



Australian
Human Rights
Commission

Australian Human Rights Commission

ANNUAL REPORT 2012 · 2013



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**Australian
Human Rights
Commission**

8 October 2013

George Brandis QC MP
Attorney-General
Parliament House
CANBERRA ACT 2600

Dear Attorney,

I have pleasure in presenting the Annual Report of the Australian Human Rights Commission for the period ending 30 June 2013. The report has been prepared pursuant to section 45 of the *Australian Human Rights Commission Act 1986* and in accordance with the requirements of section 70 of the *Public Service Act 1999*.

Yours sincerely,

Professor Gillian Triggs
President, Australian Human Rights Commission

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Our vision

Human rights: everyone, everywhere, everyday

Our role

The role of the Australian Human Rights Commission is to see that human rights and fundamental freedoms are understood and respected in law, policy and practice. The Commission is independent from government, with a legislative mandate, and recognised internationally as an 'A Status' National Human Rights Institution. We strive to resolve complaints, encourage positive law reform and build a shared awareness and recognition of freedoms and rights throughout Australia.

We operate under the *Australian Human Rights Commission Act 1986* (Cth) as well as federal laws that seek to ensure freedom from discrimination on the basis of attributes such as age, disability, race, sex, sexuality and gender identity. The Commission also has specific responsibilities under the *Native Title Act 1993* (Cth) and the *Fair Work Act 2009* (Cth). Our job is to work towards an Australia in which human rights are respected, protected and promoted – finding practical solutions to issues of concern; advocating for systemic change; and raising awareness across the community.

Much of this work is at the policy level – engaging with the public and the media; and encouraging government, industry and community groups alike to see fundamental rights and freedoms realised. It involves building the case for change on issues ranging from paid parental leave to age discrimination in employment. It involves providing a human rights analysis to the courts and to parliamentary inquiries, conducting research and contributing to partnerships. Our work also involves exchanging ideas with equivalent bodies around the world; while, closer to home, we monitor and report on the experiences of those particularly vulnerable to disadvantage.

From addressing individual complaints of discrimination, to engaging with government on policy issues, the Commission's task is both to apply those rights that are currently recognised in our laws; and to aspire for greater recognition and protection of those that are not.

Our vision is for an Australia where human rights are enjoyed by everyone, everywhere, everyday.

Outcome structure

The Commission has one outcome on which it is bound to report: an Australian society in which the human rights of all are respected, protected and promoted.

There is one output for the Commission's outcome: that Australians have access to independent human rights complaint handling and public inquiries processes, and benefit from human rights education, promotion and monitoring, and compliance activities.

Our work

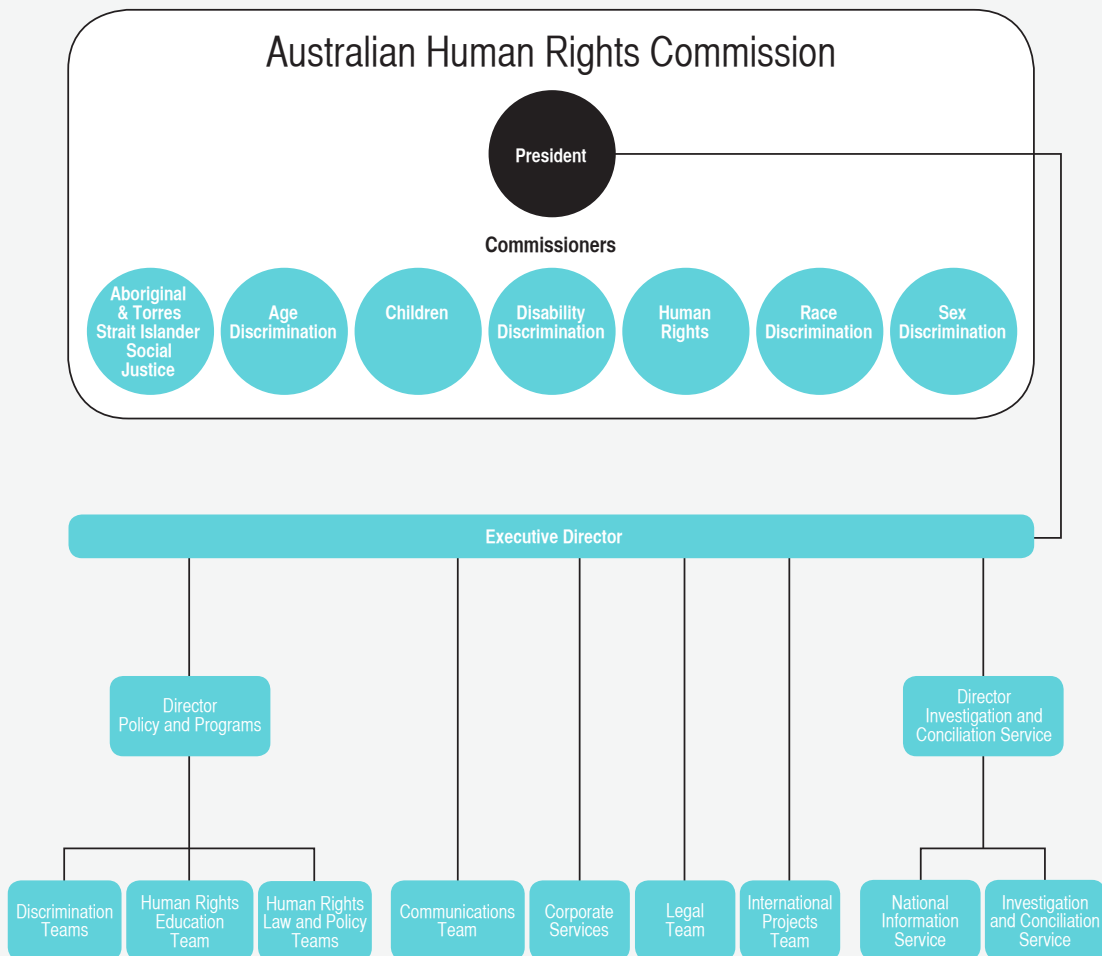
There is no simple way to solve complex human rights issues. From the challenges that face a person with a disability seeking independent living, through immigration detention policy, the promotion of human rights must address issues for individuals as well as the need for broader, systemic change. That is why the Commission uses a range of integrated approaches, while also focussing on particular areas of discrimination through our specialised commissioners.

