

2019-20 COMPLAINT STATISTICS

CONTENTS

OVERVIEW	2
ENQUIRIES - OVERVIEW	7
COMPLAINTS - OVERVIEW	8
DISABILITY DISCRIMINATION ACT	13
SEX DISCRIMINATION ACT	18
RACIAL DISCRIMINATION ACT	22
AGE DISCRIMINATION ACT	27
AUSTRALIAN HUMAN RIGHTS COMMISSION ACT (AHRCA)	31

ATTACHMENT A

Covid-19 related written enquiries and complaints

OVERVIEW

Enquiries and complaints received

In 2019-20, the Commission received 12,554 enquiries. In contrast with previous years, a majority of enquiries were received in writing. The main issues raised by enquirers in this reporting year related to:

- disability discrimination (22%)
- discrimination on grounds covered by the Sex Discrimination Act (10%)
- general employment matters including harassment and bullying (9%)
- racial discrimination including racial hatred (11%)
- human rights related issues including immigration and immigration detention (8%)
- Covid-19 enquiries (3%)

In 2019-20 the Commission received 2,307 complaints. One complaint may raise a number of grounds and areas of discrimination and be against one or more respondents. If the Commission counted complaints by respondents, the number of complaints received in 2019-20 would increase to 2,989. If the Commission counted complaints received by grounds and areas of discrimination, the number of complaints received would increase to 4,941 and 3,030 respectively.

Consistent with previous years, the main areas of public life raised by complaints were employment and the provision of goods, services and facilities.

In 2019-20:

- 44% of complaints were lodged under the Disability Discrimination Act
- 21% of complaints were lodged under the Sex Discrimination Act
- 17% of complaints were lodged under the Racial Discrimination Act
- 7% of complaints were lodged under the Age Discrimination Act
- 11% of complaints were lodged under the Australian Human Rights Commission Act

In terms of employment, this made up:

- 30% of complaints under the Disability Discrimination Act
- 71% of complaints under the Sex Discrimination Act
- 27 % of complaints under the Racial Discrimination Act
- 47% of complaints under the Age Discrimination Act

In terms of goods and services, this made up:

- 56% of complaints under the Disability Discrimination Act

- 25% of complaints under the Sex Discrimination Act
- 52% of complaints under the Racial Discrimination Act
- 50% of complaints under the Age Discrimination Act

Outcomes of complaints

The Commission finalised 2,237 complaints during 2019-20. The Commission conducted approximately 1,432 conciliation processes of which 1,004 complaints (70%) were successfully resolved. This represents successful dispute resolution for more than 2,010 people and organisations involved in complaints before the Commission.

Information on the outcomes of conciliated complaints under federal anti-discrimination law indicates that 39% of outcomes included terms which will have benefits for people beyond the individual complainant. For example, agreements to introduce anti-discrimination policies and provide anti-discrimination training in workplaces and agreements to undertake modifications to buildings and services to address potential discriminatory factors.

Commission survey data also highlights the educative effect of the Commission's complaint process. For example, in relation to conciliated complaints, 77.5% of surveyed participants indicated that involvement in the complaint process had assisted them to better understand their rights and responsibilities under federal human rights and anti-discrimination law.

Data provided to the Commission indicates that in 2019-20, 2% of finalised complaints regarding unlawful discrimination proceeded to court.

Finalisation of complaints without inquiry

Upon receipt and acceptance of a complaint, the President (or her delegate) must consider whether a complaint should be terminated without inquiry, having regard to the grounds of termination in section 46PH of the *Australian Human Rights Commission Act 1986 (Cth)* (AHRCA).

In the 2019-20 reporting year, of the 2,307 complaints received by the Commission, 104 (4.5% of total complaints received) were assessed as potentially being appropriate for pre-inquiry termination under subsection 46PF(1) of the AHRCA.

These constituted:

- 41 complaints under the Disability Discrimination Act
- 34 complaints under the Racial Discrimination Act
- 19 complaints under the Sex Discrimination Act

- 10 complaints under the Age Discrimination Act

In the 2019-20 reporting year, 108 complaints assessed as appropriate for pre-inquiry termination were finalised. Of the finalised complaints, 75 were terminated under section 46PH of the AHRCA. The remaining 33 complaints were finalised on a number of different grounds including being withdrawn, finalised on the basis that the President's delegate was satisfied that the complainant no longer wished to proceed with the complaint, resolved or administratively closed.

Timeliness of the complaint process

In 2019-20, the average active complaint handling timeframe was approximately 3.8 months. A breakdown by periods indicates that of the 2,237 complaints finalised in 2019-20:

- 41% were finalised within 3 months
- 84% were finalised within 6 months
- 95% were finalised within 9 months
- 98.5% were finalised within 12 months

Demographic data

Information on the geographical location and national origin of complainants is provided in the Tables [8](#), [11](#) and [12](#).

The available demographic data indicates that in 2019-20:

- 47% of complaints were lodged by individual females
- 48.5% of complaints were lodged by individual males
- 4.5% of complaints were lodged by other categories (other categories include intersex, sex not specified, joint/multiple complainants, organisations and unknown).

When asked about a referral source, 28% of complainants reported that they knew about the Commission prior to lodging their complaint. The other main identified referral sources were private lawyers (9%), family members (6.5%), the internet (7%), community legal centres (2.5%), and specialist advocacy agencies such as advocacy agencies for people with disabilities, women, migrants or Aboriginal and Torres Strait Islander peoples (1%).

Where an income source was identified, a majority of complainants indicated that their main source of income at the time of the alleged act was from a form of employment. Of the complainants who identified a form of employment as their

income source, 79% indicated they were in full or part-time permanent employment, 19% were engaged in casual, contract or outwork and 3% were self-employed.

Approximately 35% of complainants (804) said they were represented during the complaint process. Of the represented complainants, 36% said they were represented by privately funded solicitors. Other identified forms of representation were family members or friends (31%), community legal centres, including Aboriginal or disability legal services (10%), other advocacy groups such as working women's centres or disability advocacy services (8%) and trade unions or professional associations (4%).

In 2019-20, the main respondent organisation categories were private enterprises (52%), state/territory departments/statutory authorities (17%) and Commonwealth departments/statutory authorities (14%). These are consistently the main respondent organisation categories.

