,294
Non-current	14,583
	118,877

NOTES TO THE FINANCIAL STATEMENTS CONT.

Note 10. Financial instruments

The following table discloses the ageing only of financial assets that are past due but not impaired:

Ageing analysis of financial assets ^(a)

		Past due but not impaired					
	Carrying amount	Not past due and not impaired	Less than 1 month	1 – 3 months	3 months – 1 year	1 – 5 years	Impaired financial assets
	\$	\$	\$	\$	\$	\$	\$
2009							
Financial Assets							
Cash and cash equivalents	500	500	-	-	-	-	-
Trade and other receivables	5,536	5,536	-	-	-	-	-
	6,036	6,036	-	-	-	-	-
2008							
Financial Assets							
Cash and cash equivalents	500	500	-	-	-	-	-
Trade and other receivables	5,536	5,536	-	-	-	-	-
	6,036	6,036	-	-	-	-	-

Note:

^(a) Ageing analysis of financial assets must exclude the types of statutory financial assets (e.g. Amounts owing from Victorian Government)

Note 10. Financial instruments (continued)

(a) Financial risk management objectives and policies

The Commission's principal financial instruments comprise of:

- cash assets;
- receivables (excluding statutory receivables);
- payables (excluding statutory payables);
- 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 carrying amounts of the Commission's financial assets and financial liabilities by category are shown below.

Categorisation of financial instruments

	2009	2008
Financial assets		
Cash and cash equivalents	500	500
Receivables	5,536	5,536
Total financial assets ^(a)	6,036	6,036
Financial liabilities		
Payables	314,322	200,001
Finance lease liabilities	47,307	79,794
Total financial liabilities ^(b)	361,629	279,795

Note:

^(a) The total amount of financial assets disclosed here excludes statutory receivables (i.e. Amounts owing from Victorian Government)

^(b) The total amount of financial liabilities disclosed here excludes statutory payables (i.e. Taxes payable).

(b) Credit risk

Credit risk arises from the 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 financial assets is calculated based on past experience, and current and expected changes in client credit ratings.

Credit risk exposure

The carrying amount of financial assets recorded in these 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.

As at the reporting date, there is no event to indicate that any of the financial assets were impaired.

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.

NOTES TO THE FINANCIAL STATEMENTS CONT.

Note 10. Financial instruments (continued)

(c) Liquidity risk

Liquidity risk arises when the Commission is unable to meet its obligations as 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 the resolution.

The Commission's exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk. Maximum exposure to liquidity risk is the carrying amounts of financial liabilities as disclosed in the face of the Balance Sheet.

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

Maturity analysis of financial liabilities

	Carrying amount	Nominal amount	Maturity dates ^(a)			
			Less than 1 month	1 – 3 months	3 months – 1 year	1 – 5 years
	\$	\$	\$	\$	\$	\$
2009						
Financial liabilities						
Payables	314,322	314,322	314,322	-	-	-
Finance lease liabilities	47,307	50,651	19,600	1,309	5,886	23,856
	361,629	364,973	333,922	1,309	5,886	23,856
2008						
Financial liabilities						
Payables	200,001	200,001	200,001	-	-	-
Finance lease liabilities	79,794	86,206	12,855	4,363	35,774	33,214
	279,795	286,207	212,856	4,363	35,774	33,214

Note:

^(a) The amounts disclosed are the contractual undiscounted cash flows of each class of financial liabilities.

Note 10. Financial instruments (continued)

(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
	%	\$	\$	\$	\$
2009					
Financial Assets					
Cash and cash equivalents		500			500
Trade and other receivables		5,536			5,536
		6,036			6,036
Financial Liabilities					
Payables		314,322	-	-	314,322
Finance lease liabilities	7.04%	47,307	47,307	-	
		361,629	47,307	-	314,322
2008					
Financial Assets					
Cash and cash equivalents		500			500
Trade and other receivables		5,536			5,536
		6,036			6,036
Financial Liabilities					
Payables		200,001	-	-	200,001
Finance lease liabilities	6.94%	79,794	79,794	-	
		279,795	79,794	-	200,001

(e) Fair value

Management consider that the carrying amount of financial assets and financial liabilities of the Commission approximates their fair values, because of the short term nature of the financial instruments and the expectation that they will be paid in full.