The Commission's major activities and programs for 2012-13 are organised according to the following five themes and two priorities.



Organisational structure

The Commission is a national independent statutory body established under the *Australian Human Rights Commission Act 1986*.



Our functions

Legislation

The Commission exercises functions under the following Acts.

Australian Human Rights Commission Act

Establishes the Commission and outlines its powers and functions.

It defines human rights by reference to the following international instruments:

- *International Covenant on Civil and Political Rights*
- *Convention on the Rights of the Child*
- *Declaration on the Rights of the Child*
- *Declaration on the Rights of Disabled Persons*
- *Declaration on the Rights of Mentally Retarded Persons*
- *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*
- *Convention Concerning Discrimination in Respect of Employment and Occupation*

Racial Discrimination Act

Gives effect to Australia's obligations under the *International Convention on the Elimination of All Forms of Racial Discrimination*.

Its main aims are to:

- promote equality before the law for all persons, regardless of their race, colour or national or ethnic origin
- make discrimination on the basis of race, colour, descent or national or ethnic origin, unlawful
- provide protection against racial hatred.

Sex Discrimination Act

Gives effect to Australia's obligations under the *Convention on the Elimination of All Forms of Discrimination Against Women* and to other relevant international instruments including the *International Covenant on Civil and Political Rights*.

Its main aims are to:

- promote equality between men and women
- eliminate discrimination on the ground of sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy and breastfeeding in work, education and other areas of public life
- eliminate discrimination on the ground of family responsibilities in work
- eliminate sexual harassment in work, education and other areas of public life.

Disability Discrimination Act

Its objectives are to:

- eliminate discrimination against people with disabilities as far as is possible
- promote community acceptance of the principle that people with disabilities have the same fundamental rights as all members of the community
- ensure as far as practicable that people with disabilities have the same rights to equality before the law as other people in the community.

Age Discrimination Act

Its objectives are to:

- promote equality before the law for all persons regardless of their age
- eliminate discrimination against persons on the ground of age in many areas of public life, such as employment, education and the provision of services or facilities
- change negative stereotypes about older people.

The Commission

We exercise our functions under this federal legislation by:

- investigating and conciliating complaints of discrimination or breaches of human rights
- developing an extensive and accessible website containing research, publications, resources and education programs for young people, teachers, community groups, business, media and the community at large
- working with the media to raise and promote public awareness about important human rights issues
- working with organisations and leaders in the community, government and business sectors to provide education on relevant human rights issues and to support them in their efforts to better protect and promote human rights
- holding public inquiries and consultations to resolve systemic human rights issues of national importance that we have identified
- working closely with the federal government to provide independent advice regarding the development of laws, programs and policies that will better protect and promote human rights
- publishing annual reports on Aboriginal and Torres Strait Islander social justice and native title
- making submissions to parliamentary and other inquiries in order to identify human rights issues which may arise in proposed or existing laws and policies
- working in the legal system through education focused on legal professionals and by appearing as an intervener or as *amicus curiae* in cases that involve human rights
- working with other national human rights institutions, particularly through the Asia Pacific Forum of National Human Rights Institutions

The President, the Aboriginal and Torres Strait Islander Social Justice Commissioner and the Sex Discrimination Commissioner have additional responsibilities.

President

The President is the Chief Executive Officer of the Commission, responsible for its financial and administrative affairs. The President is also responsible for the complaint handling function of the Commission.

Aboriginal and Torres Strait Islander Social Justice Commissioner

Under the *Australian Human Rights Commission Act*, the Aboriginal and Torres Strait Islander Social Justice Commissioner prepares an annual report on the exercise and enjoyment of human rights of Indigenous peoples and undertakes social justice education and promotional activities.

This Commissioner also performs reporting functions under the *Native Title Act 1993*. These functions include preparing an annual report on the operation of the Act and its effect on the exercise and enjoyment of human rights of Indigenous peoples. In addition, the Commissioner reports, when requested by the Minister, on any other matter relating to the rights of Indigenous peoples under this Act.

Sex Discrimination Commissioner

The *Fair Work Act 1996* gives the Sex Discrimination Commissioner the power to initiate and refer equal pay cases to Fair Work Australia.

Relationship with the Minister

The Attorney-General is the Minister in Parliament responsible for the Commission. The Attorney-General has a number of powers under the *Australian Human Rights Commission Act*.

The most significant is:

- to declare, after consultation with the states, an international instrument to be one relating to human rights and freedoms for the purposes of the Act.

Highlights of the year

Key achievements

In 2012-13, we prioritised work that tackles violence, harassment and bullying; and that builds understanding and respect for rights in our community.

Information and Complaint Services

In 2012-13, the Commission assisted over 17,000 people and organisations by providing information about the law and the complaint process, assisting with problem solving and providing referrals to other services. The Commission also received 2,177 complaints alleging discrimination or breaches of human rights and finalised 2,500 complaints. We facilitated 1,650 conciliations of which 1,079 complaints (65%) were successfully resolved. This represents successful dispute resolution for more than 2,158 people and organisations. 93% of those who were surveyed about the service we provided said they were satisfied with the service and 64% rated the service as 'very good' or 'excellent'.