Satisfaction with the complaint service

We seek feedback on aspects of the service from people lodging complaints (complainants) and people responding to complaints (respondents). The survey can be completed online or in other formats. Feedback is sought regardless of the outcome of the complaint and includes feedback from parties where the complaint was terminated, withdrawn or discontinued.

In 2019-20, 213 complainants and 205 respondents agreed to participate in the survey. Details of survey feedback is provided below.

- 93% of participants (90% of complainants and 97% of respondents) reported that they were satisfied with the service provided and 78% of participants (74% of complainants and 81% of respondents) rated the service as 'very good' or 'excellent'. Where complaints were conciliated, these figures increased with 99% of participants reporting they were satisfied with the service and 83% rating the service as 'very good' or 'excellent'.
- 95% of participants (92.5% of complainants and 97.5% of respondents) felt that Commission staff explained things in a way that was easy for them to understand.
- 95% of participants (92% of complainants and 98% of respondents) felt that forms and correspondence from the Commission were easy to understand.
- 79% of participants (70% of complainants and 89% of respondents) felt that the Commission dealt with the complaint in a timely manner.
- 89% of participants (83% of complainants and 95% of respondents) felt they were treated fairly.

Our Charter of Service provides an avenue through which complainants and respondents can understand the nature and standard of service they can expect, as well as contribute to continual improvement of our service. All complainants are provided with a copy of the Charter when their complaint is accepted by the Commission. Respondents receive a copy when notified of a complaint. Our Charter of Service is available at <http://www.humanrights.gov.au/complaints-charter-service>.

In 2019-20 the Commission did not receive any complaint about its service under the complaint process provided in the Charter.

ENQUIRIES - OVERVIEW

Table 1: Website enquiries

Webpage views	265,462
----------------------	----------------

Table 2: Enquiries received by mode of contact

Enquiry type	Number	Percentage
Telephone	5,499	44%
Written	6,975	55.5%
In-person	70	<1%
TTY/NRS	10	<1%
Total	12,554	

Table 3: Enquiries received by State/Territory of enquirer

State of origin	Number	Percentage
New South Wales	3,062	24%
Victoria	1,930	15%
South Australia	558	4%
Western Australia	846	7%
Queensland	1,545	12%
Australian Capital Territory	269	2%
Tasmania	175	1.5%
Northern Territory	149	1%
Unknown/overseas	4,020	32%
Total	12,554	

COMPLAINTS - OVERVIEW

Table 4: Complaints received in 2019-20

Counted by complaints*	2,307
Counted by complainants (including co-complainants and on behalf of)	2,419
Counted by respondents	2,989
Counted by grounds of discrimination raised in the complaint	4,941
Counted by areas of discrimination raised in the complaint	3,030

* The Commission counts complaints by complainants. Other State and Territory anti-discrimination bodies may count complaints by respondents and/or by grounds of discrimination and/or by areas of discrimination raised in a complaint.

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

	2015-16	2016-17	2017-18	2018-19	2019-20
Received	2,013	1,939	2,046	2,037	2,307
Finalised	1,982	1,987	2,111	2,202	2,237

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

	2015-16	2016-17	2017-18	2018-19	2019-20
Terminated/declined	19%	19%	21%	24%	27%
Conciliated	52%	45%	47%	47%	46%
Withdrawn*	17%	18%	14%	10%	6%
Discontinued**	9%	15%	18%	18%	20%
Referred for potential reporting (AHRCA only)	3%	3%	<1%	<1%	<1%

* This category includes where a complainant withdraws due to personal circumstances or where they decide not to proceed after reviewing information from the respondent or being provided with information about the law and/or a preliminary assessment of the complaint.

** A complaint may be discontinued where a complainant does not respond to the Commission's attempts to contact them. This may occur after they have received information from the respondent or been provided with information and/or a preliminary assessment of the complaint.

Table 7: Complaints resolved by conciliation over the past five years

	2015-16	2016-17	2017-18	2018-19	2019-20
Complaints successfully resolved	76%	75%	74%	72%	70%
Complaints unable to be resolved	24%	25%	26%	28%	30%

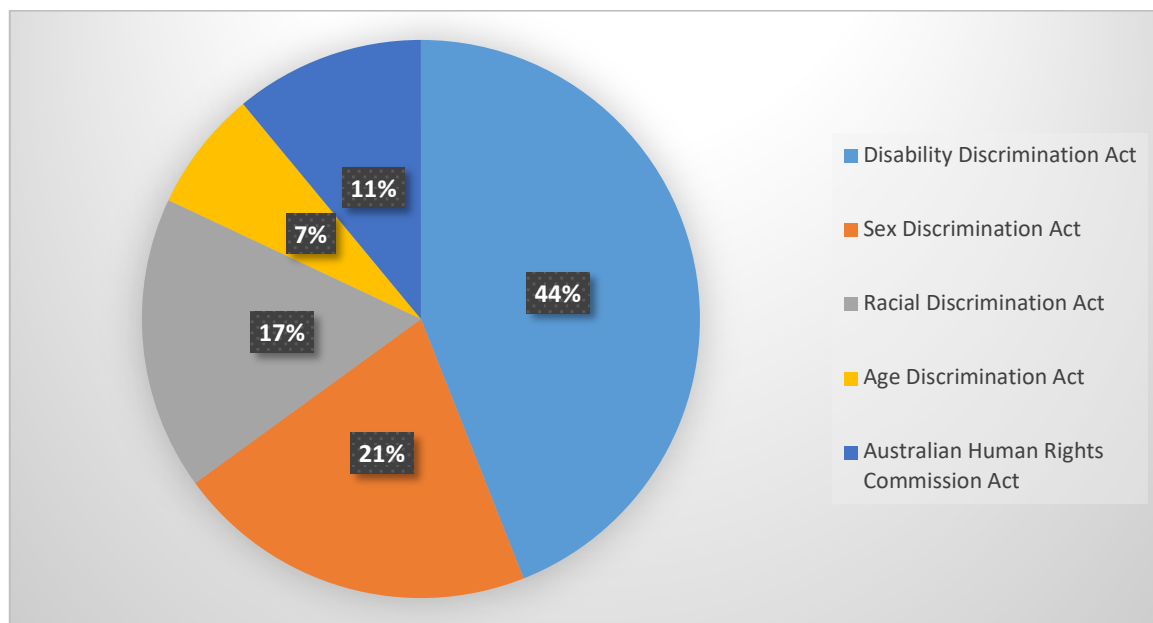
Table 8: Complaints received by State/Territory of complainant