NOTES TO THE FINANCIAL STATEMENTS CONT.

Note 11. 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 are as follows:

Attorney-General	The Hon. Rob Hulls, MP	1 July 2008 – 30 June 2009
Acting Attorney-General	John Lenders, MLC	22 August 2008 – 6 September 2008
	The Hon. Bob Cameron, MP	16 October 2008 – 26 October 2008
	John Lenders, MLC	20 December 2008 – 4 January 2009
	The Hon. Peter Batchelor, MP	5 January 2009 – 7 January 2009
	The Hon. Bob Cameron, MP	3 April 2009 – 9 April 2009
	The Hon. Bob Cameron, MP	23 April 2009 – 26 April 2009
	The Hon. Tony Robinson, MP	26 June 2009 – 30 June 2009
Secretary to the Department of Justice	Ms P Armytage	1 July 2008 - 30 June 2009
Acting Secretary to the Department of Justice	Dr Claire Noone	5 June 2009 - 12 June 2009

The people who held positions as Commission Members are as follows:

Chairperson	Mr Michael Gorton, AM	1 July 2008 to 30 June 2009
Chief Conciliator/Chief Executive Officer	Dr Helen Szoke	1 July 2008 to 30 June 2009
Commission Member	Mr Jamie Gardiner	1 July 2008 to 30 June 2009
Commission Member	Ms Padma Raman	1 July 2008 to 30 June 2009
Commission Member	Ms Karen Jackson	1 July 2008 to 30 June 2009

Remuneration

Remuneration received or receivable by each Commission Member and Accountable Officer in connection with the management of the Commission during the reporting period was in the range:

Income Band	Total Remuneration		Base Remuneration	
	2009	2008	2009	2008
\$0 – \$9,999	2	2	2	2
\$10,000 – \$19,999	1	1	1	1
\$20,000 – \$29,999	1	-	1	-
\$30,000 – \$39,999	-	1	-	1
\$150,000 – \$159,999	-	-	-	-
\$160,000 – \$169,999	-	1	-	1
\$170,000 – \$179,999	1	-	1	-
Total numbers	5	5	5	5
Total amount	214,701	236,042	214,701	236,042

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 and Acting Secretary to the Department of Justice is reported in the financial statements of the Department of Justice.

Note 12. Remuneration of executives

The accountable officer is also the Chief Executive Officer whose remuneration has been disclosed under note 11 as part of the responsible persons disclosure.

Note 13. Related parties

During the year, the Commission's Board Members included Ms Padma Raman, who is employed by the Department of Justice.

During the financial year, the Commission and the Department conducted business transactions at arms length and at normal commercial terms.

Other transactions

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

Note 14. Remuneration of auditors

	2009 \$	2008 \$
Victorian Auditor General's Office		
Audit of the financial statements	19,545	16,200
	19,545	16,200

Note 15. Commitments for expenditure

(a) Capital expenditure

There are no commitments for capital expenditure as at 30 June 2009 (2008:\$Nil).

(b) Lease commitments

Finance lease liabilities and non-cancellable operating lease commitments are disclosed in Note 17 to the financial statements.

Note 16. Contingent liabilities and contingent assets

There are no contingent liabilities or contingent assets as at 30 June 2009 (2008:\$Nil).

NOTES TO THE FINANCIAL STATEMENTS CONT.

Note 17. Leases

Leasing arrangements

Finance leases relate to motor vehicles with maximum lease terms of 3 years.