Review into the treatment of women in the Australian Defence Force

In August 2012, the Commission released its second report on the treatment of women in the Australian Defence Force (ADF). The report examined the effectiveness of cultural change strategies and the measures required for increased representation of women in the ADF leadership. The report made 21 recommendations, addressing diversity of leadership; the participation, recruitment and retention of women; workplace flexibility; harassment, violence and abuse; and the responsibility of the ADF leadership to deliver and ensure effective reform.

National Anti-Racism Strategy

In August 2012, the Commission launched its National Anti-Racism Strategy to promote a clear understanding in the Australian community of what racism is, and how it can be prevented and reduced. A key component of the strategy is the *Racism. It Stops With Me* campaign. More than 140 businesses and organisations agreed to support the campaign, and a community service announcement featuring footballer Adam Goodes attracted more than 240,000 YouTube views.

BackMeUp

In August 2012, the national *BackMeUp* short film competition attracted more than 100 entries from young people across Australia and over 56,000 YouTube views. The competition winner, 16-year-old Grace Griffith, created a powerful 30-second advertisement aired on Foxtel and ABC TV. The campaign encouraged young people to support their friends targeted by cyberbullying. The *BackMeUp* films and information about how to respond to bullying are online at <http://somethingincommon.gov.au/backmeup>.

Productivity and older Australians

In September 2012, the Commission hosted a business forum entitled 'Harnessing the productivity potential of older Australians', bringing together leaders from across the business sector to discuss employment initiatives targeting older Australians.

Sexual harassment survey

In October 2012, the Commission released its sexual harassment prevalence survey. More than one in five people reported sexual harassment in their workplace in the past five years. The most commonly reported breaches were sexually suggestive comments, offensive jokes or intrusive questions, and inappropriate leering. However, almost one in six respondents reported receiving sexually explicit emails or text messages. It is often assumed that sexual harassment is more common in male-dominated industries. However, almost half of the workplaces where sexual harassment occurred were in the health and community services, hospitality, retail and education sectors.

Social Justice and Native Title Reports

In November 2012, the Social Justice and Native Title Reports 2012 were released and tabled in Parliament. Both reports focused on issues relating to Indigenous governance.

Human rights awards

In December 2012, the Commission held its 25th annual Human Rights Awards ceremony at the Hilton Hotel in Sydney. The prestigious Human Rights Medal was awarded to Ian Thorpe in recognition of his work with young Australians and with Aboriginal and Torres Strait Islander communities. The Young People's Human Rights Medal was awarded to Krista McMeeken for her outstanding work with the WA Aboriginal Legal Service and the Child Rights Taskforce. Awards were also presented in eight other categories.

Twenty Years: Twenty Stories

On 1 March 2013, the Governor-General, the Hon. Quentin Bryce AO CVO launched *Twenty Years: Twenty Stories* at Admiralty House in Sydney. *Twenty Years: Twenty Stories* is a collection of 20 short films, produced in partnership with the Sydney Community Foundation to mark the 20th anniversary of the Disability Discrimination Act. Each film highlights ways in which people with disability used the Disability Discrimination Act to change their lives and the lives of others.

UN Declaration on the Rights of Indigenous Peoples

On 22 May 2013, the Commission, the National Congress of Australia's First Peoples, and the Federal Government presented a historic joint statement to the UN Permanent Forum on Indigenous Issues. The joint statement confirmed Australia's support for the *UN Declaration on the Rights of Indigenous Peoples* and committed the Federal Government to giving practical effect to the Declaration's goals.

.....
Professor Gillian Triggs

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President and

.....
Human Rights Commissioner
.....



President's statement

As I reflect on my first year as President I am inspired by what the Commission has achieved and the progress made towards our vision of making human rights values a part of everyday life and language.

The direction for the Commission's work is set out in our strategic plan. This plan reflects the determination of our Commissioners and staff to make a difference and positively contribute to improved human rights promotion and protection in Australia. In 2012-13, the Commission has continued to address two priority areas: 1) tackling violence, harassment and bullying; and 2) building understanding and respect for human rights in the community.

I began this role with the hope of facilitating a more coherent implementation of international human rights law in our Australian domestic law. I have come to learn that implementation of that law depends largely on education. At the Commission we have been working very hard to empower all people to understand and exercise their human rights. We have recently commenced *RightsTalk*, a series of public events at which prominent individuals are invited to speak at the Commission on a topic of interest. I have been very pleased with the success of the series, as it has provided a forum for members of the public to come together to debate, discuss, argue and learn about the human rights issues that affect us all.

The Commission has increased its use of new media platforms and technologies as a tool for education and engagement across all areas of its work. In April 2013 we launched a new interactive website which includes greater capability to host online forums on important human rights issues. The accessibility of the website has also been greatly improved, with a range of enhancements to open it up to the widest possible audience.

In 2012-13, the Commission assisted over 17,000 people and organisations by providing information about the law and the complaint process. We facilitated 1,650 conciliations, of which 65% were successfully resolved. People who use the Commission's Investigation and Conciliation Service report high rates of satisfaction, with 93% of those who completed our survey for 2012-13 reporting they were satisfied with the service they received. These figures are an important measure of the access to justice the Commission provides to the community, at no cost to either the complainant or respondent.

One of the constant strengths of the Commission's work is the quality and effectiveness of the partnerships we develop and sustain. The Commission has consistently worked with individuals, community, business and government to inspire action. Throughout 2012-13 the Commission has continued to work closely with the Attorney-General's Department in the development of materials, resources and education for the Commonwealth public sector. This included the launch of *Human rights at your fingertips*, a pocket guide which provides Australian Public Service officers with a quick and easy reference to Australia's core human rights obligations.

Australia received its first National Children's Commissioner in March 2013. Megan Mitchell joined the Commission, bringing with her a wealth of experience and knowledge. By the time this report is released we will have a new Race Discrimination Commissioner. We welcome Dr Tim Soutphommasane, who will play a key role in fostering communities where people of all cultures and backgrounds feel safe, respected and included.