State of origin	Number	Percentage
New South Wales	907	39%
Victoria	509	22%
South Australia	136	6%
Western Australia	206	9%
Queensland	329	14%
Australian Capital Territory	84	4%
Tasmania	28	1%
Northern Territory	27	1%
Unknown/overseas	81	3.5%
Total	2,307	

Table 9: Complaints received and finalised by Act

Act	Received	Finalised
Disability Discrimination Act (DDA)	1,006	939
Sex Discrimination Act (SDA)	479	500
Racial Discrimination Act (RDA)	403	476
Age Discrimination Act (ADA)	168	117
Australian Human Rights Commission Act (AHRCA)	251	205
Total	2,307	2,237

Chart 1: Complaints received by Act



Disability Discrimination Act	44%
Sex Discrimination Act	21%
Racial Discrimination Act	17%
Age Discrimination Act	7%
Australian Human Rights Commission Act	11%

Table 10: Complaints received by Act over the past five years

	2015-16	2016-17	2017-18	2018-19	2019-20
Disability Discrimination Act	750	755	869	891	1,006
Sex Discrimination Act	409	465	552	520	479
Racial Discrimination Act	429	409	290	332	403
Age Discrimination Act	152	154	172	137	168
Australian Human Rights Commission Act	273	156	163	157	251
Total	2,013	1,939	2,046	2,037	2,307

Table 11: Country of birth of complainants

	DDA (%)	SDA (%)	RDA (%)	ADA (%)	AHRCA (%)	Total (%)
Born in Australia	27%	16%	21%	17%	14%	21%
Born outside of Australia	6%	11%	72%	10%	26%	21%
Unknown or unspecified	70%	73%	7%	73%	60%	57%

Table 12: Indigenous status of complainants

	DDA (%)	SDA (%)	RDA (%)	ADA (%)	AHRCA (%)	Total (%)
Aboriginal	3%	2.5%	17%	<1	2%	5%
Torres Strait Islander	<1	<1	<1			<1
Both of the above	<1					<1
None of the above/ Unknown	97%	97%	83%	99%	98%	95%

Table 13: Time from receipt to finalisation for finalised complaints

	DDA (%)	SDA (%)	RDA (%)	ADA (%)	AHRCA (%)	Cumulative Total (%)
0 - 3 months	35%	44%	52%	39%	34%	41%
0 - 6 months	82%	86%	88%	88%	74%	84%
0 - 9 months	95%	95%	96%	97%	91%	95%
0 - 12 months	99%	99%	99%	100%	95%	98.5%

DISABILITY DISCRIMINATION ACT

Table 14: Disability Discrimination Act – Complaints received and finalised

Disability Discrimination Act	Total
Received	1,006
Finalised	939

Table 15: Disability Discrimination Act – Nature of complainant’s disability

Disability Discrimination Act – Complainant’s disability *	Number	Percentage
Physical disability	280	19%
A mobility aid is used (e.g. walking frame or wheelchair)	129	9%
Assistance animal	62	4%
Carer/Associate	28	2%
Physical disfigurement	6	<1%
Presence in the body of organisms causing disease (e.g. HIV/AIDS)	5	<1%
Presence in the body of organisms causing disease (other)	15	1%
Mental health/psychosocial	396	27 %
Neurological disability (e.g. epilepsy)	95	6.5%
Intellectual disability	45	3 %
Learning disability	51	3.5%
Sensory disability (hearing impaired)	58	4%
Sensory disability (deaf)	42	3%
Sensory disability (vision impaired)	54	4%

Sensory disability (blind)	28	2%
Work-related injury	20	1%
Medical condition (e.g. diabetes)	133	9%
Other	0	0%
Total	1,447	

* One complainant may have multiple disabilities.

Table 16: Disability Discrimination Act – Complaints received by ground

Disability Discrimination Act – Grounds*	Number	Percentage
Disability of person(s) aggrieved	1,841	78%
Associate	88	4%
Disability – person assisted by a trained animal	103	4%
Disability – accompanied by a carer or assistant	9	<1%
Disability – aid	75	3%
Harassment	7	<1%
Victimisation	51	2%
Causes, instructs, induces, aids or permits an unlawful act	14	<1%
Incites unlawful act		
Advertisements		
Unlawful to contravene disability standard	183	7.72%
Total	2,371	

* One complaint may raise multiple grounds and may include claims of both direct and indirect discrimination.

Table 17: Disability Discrimination Act – Complaints received by area

Disability Discrimination Act – Areas*	Number	Percentage
Employment	298	20%
Goods, services and facilities	563	39%
Access to premises	122	8%
Land		
Accommodation	46	3%
Superannuation, insurance	16	1%
Education	128	9%
Clubs, incorporated associations	15	1%
Administration of Commonwealth laws and programs	74	5%
Sport	5	<1%
Requests for information	2	<1%
Qualifying bodies	5	<1%
Registered organisations		
Disability standards	183	12.5%
Total	1,457	

* One complaint may relate to more than one area.

Table 18: Disability Discrimination Act – Outcomes of finalised complaints

Disability Discrimination Act – Outcomes of finalised complaints	Number
Terminated without inquiry under section 46PF*	23
Terminated after inquiry	243
Not unlawful	
More than 6 months old	1
Trivial, vexatious, frivolous, misconceived, lacking in substance	25
More effective or convenient remedy	4
No reasonable prospect of conciliation	207
Inquiry not warranted	6
Discontinued**	150
Withdrawn***	62
Conciliated	438
Administrative closure****	23
Total	939