Finance lease liabilities

	Minimum future lease payments		Present value of minimum future lease payments	
	2009 \$	2008 \$	2009 \$	2008 \$
Not longer than 1 year	26,795	52,992	47,307	79,794
Longer than 1 year and not longer than 5 years	23,855	33,214	-	-
Longer than 5 years	-	-	-	-
Minimum future lease payments *	50,651	86,206	47,307	79,794
less: Future finance charges	(3,344)	(6,412)	-	-
Present value of minimum lease payments	47,307	79,794	47,307	79,794
Included in the financial statements as:				
Current interest bearing liabilities (note 8)			24,840	49,274
Non-current interest bearing liabilities (note 8)			22,467	30,520
			47,307	79,794

The weighted average interest rate implicit in the leases is 7.04% (2008:6.94%)

* Minimum lease payments include the aggregate of all lease payments and any guaranteed residual.

Leasing arrangements

Operating leases relate to buildings.

	2009 \$	2008 \$
Non-cancellable operating leases		
Not longer than 1 year	406,863	322,800
Longer than 1 year and not longer than 5 years	-	295,900
Longer than 5 years	-	-
	406,863	618,700

Note 18. 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 financial report.

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 and details of the major employee superannuation funds and contributions made by the Commission are as follows:

Fund	Contribution for the year 2009 \$	Contribution for the year 2008 \$	Contribution outstanding at year end 2009 \$	Contribution outstanding at year end 2008 \$
Government Superannuation Scheme – revised and new	31,386	34,393	-	-
Victorian Superannuation Fund – Accumulation	200,238	189,571	-	-
Various Other	92,131	77,456	-	-
Total	323,755	301,420	-	-

The bases for contributions are determined by the various schemes.

The above amounts were measured as at 30 June of each year, or in the case of employer contributions they relate to the years ended 30 June.

Note 19. Subsequent Events

There are no material events occurring after balance date that need to be reported.

NOTES TO THE FINANCIAL STATEMENTS CONT.

Note 20. Notes to cash flow statement

	2009 \$	2008 \$
(a) Reconciliation of cash and cash equivalents		
Total cash and cash equivalents disclosed in the balance sheet	500	500
Balance as per cash flow statement	500	500

(b) Reconciliation of net result for the year to net cash flows from operating activities.

	2009 \$	2008 \$
Net result for the period	219,945	(47,795)
Non-cash movements:		
(Gain) or loss on sale or disposal of non-current assets	-	(213)
Depreciation and amortisation of non-current assets	74,894	31,206
Movements in assets and liabilities		
(Increase)/decrease in current receivables	(423,166)	(60,124)
(Increase)/decrease in non-current receivables	(18,489)	(29,836)
Increase/(decrease) in current payables	114,321	(19,725)
Increase/(decrease) in current provisions	88,909	70,880
Increase/(decrease) in non-current provisions	18,867	29,836
Net cash flows from/(used in) operating activities	75,281	(25,771)

Note 21. Glossary of Terms

Actuarial gains or losses on superannuation defined benefit plans

Actuarial gains or losses reflect movements in the superannuation liability resulting from differences between the assumptions used to calculate the superannuation expense from transactions and actual experience.

Associates

Associates are all entities over which an entity has significant influence but not control, generally accompanying a shareholding and voting rights of between 20 per cent and 50 per cent

Comprehensive result

Total comprehensive result is the change in equity for the period other than changes arising from transactions with owners. It is the aggregate of net result and other non-owner changes in equity

Commitments

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

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.

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 directly 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.

Grants for on-passing

All grants paid to one institutional sector (e.g. a State general government) to be passed on to another institutional sector (e.g. local government or a private non-profit institution).

Financial statements

Depending on the context of the sentence where the term 'financial statements' is used, it may include only the main financial statements (i.e. comprehensive operating statement, balance sheet, cash flow statements, and statement of changes in equity); or it may also be used to replace the old 'financial report' under the revised AASB101 (Sept. 2007), which means it may include the main financial statements and the notes.

Intangible assets

Intangible assets represent identifiable non-monetary assets without physical substance.

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.

NOTES TO THE FINANCIAL STATEMENTS CONT.

Note 21. Glossary of Terms (continued)

Interest revenue

Interest revenue includes interest received on bank term deposits, interest from investments, and other interest received.

Net result

Net result is a measure of financial performance of the operations for the period. It is the net result of items of revenue, gains and expenses (including losses) recognised for the period, excluding those that are classified as 'other non-owner changes in equity'.