As a nation we continue to face major human rights challenges. One of those is the issue of immigration detention policy, and its impacts on the human rights of asylum seekers and other people in immigration detention. The Commission has continued to play an important role in monitoring immigration detention centres to ensure that conditions meet internationally-accepted human rights standards. In October 2012 I visited detention facilities on Christmas Island, and published a report on my visit in December 2012.

Over the past year, the Commission has developed a number of resources to provide clear, factual information and to increase community awareness and understanding of the situation of asylum seekers, refugees and people in immigration detention in Australia.

In July 2012, the Commission released the *Community arrangements for asylum seekers, refugees and stateless persons* report, which found that, as well as being better aligned with Australia's international human rights obligations, community arrangements offer a far more humane and effective approach to the treatment of asylum seekers, refugees and stateless persons than detention. The Commission has also developed *Human rights standards for immigration detention*, which articulates benchmarks for the humane treatment of people held in immigration detention.

The Commission continues to be concerned about the situation of refugees who have received an adverse security assessment by ASIO and who remain in indefinite immigration detention. While some improvements have been made in this area, the Commission remains seriously concerned about the indefinite detention of refugees who have neither been charged nor convicted of any offence. I have continued the Commission's advocacy for greater transparency of the ASIO security assessment process and the use of community-based arrangements while durable solutions are pursued.

Internationally, the Commission has played an important role by contributing technical assistance to advance partnerships for human rights in other countries, especially China and Vietnam, and by sharing our knowledge and experience with other national human rights institutions. This year, the Commission has interacted with several United Nations bodies including the Human Rights Council, the Commission on the Status of Women and the UN Permanent Forum on Indigenous Issues.

The year 2013 marks the 20th anniversary of the World Conference on Human Rights. The World Conference played an important role in rejuvenating the human rights work of the United Nations and recognising the important contribution of national human rights institutions. As Australia's national human rights institution, the Commission will continue to work towards greater implementation of international human rights standards at the national level, and strive to make Australia a place where human rights are promoted and protected for **everyone, everywhere, every day**.



Professor Gillian Triggs
President and Human Rights Commissioner

Mick Gooda

*Aboriginal and Torres Strait
Islander Social Justice Commissioner*



In January 2013 we saw the 20th anniversary of the appointment of the first Aboriginal and Torres Strait Islander Social Justice Commissioner, Professor Mick Dodson. Subsequent Commissioners, Dr Bill Jonas, Dr Tom Calma and Zita Antonios have all reinforced the value of having an independent voice monitoring and reporting on the enjoyment and exercise of human rights and the native title outcomes for Aboriginal and Torres Strait Islander Peoples, domestically and in the international arena. I will cover this issue more fully in this year's Social Justice and Native Title Reports.

We also enjoyed a breakthrough with the *UN Declaration on the Rights of Indigenous Peoples*. In May this year, the Federal Government agreed to submit a joint statement with my Office and the National Congress of Australia's First Peoples to the UN Permanent Forum on Indigenous Issues. I believe this statement marks a watershed because we have finally secured agreement that Australia will take action to give full effect to the Declaration in concert with Aboriginal and Torres Strait Islander Peoples. I will dedicate the remaining time in this position to getting agreement on what this 'full effect' means.

Another milestone was the passing of the Act of Recognition of Aboriginal and Torres Strait Islander Peoples. Both houses of Parliament unanimously passed this Act in February 2013. The Act has a two year sunset clause from the date of proclamation, which gives us a timeline for the holding of a referendum on recognition of Indigenous Australians in the Constitution.

The Northern Territory Government introduced legislation in 2013 to deal with the effects of alcohol abuse in that jurisdiction. The move effectively criminalises alcohol abuse and returns us to the days when public drunkenness was addressed in the criminal justice system rather than the health system. This is a direct repudiation of one of the main recommendations of the Royal Commission into Aboriginal Deaths in Custody handed down over 22 years ago. Whilst this legislation is not explicitly aimed at Aboriginal and Torres Strait Islander Peoples, I have no doubt the overwhelming effect will be the targeting of a group of who need evidenced-based help to overcome a debilitating addiction rather than just being locked up and subjected to treatment untested by any credible research.

These issues again demonstrate that, when it comes to Aboriginal and Torres Strait Islander Peoples, it is often a case of two steps forward and then one step back to the failed policies of the past.

A handwritten signature in black ink that reads "Mick Gooda". The signature is written in a cursive, flowing style.

Mick Gooda
Aboriginal and Torres Strait Islander
Social Justice Commissioner

Graeme Innes AM

Disability Discrimination Commissioner



This year was one of huge change in the disability field. A National Disability Insurance Scheme came to fruition, partially funded by an increase in the Medicare levy and supported by all but one of Australia's eight state and territory governments.

When fully operational, Disability Care Australia will give about 460,000 Australians with disability far more choice and control over our lives. It was achieved with the support of politicians across the spectrum, and opinion polling showed that 78 per cent of Australians supported an increased Medicare levy to fund the scheme.

The campaign in support of the scheme was incredibly successful. It unified and galvanised the disability sector, and set some positive directions for the future. Australia's record on disability is poor, with 45 per cent of Australians with disability living in poverty. This ranks us at 27 of 29 OECD countries for this measure.

The National Disability Insurance Scheme is probably the greatest disability reform since Federation. Campaigning for it, and providing government with advice on its development and implementation, constituted a significant part of my work this year.

1 March 2013 marked the 20th anniversary of the commencement of the *Disability Discrimination Act*. We celebrated this event by filming 20 short stories about Australians with disability, and how the Disability Discrimination Act has changed – or not changed – our lives. *Twenty Years: Twenty Stories* was launched by the Governor-General, the Hon. Quentin Bryce AC CVO at Admiralty House.

These films encourage people with disability to use the *Disability Discrimination Act* to change their lives, and the lives of others. They also provide the Commission with an excellent public awareness tool. The films are online at <http://www.humanrights.gov.au/twentyyears/videos.html>

Australia will appear before the Expert Committee for the *Convention on the Rights of Persons with Disability* in September 2013. We prepared our shadow report for this appearance during the year.