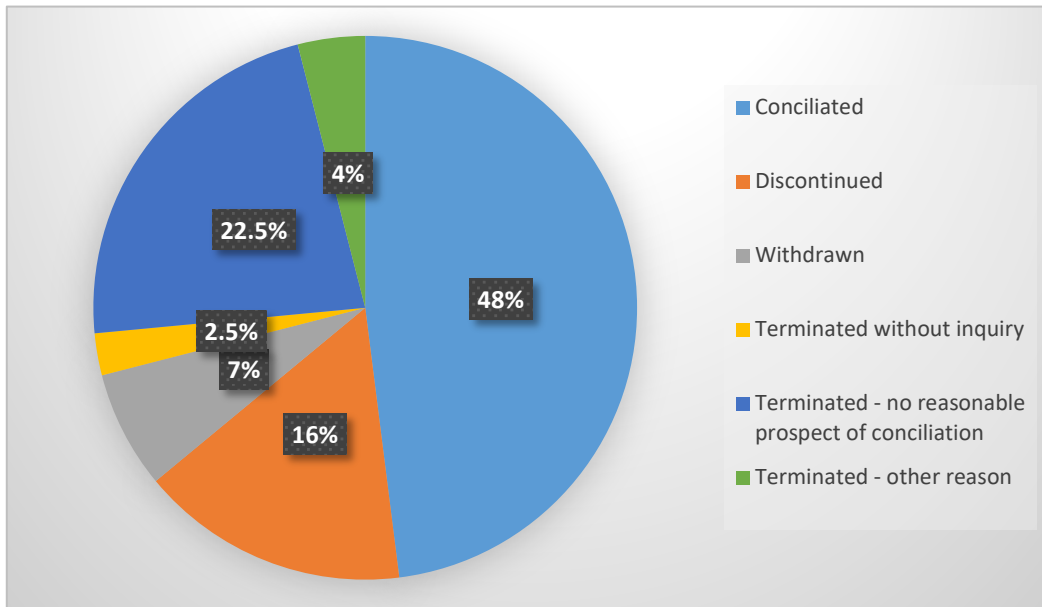
* A complaint may be terminated without inquiry if the President's delegate is satisfied, having regard to the matters referred to in section 46PH of the AHRCA, that the complaint should be terminated without inquiry.

** A complaint may be discontinued in circumstances where the President's delegate is satisfied the complainant no longer wishes the Commission to continue its inquiry. This may occur after the complainant has received information from the respondent or been provided with information and/or a preliminary assessment of the complaint.

*** This category includes where a complainant withdraws due to personal circumstances or where they decide not to proceed after reviewing information from the respondent or being provided with information about the law and/or a preliminary assessment of the complaint.

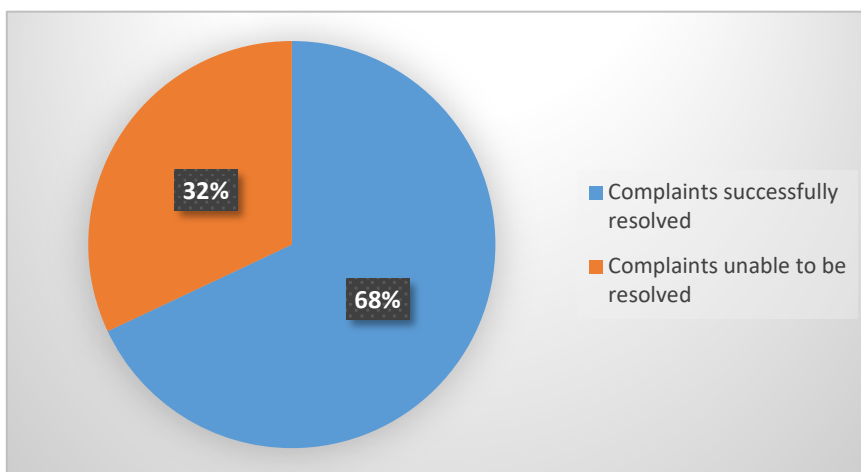
**** Includes where a complaint has not been lodged by or on behalf of an aggrieved person and where a complaint has also been lodged under State or Territory anti-discrimination law.

Chart 2: Disability Discrimination Act – Outcomes of finalised complaints



Conciliated	48%
Discontinued	16%
Withdrawn	7%
Terminated without inquiry	2.5%
Terminated - no reasonable prospect of conciliation	22.5%
Terminated - other reason	4%

Chart 3: Disability Discrimination Act – Complaints resolved by conciliation



Complaints successfully resolved	68%
Complaints unable to be resolved	32%

SEX DISCRIMINATION ACT

Table 19: Sex Discrimination Act – Complaints received and finalised

Sex Discrimination Act	Total
Received	479
Finalised	500

Table 20: Sex Discrimination Act – Complaints received by complainant category

Sex Discrimination Act – Complainant category	Number	Percentage
Female	364	76%
Male	110	23%
Intersex	3	<1%
Other category*	2	<1%
Total	479	

* Includes sex not specified, joint/multiple, or organisation

Table 21: Sex Discrimination Act – Complaints received by ground

Sex Discrimination Act – Grounds*	Number	Percentage
Sex discrimination	347	37%
Marital or relationship status	44	5%
Pregnancy	77	8%
Sexual harassment	231	24.5%
Family responsibilities	48	5%
Breastfeeding	7	<1%

**Australian Human Rights Commission
2019-20 Complaint statistics**

Gender identity	41	4%
Intersex		
Sexual orientation	50	5%
Victimisation	91	10%
Causes, instructs, induces, aids or permits an unlawful act	5	<1%
Advertisements		
Total	941	

* One complaint may raise multiple grounds and may include claims of both direct and indirect discrimination.

Table 22: Sex Discrimination Act – Complaints received by area

Sex Discrimination Act – Areas*	Number	Percentage
Employment	341	64%
Goods, services and facilities	122	23%
Land		
Accommodation	29	5%
Superannuation & insurance	2	<1%
Education	13	2 %
Clubs	8	1.5%
Administration of Commonwealth laws and programs	14	3%
Requests for information		
Registered organisations		
Qualifying bodies	2	<1%
Total	531	

* One complaint may relate to more than one area.