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.

Non-financial assets

Non-financial assets are all assets that are not 'financial assets'.

Other economic flows

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-current physical and intangible assets; actuarial gains and losses arising from defined benefit superannuation plans; fair value changes of financial instruments and agricultural assets; and depletion of natural assets (non-produced) from their use or removal. In simple terms, other economic flows are changes arising from market re-measurements.

Payables

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

Receivables

Includes short and long term trade credit and accounts receivable, grants, taxes and interest receivable.

ACCOUNTABLE OFFICER'S AND CHIEF FINANCE AND ACCOUNTING OFFICER'S DECLARATION

We certify that the attached financial report for the Victorian Equal Opportunity and Human Rights Commission has been prepared in accordance with Standing Direction 4.2 of the *Financial Management Act 1994*, applicable Financial Reporting Directions, Australian accounting standards 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 notes forming part of the financial statements, presents fairly the financial transactions during the year ended 30 June 2009 and financial position of the Commission as at 30 June 2009.

We are not aware of any circumstance which would render any particulars included in the financial report to be misleading or inaccurate.

We authorise the attached financial statements for issue on 22 September 2009.

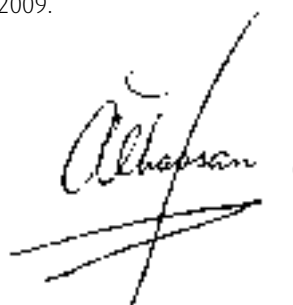


Dr Helen Szoke

Chief Conciliator/Chief Executive Officer

Victorian Equal Opportunity and
Human Rights Commission

Melbourne
22 September 2009



Yamusa Alhassan

Chief Finance and Accounting Officer

Victorian Equal Opportunity and
Human Rights Commission

Melbourne
22 September 2009

INDEPENDENT AUDITOR'S REPORT

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

The Financial Report

The accompanying financial report for the year ended 30 June 2009 of the Victorian Equal Opportunity and Human Rights Commission which comprises the comprehensive operating statement, balance sheet, statement of changes in equity, cash flow statement, a summary of significant accounting policies and other explanatory notes to and forming part of the financial report, and the Accountable officer's and chief finance accounting officers' declaration has been audited.

The Commission Members' Responsibility for the Financial Report

The 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 (including the Australian Accounting Interpretations) and the financial reporting requirements of the *Financial Management Act 1994*. This responsibility includes:

- establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error
- selecting and applying appropriate accounting policies
- making accounting estimates that are reasonable in the circumstances.

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. These Standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance 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 Commission 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)

Matters Relating to the Electronic Presentation of the Audited Financial Report

This auditor's report relates to the financial report published in both the annual report and on the website of the Victorian Equal Opportunity and Human Rights Commission for the year ended 30 June 2009. The Members of the Victorian Equal Opportunity and Human Rights Commission are responsible for the integrity of the website. I have not been engaged to report on the integrity of the website. The auditor's report refers only to the statements named above. An opinion is not provided on any other information which may have been hyperlinked to or from these statements. If users of this report are concerned with the inherent risks arising from electronic data communications, they are advised to refer to the hard copy of the audited financial report to confirm the information included in the audited financial report presented on the Victorian Equal Opportunity and Human Rights Commission website.

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.

Auditor's 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 2009 and its financial performance and cash flows for the year then ended in accordance with applicable Australian Accounting Standards (including the Australian Accounting Interpretations), and the financial reporting requirements of *Financial Management Act 1994*.

MELBOURNE
22 September 2009



D D R Pearson
Auditor-General

APPENDIX

Victorian Equal Opportunity and Human Rights Commission Members

Mr Michael Gorton, AM Chairperson

Mr Gorton is a principal of Russell Kennedy Solicitors and has practiced in the areas of contract and commercial law, health law and industrial employment law. He is the Chairman of the Infertility Treatment Authority (Victoria).