People with disability have a participation rate in the workforce 30 per cent lower than the general population, and participation in the Commonwealth public service is as low as 2.9 per cent. These low workforce participation rates cause much of the poverty in our sector, and I have worked with government and private sector organisations to improve their performance against this measure. Success brings economic and social benefits to the organisations, the individuals employed, and the Australian community. I continue to devote time to this issue as a core component of my work.

Finally, towards the end of the year, I commenced investigation into access to the justice system for people with disability. Reports on this issue will be released in the next financial year.

Graeme Innes AM
Disability Discrimination Commissioner

Elizabeth Broderick

Sex Discrimination Commissioner



This year commenced with the tabling of the report into the Treatment of Women in the Australian Defence Force in August 2012. A further report examining progress on the implementation of our recommendations for change at ADFA will be released later this year. We will also commence an audit of the implementation of recommendations contained in the broader ADF report from August 2013.

In November, I launched the Commission's *Working without Fear: Results of the Sexual Harassment National Telephone Survey 2012*, which provided data on the prevalence, nature and reporting of sexual harassment in Australian workplaces over the preceding five years.

Sexual harassment is persistent and pervasive in our workplaces. *Working without Fear* found 21 per cent of people aged 15 years and older have experienced sexual harassment. It also found that a majority of individuals who witnessed or subsequently learned about sexual harassment in their workplace (bystanders) took action to prevent or reduce the harm.

In January, we released *Investing in care: Recognising and valuing those who care*. This report examined a range of mechanisms to reduce the inequality in women's workforce participation and retirement savings through valuing unpaid caring work and identified potential reforms such as carers' assessments, flexible work, early childhood education and care, workplace mechanisms and caring credits schemes. We supported this with a toolkit that workplaces can use to support unpaid carers.

The theme for the 57th session of the UN Commission on the Status of Women, held in New York in February, was elimination and prevention of violence against women. While there, I advocated for the recognition of domestic violence as a workplace issue. Lieutenant-General David Morrison, a member of the Male Champions of Change group that I convene, delivered an address on advancement of gender equality within the Australian military.

The Male Champions of Change expanded to 22 members this year. They are actively advocating for gender equality and women's leadership and have adopted a common reporting framework on the advancement of women into senior leadership positions.

In April, I jointly launched with Julie Collins, the Minister for the Status of Women, a publication called *Women in male-dominated industries: A toolkit of Strategies*. The toolkit assists leaders to develop and implement strategies for increasing the representation of women in non-traditional roles.

A handwritten signature in black ink that reads "E. Broderick".

Elizabeth Broderick
Sex Discrimination Commissioner

Susan Ryan

Age Discrimination Commissioner



The Australian Law Reform Commission (ALRC) report, *Access All Ages – Older Workers and Commonwealth Laws*, was tabled in Parliament in May. I was a part-time commissioner on the year-long ALRC inquiry. The report was the culmination of an extensive investigation into the barriers facing older Australians in workforce participation. It contains important recommendations for reform in workforce planning and the recruitment and retention of older workers. It also recommends the removal of impediments to workforce participation for older people such as limits on workers compensation and income protection insurance.

My work on the ALRC inquiry followed a Business Strategy Forum conference, *Older Workers and business growth: harnessing the productivity potential of older Australians*. The conference, attended by 80 CEOs, focussed on strategies to recruit and retain older workers.

This year brought an essential amendment to the *Sex Discrimination Act 1984* (Cth), providing older lesbian, gay, bisexual, transsexual and intersex people with protection from discrimination in their access and enjoyment of Commonwealth-funded aged care services.

Along with others, I advocated for this amendment which removed the exemption that religious bodies had under the Act. Religious bodies provide almost 30 per cent of all Commonwealth-funded aged care so it is fitting that they should comply with anti-discrimination laws aimed at ensuring access to aged care services for all people regardless of sexual orientation, gender identity and intersex status.

During the year, I completed a new publication to assist older people to protect their rights and understand their entitlements at retirement. *Your Rights at Retirement* contains information about the decisions that need to be made before retirement and the services that can assist and support people in retirement.

The *Living Longer, Living Better* legislation was an important development for aged care in Australia. Along with others, I advocated for the passage of this legislation, which should provide older people with greater choice and flexibility in aged care services. This legislation enables the development of an expanded aged care workforce that will implement significant reforms to the system. I am a member of the Aged Care Reform Implementation Council, with responsibility to oversee the implementation of the *Living Longer, Living Better* legislation.

Our investigation of media and advertising stereotypes of older Australians led to the publication of a research report, *Fact or Fiction? Stereotypes of Older Australians*. This report, completed in June, will be the basis for a campaign aimed at eradicating damaging stereotypes.

I have continued to advocate for a Convention on the Rights of Older People. A Convention would provide coherence and structure to our existing rights system for older people in Australia, and greater protections in countries with lesser protections and rights.

Over the past year I have increased my online presence and have continued meeting with government ministers and departmental staff, age sector groups, training organisations, health care and aged care agencies and business stakeholders. As a member of the Australian Panel for Positive Ageing, I am closely linked to policy development in the age sector.

A handwritten signature of Susan Ryan in black ink, written in a cursive style.

Susan Ryan
Age Discrimination Commissioner

Professor Gillian Triggs

*Race Discrimination Commissioner
(Acting)*



Since January 2013 I have been acting in the position of Race Discrimination Commissioner following the departure of the previous Race Discrimination Commissioner, Dr Helen Szoke.

I would like to acknowledge Dr Szoke's contribution in the role, particularly in leading the development and implementation of the National Anti-Racism Strategy and associated campaign, *Racism. It Stops with Me*.