Table 23: Sex Discrimination Act – Outcomes of finalised complaints

Sex Discrimination Act - Outcomes	Number
Terminated without inquiry under section 46PF*	12
Terminated after inquiry	119
Trivial, vexatious, frivolous, misconceived, lacking in substance	9
No reasonable prospect of conciliation	109
Inquiry not warranted	1
Discontinued**	83
Withdrawn***	33
Conciliated	227
Administrative closure****	26
Total	500

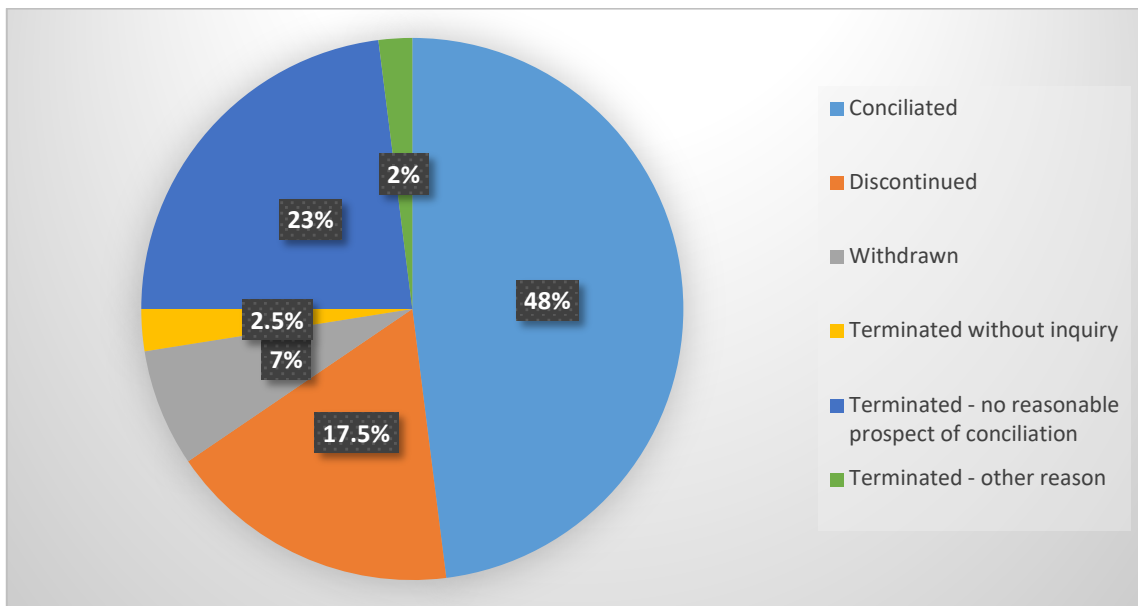
* A complaint may be terminated without inquiry if the President's delegate is satisfied, having regard to the matters referred to in section 46PH of the AHRCA, that the complaint should be terminated without inquiry.

** A complaint may be discontinued in circumstances where the President's delegate is satisfied the complainant no longer wishes the Commission to continue its inquiry. This may occur after the complainant has received information from the respondent or been provided with information and/or a preliminary assessment of the complaint.

*** This category includes where a complainant withdraws due to personal circumstances or where they decide not to proceed after reviewing information from the respondent or being provided with information about the law and/or a preliminary assessment of the complaint.

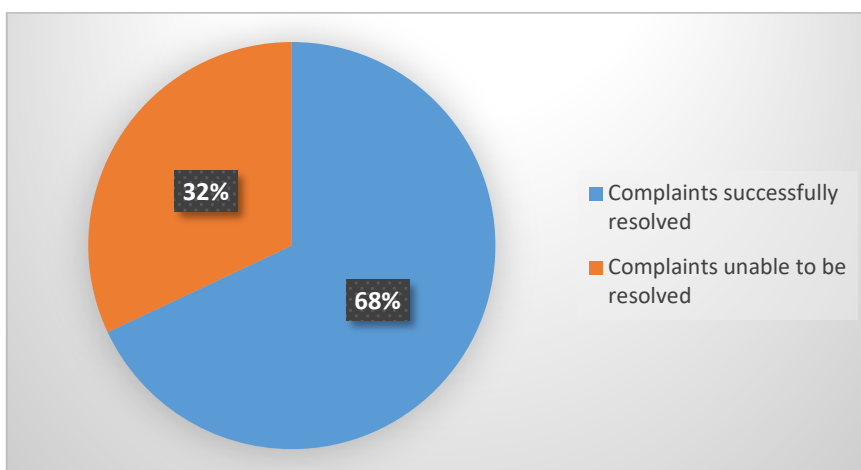
**** Includes where a complaint has not been lodged by or on behalf of an aggrieved person and where a complaint has also been lodged under State or Territory anti-discrimination law.

Chart 4: Sex Discrimination Act – Outcomes of finalised complaints



Conciliated	48%
Discontinued	17.5%
Withdrawn	7%
Terminated without inquiry	2.5%
Terminated – no reasonable prospect of conciliation	23%
Terminated – other reason	2%

Chart 5: Sex Discrimination Act – Complaints resolved by conciliation



Complaints successfully resolved	68%
Complaints unable to be resolved	32%

RACIAL DISCRIMINATION ACT

Table 24: Racial Discrimination Act – Complaints received and finalised

Racial Discrimination Act	Total
Received	403
Finalised	476

Table 25: Racial Discrimination Act – Complaints received by ground

Racial Discrimination Act - Grounds*	Number	Percentage
Colour	76	7%
National origin	180	16%
Ethnic origin	254	23%
Descent	77	7%
Race	387	35%
Racial hatred	109	10%
Immigrant status	6	.5%
Association	3	<1%
Victimisation	3	<1%
Incite unlawful act		
Advertisements		
Total	1,095	

* One complaint may raise multiple grounds and may include claims of both direct and indirect discrimination.

Table 26: Racial Discrimination Act – Complaints received by area

Racial Discrimination Act - Areas*	Number	Percentage
Rights to equality before the law	1	<1%
Access to places and facilities	7	1%
Land, housing and other accommodation	18	3%
Provision of goods and services	211	37%
Superannuation	1	<1%
Right to join trade union		
Employment	110	19%
Education	12	2%
Other - section 9	100	17.5%
Racial hatred	109	19%
Total	569	

* One complaint may relate to more than one area.