His previous appointments include the roles of Chairman of the Victorian Biotechnology Ethics Advisory Committee, President of the Health Services Review Council, the inaugural co-chair of Reconciliation Victoria, and president of the Victoria Division of the United Nations Association of Australia.

Dr Helen Szoke, Chief Conciliator and Chief Executive Officer

Dr Szoke has extensive experience in regulation, management, policy, research, and consumer advocacy. She is a member of the National Health and Medical Research Council Licensing Committee, a Director of the Adult Multicultural Education Services and holds post-graduate qualifications in public policy.

Mr Jamie Gardiner

Mr Gardiner is a long-time human rights activist with a particular focus on equal rights for people who identify as gay, lesbian, bisexual, transgender and intersex (GLBTI). Jamie is a member of the Attorney-General's Advisory Committee on Lesbian, Gay and Transgender Issues and a Vice-President of Liberty Victoria. He is a member of the Mental Health Review Board, the Health Services Review Council and the Department of Human Services Ministerial Advisory Council on GLBTI Health and Wellbeing.

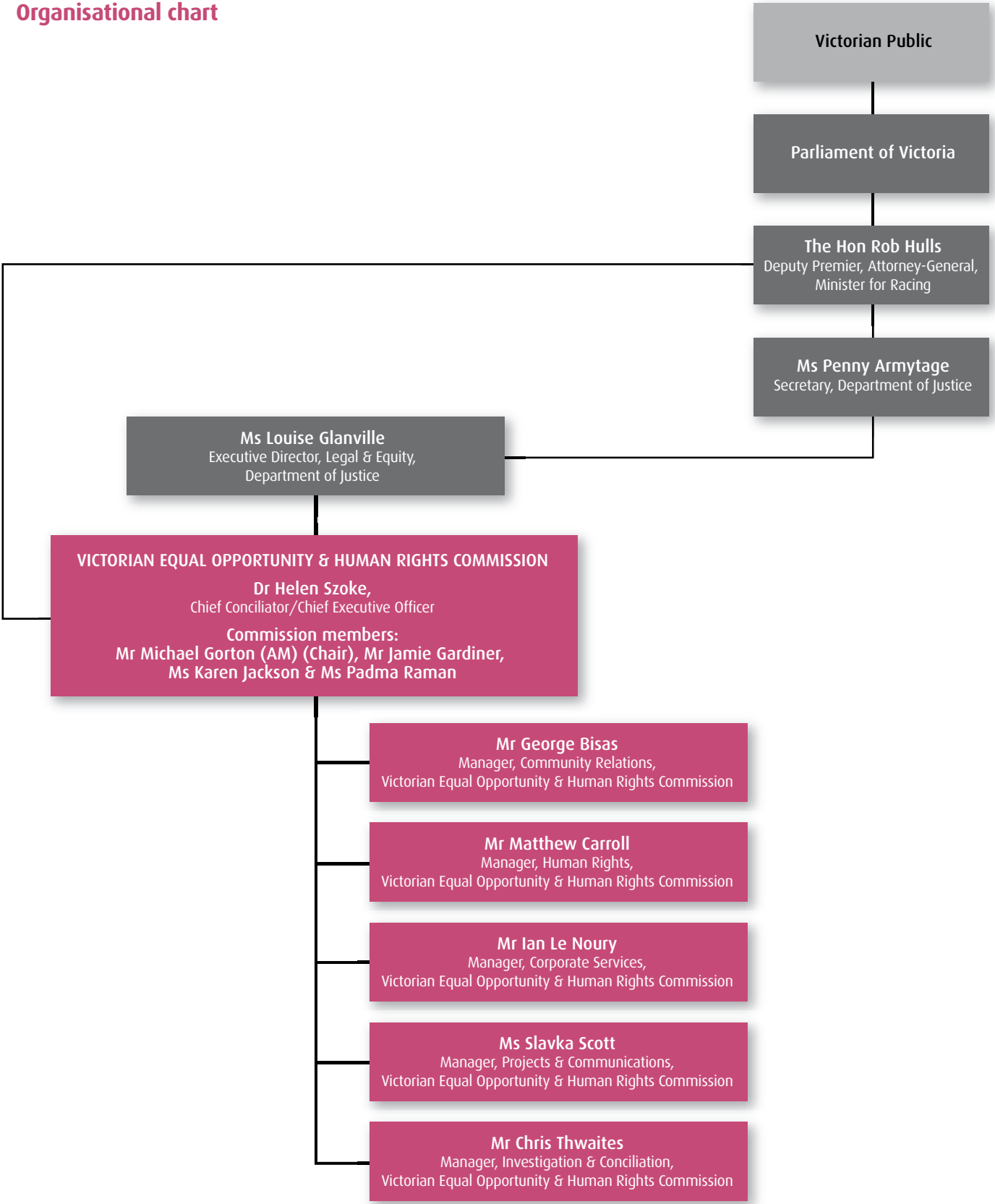
Ms Karen Jackson

Ms Jackson is a Yorta Yorta, Barap Barap woman who is strongly committed to Indigenous issues, particularly in Victoria. Karen is the Indigenous Services Co-ordinator at Moodani Balluk (Indigenous Academic Unit) at Victoria University of Technology. She is a member of the Victorian Aboriginal Heritage Council.

Ms Padma Raman

Ms Raman is the Chief Executive Officer of the Victorian Law Reform Commission. Padma has a Masters in Law (by research) that focused on Indigenous and immigrant women's experiences of the legal system. She is the former Executive Officer of the Parliamentary Law Reform Committee and former Executive Secretary of the Ethnic Communities Council.

Organisational chart



APPENDIX CONT.

Compliance Report

In 2008/09, the Commission continued its focus on our internal procedures to ensure we improve and update our services in line with changing responsibilities.

In December 2008, the Commission revised its Privacy Policy, which describes how the Commission manages personal information and complies with the Information Privacy Act 2000. The Policy is available at www.humanrightscommission.vic.gov.au/privacy

The Commission has maintained our existing policy and procedures about the *Freedom of Information Act 1982*, records disposal authority under the *Public Records Act 1973* and the *Whistleblowers Protection Act 2001*.