It has now been close to a year since the launch of these initiatives and I have been heartened to see the strong support they have attracted from across the Australian community. Over 140 organisations have signed on as campaign supporters to date, including all of the major sporting bodies and a number of prominent businesses. We will continue to work closely with them to support their actions to counter racism and support cultural diversity.

It has been a particularly opportune time for the Commission to lead a National Anti-Racism Strategy and campaign given the number of occasions over the year that have focused attention on the racism that is unfortunately still experienced by too many in our community.

A series of well-publicised incidents of racial abuse on public transport have caused us to reflect on the role of the bystander when these incidents occur, and we have developed resources to assist bystanders to respond safely in such situations.

We have seen a notable increase in complaints to the Commission of cyber-racism and a growing awareness of the harm that it causes, and we continue to work in partnership with our stakeholders to improve responses to it.

Most recently, the racial slur directed towards a prominent AFL footballer and the commentary that followed prompted much debate about the need for education on racism and its impacts, specifically the so-called "casual" racism that we often take for granted. This incident preceded our launch of a community service announcement targeting racism in sport, and a suite of online anti-racism resources for young people called *What You Say Matters*, a title which encapsulates the key message of the past year in relation to racism.

A handwritten signature in black ink, appearing to read 'Gillian Triggs'. The signature is fluid and cursive.

Professor Gillian Triggs
Race Discrimination Commissioner (Acting)

Megan Mitchell

Children's Commissioner



In February 2013, I was honoured to be appointed Australia's first National Children's Commissioner, and I started in the role in March.

This position was created 22 years after Australia signed the *United Nations Convention on the Rights of the Child*. The impetus for this position largely came from calls from community organisations for a national commissioner whose sole focus was the rights and interests of children, and the laws, policies and programs that impact on them.

I have spent a good deal of time talking with children's advocates about how I can best help improve the lives of children in Australia, in particular those who are most vulnerable. I have also begun a program of talking to children and young people, as the experts in their own lives, about what is important to them, what they would like me to do for them, and how I can keep connected. Called the *Big Banter*, I am working my way across the country meeting with diverse groups of children and young people to discuss their rights, hear their stories, and conduct a survey.

The *Convention on the Rights of the Child* provides the fundamental framework for my work, and this will be reflected in my first report to Parliament later in the year.

As a key guiding principle of the Convention, increasing opportunities for children's participation in decision-making, hearing children's voices and more systematically focusing on children's rights in the design of systems, laws and the physical environment are already emerging as early priorities.

I am also partnering with others on a range of initiatives to combat the disadvantage experienced by particular groups of children. For example, I am working with the Aboriginal and Torres Strait Islander Social Justice Commissioner to develop models of justice reinvestment, where resources are redirected to early intervention, family support and diversionary programs. In addition, I am working with the Disability Commissioner on improving access to justice for children with a disability.

Along with many non-government agencies and state and territory colleagues, I have an active role in monitoring the progress of the National Framework for Protecting Australia's Children (2009-2020), a long-term agenda to improve care and protection systems, deliver better outcomes for children in care, and help prevent families and children from entering or re-entering these systems.

The Royal Commission into Institutional Responses to Child Sexual Abuse provides a once-in-a-lifetime opportunity to build better safeguards for children in organisations and communities. A key part of this must be to enhance systems, attitudes and practices that privilege children's voices and participation, along with greater awareness of children's experiences and rights and the careful exchange of information in their interests.

The advent of social media means that children and young people are exposed to the considerable benefits of rapid and far reaching connections to information, but also to the many risks this brings, at a time when they are developmentally and emotionally very vulnerable. I intend to work closely with children and young people to develop a deep understanding of their needs in safely negotiating their online worlds.

Finally, while most children in Australia are doing well, there are too many who miss out on having their basic rights and needs met. I look forward to working with many wonderful organisations and individuals across Australia to ensure that all children and young people in this country can thrive and flourish.

A handwritten signature in black ink, which reads 'Megan Mitchell'.

Megan Mitchell
Children's Commissioner



TOP ROW: LEFT TO RIGHT

Susan Ryan

Age Discrimination Commissioner

Padma Raman

Executive Director

Graeme Innes AM

Disability Discrimination Commissioner

Megan Mitchell

Children's Commissioner

Elizabeth Broderick

Sex Discrimination Commissioner

BOTTOM ROW: LEFT TO RIGHT

Dr Tim Soutphommasane

*Race Discrimination Commissioner
(appointed July 2013)*

Professor Gillian Triggs

President and Human Rights Commissioner

Mick Gooda

*Aboriginal and Torres Strait Islander
Social Justice Commissioner*

The year in review

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Building understanding and respect for human rights and fundamental freedoms



Human Rights advocates Philip Lynch and the Hon Elizabeth Evatt at the 2012 Australian Human Rights Awards.

We all have obligations to respect the rights and freedoms of others. For this to take practical effect, we need a wider understanding of human rights and their importance in daily life. Building this understanding and respect for human rights is one of the Commission's two key policy priorities for 2011-14. The Commission conducts a range of community education, training and engagement projects to translate human rights values into everyday life.

Human rights education

Over the past two years, the Commission has focused on integrating human rights into the national school curriculum. We have developed a strong working relationship with the Australian Curriculum and Reporting Authority (ACARA), and have provided advice on incorporating information about human rights and fundamental freedoms into content areas for history, geography, civics and citizenship, economics and business, physical education and health.

In late 2013, the Commission will release a resource for teachers and syllabus writers that articulates the links between human rights and the national curriculum.

Complaint of racial discrimination in employment

The complainant, who is of Sikh ethnicity, said he applied for work as a dentist with the respondent dental surgery. He claimed that during his interview, the manager of the dental practice said he would not be a 'good fit' because he wore a turban.

On being advised of the complaint, the manager and the surgery indicated a willingness to participate in conciliation. The complaint was resolved with an agreement that the respondents jointly pay the complainant \$5000 compensation and make a \$1000 donation to the local Sikh temple. The manager also agreed to provide the complainant with an apology and attend anti-discrimination training.