Table 27: Racial hatred complaints received by sub-area

Racial hatred sub-areas	Number	Percentage
Media – press/TV/radio	15	14%
Disputes between neighbours	18	16.5%
Personal conflict	7	6%
Employment	30	27.5%
Internet - e-mail/webpage/chat room	14	13%
Sport	1	1%
Public debate		
Provision of goods and services	19	17%

Education		
Racist propaganda	1	1%
Other	4	4%
Total	109	

Table 28: Racial Discrimination Act – Outcomes of finalised complaints

Racial Discrimination Act - Outcomes	Number
Terminated without inquiry under section 46PF*	26
Terminated after inquiry	85
Adequately dealt with by the Commission	1
Inquiry not warranted	1
Trivial, vexatious, frivolous, misconceived, lacking in substance	16
No reasonable prospect of conciliation	65
Not unlawful discrimination	2
Discontinued**	77
Withdrawn***	18
Conciliated	254
Administrative closure****	16
Total	476

* A complaint may be terminated without inquiry if the President's delegate is satisfied, having regard to the matters referred to in section 46PH of the AHRCA, that the complaint should be terminated without inquiry.

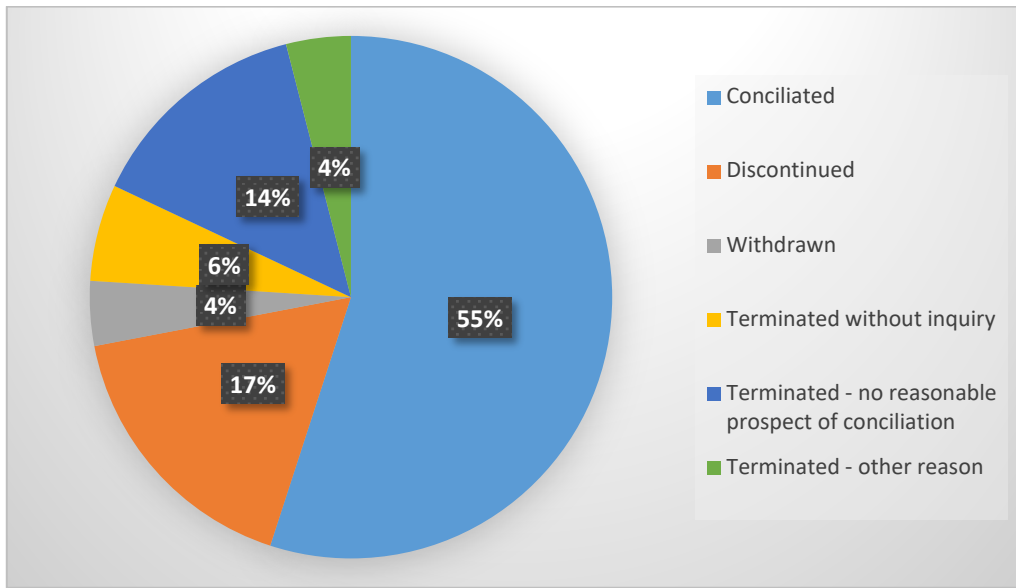
** A complaint may be discontinued in circumstances where the President's delegate is satisfied the complainant no longer wishes the Commission to continue its inquiry. This may occur after the complainant has received information from the respondent or been provided with information and/or a preliminary assessment of the complaint.

*** This category includes where a complainant withdraws due to personal circumstances or where they decide not to proceed after reviewing information from the respondent or being provided with information about the law and/or a preliminary assessment of the complaint.

**Australian Human Rights Commission
2019-20 Complaint statistics**

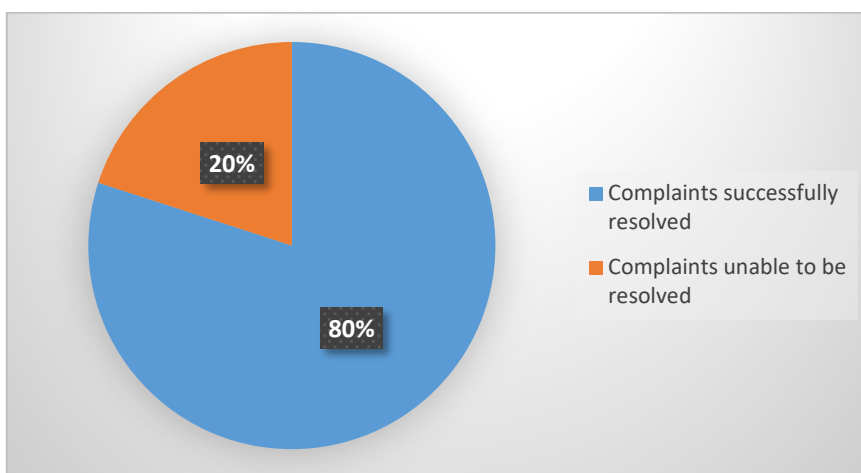
**** Includes where a complaint has not been lodged by or on behalf of an aggrieved person and where a complaint has also been lodged under State or Territory anti-discrimination law.

Chart 6: Racial Discrimination Act – Outcomes of finalised complaints



Conciliated	55%
Discontinued	17%
Withdrawn	4%
Terminated without inquiry	6%
Terminated - no reasonable prospect of conciliation	14%
Terminated - other reason	4%

Chart 7: Racial Discrimination Act – Complaints resolved by conciliation



Complaints successfully resolved	80%
Complaints unable to be resolved	20%

AGE DISCRIMINATION ACT

Table 29: Age Discrimination Act – Complaints received and finalised

Age Discrimination Act	Total
Received	168
Finalised	117

Table 30: Age Discrimination Act – Age group of complainant

Age Discrimination Act – Complainant age group	Number	Percentage
0 – 12 years		
13 – 17 years	2	1%
18 – 24 years	9	5%
25 – 34 years	21	12.5%
35 – 44 years	9	5%
45 – 54 years	23	14%
55 – 64 years	38	23%
65 – 74 years	39	23%
>75 years	27	16%
Total	168	

Table 31: Age Discrimination Act – Complaints received by ground

Age Discrimination Act - Grounds*	Number	Percentage
Age	269	98.5%
Causes, instructs, induces, aids or permits an unlawful act	1	>1%
Victimisation	3	1%

Advertisements		
Total	273	

* One complaint may raise multiple grounds and may include claims of both direct and indirect discrimination.

Table 32: Age Discrimination Act – Complaints received by area

Age Discrimination Act - Areas*	Number	Percentage
Employment	79	36%
Goods, services and facilities	84	38%
Access to premises	34	15%
Land		
Accommodation	3	1%
Advertisements		
Superannuation, insurance	4	2%
Education	1	<1%
Administration of Commonwealth laws and programs	13	6%
Sport		
Qualifying bodies	2	<1%
Requests for information	1	>1%
Victimisation		
Total	221	

* One complaint may relate to more than one area.