Application and operation of the *Whistleblowers Protection Act 2001*

Disclosures for the period of 1 July 2007 to 30 June 2008

For the 12 months ending June 30 2009, the Commission did not receive any disclosures of improper conduct by public officers or public bodies.

Statement of support to whistleblowers

The Victorian Equal Opportunity and Human Rights Commission is committed to the aims and objectives of the *Whistleblowers Protection Act 2001* (the Act). A copy of the Commission's Whistleblowers Procedure Manual is available on our website www.humanrightscommission.vic.gov.au or by contacting the Commission on 03 9281 7132.

Definitions

A whistleblower is someone who makes a disclosure about improper or corrupt conduct, or detrimental action by a public body or public official with the view to the matter being investigated and appropriate action being taken.

Improper conduct means conduct that is corrupt, a substantial mismanagement of public resources, or conduct involving substantial risk to public health or safety or to the environment. The conduct must be serious enough to constitute, if proved, a criminal offence or reasonable grounds for dismissal. A disclosure may be made about improper conduct by a public body or public official.

Reporting system and contact persons for the Commission

Disclosures of improper conduct or detrimental action by the Commission or its employees may be made to the protected disclosure coordinator or to a protected disclosure officer. Where a person is contemplating making a disclosure and is concerned about approaching the protected disclosure coordinator or a protected disclosure officer in the workplace, he or she can call the relevant officer and request a meeting in a discreet location away from the workplace.

The protected disclosure coordinator:
Senior Advisor, Legal
Level 3, 380 Lonsdale Street
MELBOURNE VIC 3000
Tel: (03) 9281 7132

A disclosure about improper conduct or detrimental action by the Commission or its employees may also be made directly to:

The Ombudsman of Victoria
Level 9, North Tower, 459 Collins Street
MELBOURNE VIC 3000 (DX 210174)
Internet: www.ombudsman.vic.gov.au
Email: ombudvic@ombudsman.vic.gov.au
Tel: (03) 9613 6222
Toll free: 1800 806 314

Application and operation of *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, irrespective of how the documentation is stored. This includes, but is not limited to, paper and electronic documents. The two main categories of information normally requested under the FOI Act are individuals asking for their personal documents and documents relating to the activities of the Commission.