The Commission is finalising additional teaching resources for the national curriculum, relating to disability, racism and cultural diversity. These will be included in our *Rights:Ed* educational resources on our website.

The Commission has contributed to ACARA's expert advisory group for general capabilities. In this role, the Commission provided advice on how respect for human rights can be built into the curriculum's general capabilities in areas such as ethical and intercultural understanding.

Human rights in the national curriculum

Below are some examples of human rights content included in the national curriculum. The Commission has played a positive role in suggesting and identifying content for such materials.

History	Year 10 students will learn about the origins and significance of the Universal Declaration of Human Rights. They will also learn about Australia's involvement in the development of the declaration
English	Year 10 students will evaluate the social, moral and ethical positions represented in their readings. This could include examining freedom of expression on the internet and considering issues such as anonymity and online ethics.
Geography	Year 7 students will learn about the influence of social connectedness, community identity and perceptions of crime and safety on the liveability of places. This could include investigating the factors such as public transport accessibility that impact on the rights of people with disabilities to live in communities.
Maths	Year 7 students learn to identify and investigate issues involving data collected from primary and secondary sources. This could include investigating data from the Australian Bureau of Statistics relating to the health and wellbeing of different groups of people in Australia including Aboriginal and Torres Strait Islander peoples.
Revised Health and Physical Education Curriculum	Year 5 and 6 students will investigate and reflect on how valuing diversity positively influences the wellbeing of the community. Examples might include the initiatives sporting and community groups use to counter discrimination, support the wellbeing of their communities and prevent bullying.
Draft Civics and Citizenship Curriculum	Year 8 students will learn about the rights and liberties that enable active participation in Australia's democracy, including freedom of speech, freedom of association, freedom of movement and freedom of religion.

Working with business

Over the past year, the Commission has conducted education sessions about the law and the complaint process for potential complainant groups, businesses and government. This included a business information session on the amendments to the *Sex Discrimination Act 1984*, introducing new grounds of protection against discrimination on the basis of sexual orientation, gender identity and intersex status. Further information sessions will be convened in the 2013-14 financial year, when the legislation has come into effect.

We have developed resources for workplaces, employers, employees and unions including a Toolkit for supporting carers in the workplace. This was developed as part of our project on valuing unpaid caring work.

On 21 May 2013 the Commission's publication *Women in male-dominated industries: A toolkit of strategies* was launched by the Federal Minister for Women. The toolkit assists leaders in organisations to develop and implement constructive and sustainable strategies to increase the representation of women in non-traditional roles in male-dominated industries.

We are finalising guidelines for preventing sexual harassment in the workplace, following the release of data in late 2012 from our national prevalence study on sexual harassment. These guidelines are part of the Commission's partnership with peak industry bodies and unions to eliminate sexual harassment in the workplace.

Under the National Anti-Racism Strategy and Partnership, we entered into a partnership with the Diversity Council of Australia to release a *Work Place Cultural Diversity Health Check* tool. This tool helps employers identify potential barriers to diversity within their organisations.

The Commission convened a conference in September 2012 for employers – *Older Workers and Business Growth: harnessing the productivity potential of older Australians*. Over 90 participants, including CEOs and other business leaders, attended this forum, opened by the Treasurer, the Hon. Wayne Swan MP.

The conference highlighted the benefits to business of employing and retaining older workers. The principle outcome was an agreed list of practical strategies to develop employment opportunities for older workers while delivering benefits to the national economy. This report was accompanied by cost-benefit data on the contribution of older Australians to the economy.

Complaint of criminal record discrimination

The complainant said she applied for a Development Officer position with a government department and was told she was the successful applicant. She said the department's security vetting team subsequently contacted her to discuss her criminal record and two days later, the employment offer was withdrawn. The complainant's criminal record involved convictions for traffic offences over a number of years.

On being advised of the complaint, the department indicated a willingness to participate in conciliation. The complaint was resolved with an agreement that the department would repeat the security vetting process and consider information from the complainant about the circumstances surrounding her criminal record. The department subsequently offered the complainant employment.



Sex Discrimination Commissioner Elizabeth Broderick with business leaders including Qantas CEO Alan Joyce.



Working with Muslim women: pilot course in Human Rights Education and Advocacy.

Vocational education and training

Over the past year, the Commission has focused on developing three sets of resources for the vocational education and training sector:

- We commenced the re-accreditation of the National Indigenous Legal Advocacy Course, Diploma level. This course was initially developed by the Commission in response to a recommendation of the Royal Commission into Aboriginal Deaths in Custody in 1991, to provide skills development to field officers in Aboriginal legal services. It continues to be taught by TAFE and Aboriginal educational institutions such as Tranby College in Sydney.
- We engaged with the relevant training and skills council to seek to integrate human rights content into training for people entering the aged care workforce. Materials developed for this cohort can be used more broadly in training for other service industries.
- We completed the pilot of a 10-week course in Human Rights Education and Advocacy as part of a Certificate IV level course for Community Development Workers working with Muslim women. This course was developed in partnership with Outreach at Sydney Institute, TAFE NSW, Information Cultural Exchange and the Bankstown Area Multicultural Network.

Case study: Australian Public Service Human Rights Network

The Commission created the Australian Public Service Human Rights Network in 2011 to build awareness of human rights in the public sector, and to assist people in undertaking their new responsibilities such as developing Statements of Compatibility with all newly introduced legislation and legislative instruments. This informal network of staff across government agencies convenes every quarter.

Over two years, the network has grown to over 600 participants from departments including the Attorney-General's Department, Department of Human Services, FaHCSIA, DIAC, DEEWR and Prime Minister and Cabinet. It is intended for all levels of officers across all sectors of the APS.