Table 33: Age Discrimination Act – Outcomes of finalised complaints

Age Discrimination Act – Outcomes	Number
------------------------------------------	---------------

**Australian Human Rights Commission
2019-20 Complaint statistics**

Terminated without inquiry under section 46PF*	1
Terminated after inquiry	27
Not unlawful	3
Trivial, vexatious, frivolous, misconceived, lacking in substance	3
No reasonable prospect of conciliation	20
More effective or convenient remedy	1
Discontinued**	37
Withdrawn***	14
Conciliated	34
Administrative closure****	4
Total	117

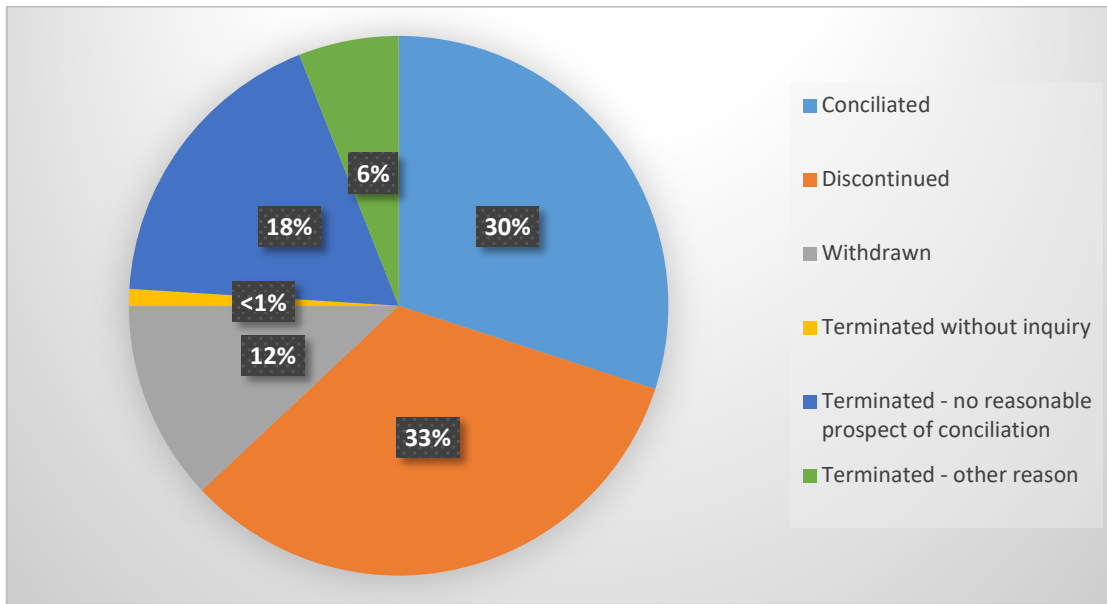
* A complaint may be terminated without inquiry if the President's delegate is satisfied, having regard to the matters referred to in section 46PH of the AHRCA, that the complaint should be terminated without inquiry.

** A complaint may be discontinued in circumstances where the President's delegate is satisfied the complainant no longer wishes the Commission to continue its inquiry. This may occur after the complainant has received information from the respondent or been provided with information and/or a preliminary assessment of the complaint.

*** This category includes where a complainant withdraws due to personal circumstances or where they decide not to proceed after reviewing information from the respondent or being provided with information about the law and/or a preliminary assessment of the complaint.

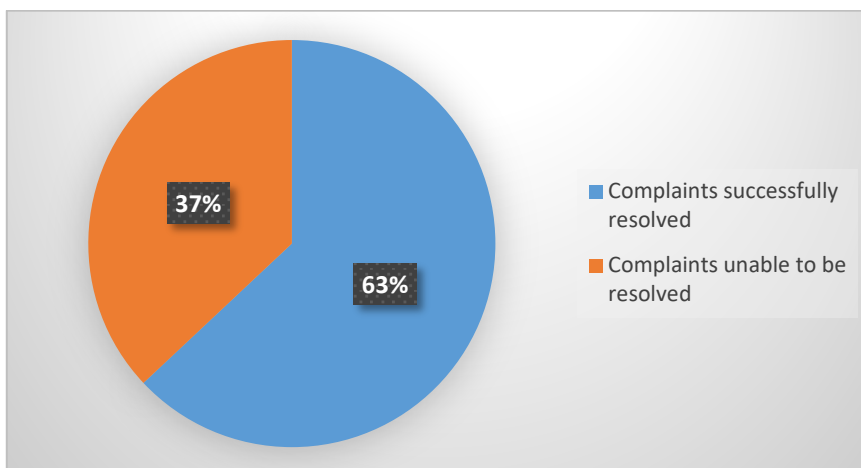
**** Includes where a complaint has not been lodged by or on behalf of an aggrieved person and where a complaint has also been lodged under State or Territory anti-discrimination law.

Chart 8: Age Discrimination Act – Outcomes of finalised complaints



Conciliated	30%
Discontinued	33%
Withdrawn	12%
Terminated without inquiry	<1%
Terminated - no reasonable prospect of conciliation	18%
Terminated - other reason	6%

Chart 9: Age Discrimination Act – Complaints resolved by conciliation



Complaints successfully resolved	63%
Complaints unable to be resolved	37%

AUSTRALIAN HUMAN RIGHTS COMMISSION ACT (AHRCA)

Table 34: AHRCA – Complaints received and finalised

Australian Human Rights Commission Act	Total
Received	251
Finalised	205

Table 35: AHRCA – Complaints received by ground

Australian Human Rights Commission Act – Grounds*	Number	Percentage
Age (ILO111)		
Religion (ILO 111)	19	7%
Political opinion (ILO 111)	3	1%
Social origin (ILO 111)		
Disability (ILO 111)		
Medical record (ILO 111)		
Criminal record (ILO 111)	97	37%
Sexual preference (ILO 111)		
Trade union activity (ILO 111)	2	<1%
International Covenant on Civil and Political Rights	112	43%
Convention on the Rights of the Child	2	<1%
Convention on the Rights of Persons with Disabilities	23	9%
Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	2	<1%
Victimisation	1	<1%

Total	261	
--------------	------------	--

* One complaint may raise multiple grounds.