The Commission maintains an extensive filing system on an electronic document management system. Files can be broadly categorised as personnel files, procedure and policy, project files, operational and administrative responsibilities, and general correspondence files. It should be noted that certain documents are destroyed or transferred to the Public Records Office in accordance with the *Public Records Act 1973*.

Are documents requested under FOI automatically released?

Where possible, the Commission provides information administratively without requiring an FOI request.

In assessing whether a document is suitable for release, the FOI Officer will consider 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.

Lodging an FOI

A request must be made in writing and should be addressed to:

The FOI Officer
Victorian Equal Opportunity and Human Rights Commission
Level 3, 380 Lonsdale Street
MELBOURNE VIC 3001
Tel: (03) 9281 7132

Note: Where possible, the Commission provides information administratively without requiring an FOI request or fee.

All FOI requests are subject to a \$23.40 application fee. This 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). Access charges may also apply once documents have been processed and a decision on access made; for example, photocopying and search and retrieval charges. Further information on current charges is available online at foi.vic.gov.au. It should be noted that, under certain circumstances, some of these charges can be waived.

An FOI request must also 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.

Compliance with building and maintenance provisions of 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.

Attestation of compliance with the Australian/New Zealand Risk Management Standard

I, Michael Gorton, Chairperson of the Board of the Victorian Equal Opportunity and Human Rights Commission, certify that the Commission has risk management processes in place consistent with the Australian/New Zealand Risk Management Standard and an internal control system in place to that enables the executive to understand, manage and satisfactorily control risk exposures. The audit committee verifies that the risk profile of the Commission has been critically reviewed within the last 12 months.



Mr Michael Gorton

Chairperson, Victorian Equal Opportunity and Human Rights Commission

Melbourne 18 August 2009

DISCLOSURE INDEX

The Annual Report of the Commission is prepared in accordance with all relevant Victorian legislation. 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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FRD 22B	Objectives, functions, powers and duties	8
FRD 22B	Nature and range of services provided Management & structure	9
Management and structure		
FRD 22B	Organisational structure	8, 83
Financial and other information		
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FRD15B	Executive officer disclosures	72
FRD 22B	Operational & budgetary objectives and performance against objectives	–
FRD 22B	Employment and conduct principles	8
FRD 22B	Occupational health and safety	–
FRD 22B	Summary of the financial results for the year	48
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FRD 22B	Details of consultancies under \$100,000	–
FRD 22B	Statement of availability of other information	–
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FRD 25	Victorian Industry Participation Policy disclosures	–

Legislation	Requirement	Page number
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MY NOTES

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THE VICTORIAN EQUAL OPPORTUNITY AND HUMAN RIGHTS COMMISSION

The Victorian Equal Opportunity and Human Rights Commission is an independent statutory body that reports to the Victorian Parliament through the State Attorney-General. The Commission's vision is for a community where every person values and respects equal opportunity and human rights.

The Commission has functions and responsibilities under the:

- *Equal Opportunity Act 1995* (EOA)
- *Charter of Human Rights and Responsibilities*, and the
- *Racial and Religious Tolerance Act 2000* (RRTA).

Our role

The Commission's role is to:

- help resolve complaints about discrimination, sexual harassment and racial and religious vilification by offering a simple, unbiased complaint-handling service that is free and confidential
- provide education about equal opportunity, racial and religious tolerance and human rights
- undertake projects and activities aimed at eliminating discrimination and racial and religious intolerance
- conduct research and provide policy advice
- undertake specific functions in relation to the Victorian *Charter of Human Rights and Responsibilities*, which include:
 - providing an independent assessment of how well state and local governments comply with the Charter
 - advising on and implementing particular human rights issues and concerns.

www.humanrightscommission.vic.gov.au



**Victorian Equal Opportunity
& Human Rights Commission**