Table 36: AHRCA – Complaints received by area

Australian Human Rights Commission Act - Areas*	Number	Percentage
Acts or practices of the Commonwealth	130	52%
No acts or practices of the Commonwealth	3	1%
Employment	119	47%
Total	252	

* One complaint may relate to more than one area.

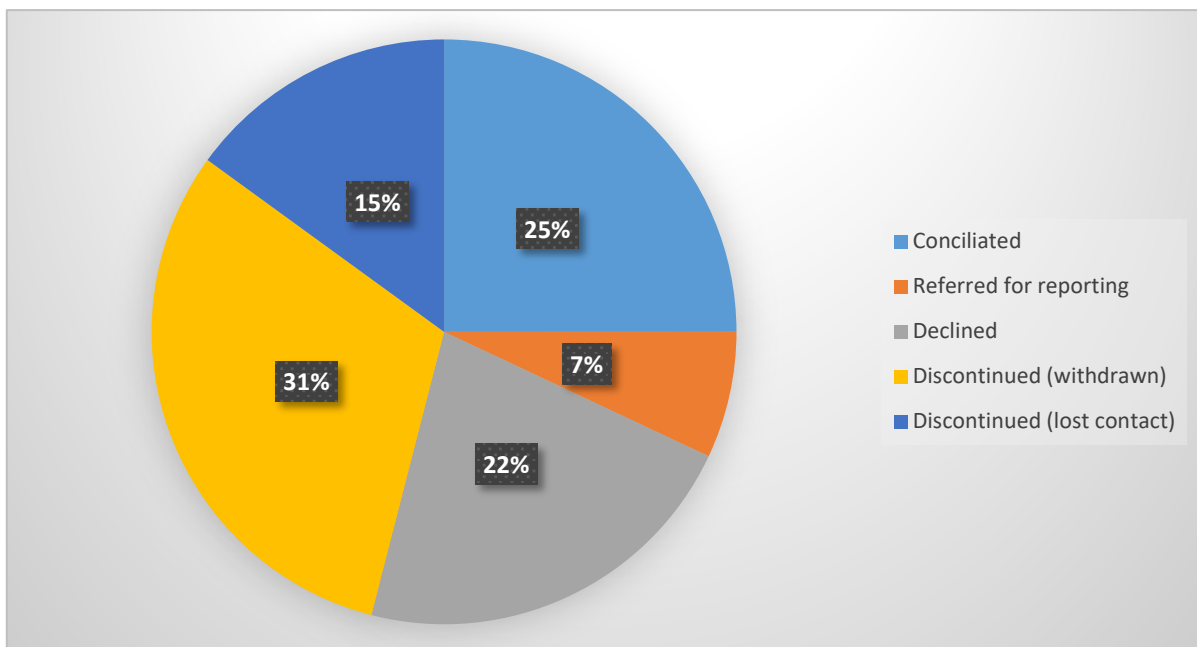
Table 37: AHRCA – Outcomes of finalised complaints

Australian Human Rights Commission Act - Outcomes	Number
Declined	45
Does not constitute discrimination	
Human rights breach, not inconsistent or contrary to any human right	1
More than 12 months old	1
Trivial, vexatious, frivolous, misconceived, lacking in substance	8
Adequately dealt with already	
More appropriate remedy available	
More effective or convenient remedy	
No reasonable prospect of conciliation	27
Inquiry not warranted	8
Discontinued - withdrawn (DNWP = 33+60)	63
Discontinued - lost contact	30

Conciliated	51
Referred for reporting**	15
Administrative closure	1
Total	205

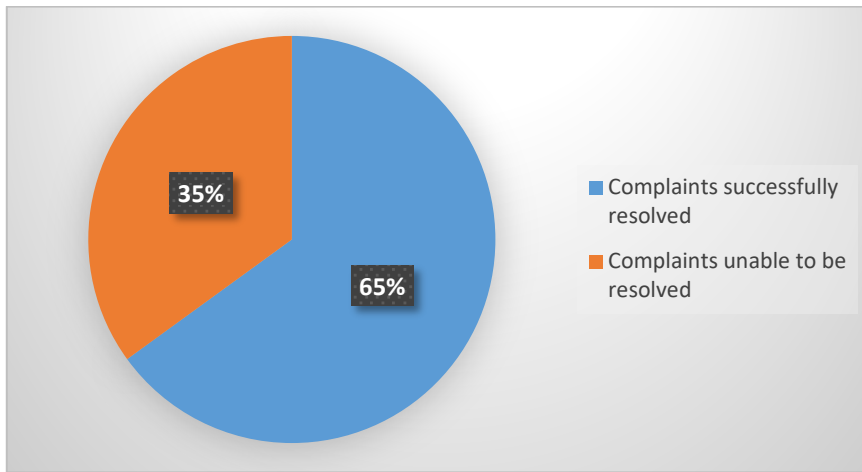
* Complaints in this category could not be conciliated and were transferred from the Commission's Investigation and Conciliation Section to the Legal Section for further inquiry and possible reporting.

Chart 10: AHRCA – Outcomes of finalised complaints



Conciliated	25%
Referred for reporting	7%
Declined	22%
Discontinued (withdrawn)	31%
Discontinued (lost contact)	15%

Chart 11: AHRCA – Complaints resolved by conciliation



Complaints successfully resolved 65%

Complaints unable to be resolved 35%

Attachment A

COVID-19 related written enquiries and complaints

Enquiries

The Commission received approximately 587 COVID-19 related written enquiries in 2019-20 and per month, the highest number received was in April 2020 (223). The main areas of concern raised in written enquiries are as follows:

- Racial hatred and abuse
- Stimulus packages and employment
- Quarantine
- Lockdown and travel restrictions
- Mandatory vaccinations
- Mask wearing requirements

Complaints

Initially COVID-19 related complaints received by the Commission in 2019-20 were complaints under the Racial Discrimination Act. However, as 2020 progressed, the Commission started to receive an increasing number of COVID-19 related complaints under the Disability Discrimination Act and the Australian Human Rights Commission Act. This trend is continuing into the 2020-21 year.

Act	Received
Disability Discrimination Act	30
Sex Discrimination Act	8
Racial Discrimination Act	55
Age Discrimination Act	8
Australian Human Rights Commission Act	38
Total	139