- The evaluation of the pilot demonstrated concrete outcomes for the participants and their communities such as improved understanding of human rights standards and discrimination complaints processes; increased confidence and ability to share this knowledge at the community level; strengthened networks and highly developed advocacy skills using social and digital media.
- Building on the extensive interest generated by this pilot and to strengthen the reach, transferability and sustainability of these outcomes, we are now developing training resources from the pilot course for use more generally in the TAFE and VET sectors.

Working with the public sector

The Commission has prioritised developing education initiatives for the Australian Public Service. We provided advice to the Attorney-General's Department on training resources and the online toolkit on human rights. These were developed and delivered under the Australian Human Rights Framework. The Commission will commence training courses on human rights as part of the Australian Public Service Commission's regular training roster.

Together with the Attorney-General's Department, we published *Human rights at your fingertips*. This pocketbook contains a simple guide to the human rights and fundamental freedoms recognised in the seven major international human rights treaties to which Australia is a party. Copies of the publication are available from the Commission and can be downloaded from our website.

Working with Aboriginal and Torres Strait Islander communities

The Commission has developed a range of educational resources on the *UN Declaration on the Rights of Indigenous Peoples*. These include a community guide and DVD, produced with assistance from Oxfam Australia, and a guide for national human rights institutions completed in partnership with the Asia-Pacific Forum of National Human Rights Institutions and the Office of the High Commissioner for Human Rights.

In the past year we contributed to a cross-government working group on implementation of the Declaration. This working group aims to build better awareness of the Declaration and its meaning.

The Commission has entered into a formal partnership with the National Congress of Australia's First Peoples for the 'declaration dialogue' series. These community events will inform Aboriginal and Torres Strait Islander communities about their rights under the Declaration as well as encourage communities to articulate their own vision for human rights protection. A series of research papers and fact sheets have been released to support these dialogues.

Informing and engaging with the Australian community

As well as reaching targeted audiences, reaching the broader community with relevant information is fundamental to building understanding and respect for human rights. Many of our projects and activities achieved substantial reach into the audiences they targeted. And through our online platforms we have created a significant and growing social media audience.

Using online technology

In April 2013, we launched the Commission's new website at <http://www.humanrights.gov.au>

This updated website deepens our community engagement and enhances our delivery of information in meaningful and accessible ways. We also deliver specific information to target audiences by using a series of microsites for activities such

as the Australian Human Rights Awards, our anti-bullying and anti-racism campaigns, the *Twenty Years: Twenty Stories* collection of short videos about the *Disability Discrimination Act*, the Defence Review, and *Something in Common*.

Website and social media

During 2012-13, the Commission's website received 5,981,688 page views. This is an increase of 8% from 2011-12. A summary of website statistics, including details on visits to our microsites, is provided at Appendix 4.

Information posted to the Commission website is pushed through to Twitter and Facebook, enabling direct engagement with social media users. Our use of these communication channels enables us to talk to audiences directly and allows members of the public the opportunity to add their own comments and contributions to the site, and commit to taking a number of online and offline actions. Social media is now integrated into our project planning as a means of diversifying the way in which we engage with the community.

The Commission's Twitter accounts had a combined following of 26,074 at 30 June 2013, and our Facebook page had 14,815 likes.

Our YouTube channel, on which we share video highlights of our major events and projects, attracted 287,175 views during the year. This is a substantial increase on the 19,026 YouTube views we received last year. We had 20,657 unique subscribers to our electronic mailing list at 30 June 2013, and our online podcasts, released through our website every second Monday, continue to attract strong audiences.

Keep informed about human rights and Commission activities:

- Join our mailing list: <https://www.humanrights.gov.au/user/register>
- Subscribe to our fortnightly PodRights: www.humanrights.gov.au/podcasts/index.html
- Follow us on Facebook and Twitter @AusHumanRights



Performing artists Descendance, at the 2012 Australian Human Rights Awards.

Case study: Rights and freedoms – right by right

As part of the development of the Commission's new website, we are developing pages on rights and freedoms by reference to the main human rights treaties developed by the international community and adopted by Australia in the years since the Universal Declaration of Human Rights was proclaimed in 1948.

The page for each internationally recognised right and freedom includes references to interpretive documents (such as General Comments of human rights treaty committees), resources and reports developed by the Commission.

Something in Common

Something in Common is a social media initiative that shares the story of human rights in Australia and celebrates ordinary people doing extraordinary things. The somethingincommon.gov.au site has attracted over 60,000 visitors since it was launched. A recent addition to the site is the *Tell me a Story* program, through which seven video bloggers have been selected to produce short videos each month about human rights.

Linked to *Something in Common* is the online platform *Tell me something I don't know*: tellmesomethingidontknow.gov.au. This is used to share facts about human rights issues in a concise and accessible way. These initiatives have enabled the Commission to reach new audiences and trial new communication channels.

The media

During 2012-13, the President and Commissioners received approximately 1,160 requests for interviews from print, radio, television and online journalists, compared to 1,005 requests received in 2011-12.

Our media releases are cross-promoted on Facebook and Twitter. We also feature the Commission's news stories on the front page of our website to promote initiatives, events, publications and other matters of significance.

Publications

Every year, we prepare a broad range of materials, from plain-language brochures and community guides to major reports and submissions. These resources are all available on our website in accessible formats and most are also published in hard copy format. With differing audiences in mind, we also produce DVDs and CDs.

During 2012-13, we distributed 14,649 publications and resources from our warehouse, in response to 384 requests. In addition, resources were also distributed by Commissioners and staff at community consultations and public events.

Presentations and education

Over the past 12 months, the President and Commissioners addressed a broad range of conferences, seminars and public events. A selection of these speeches is available on our website at <http://www.humanrights.gov.au/news/speeches>

Our staff delivered information sessions about current projects, federal human rights and discrimination law and the Commission's complaint process to audiences in all states and territories. Audiences included legal advocacy groups, professional associations, business, government, unions, multicultural organisations and universities.

RightsTalk!

In 2013, the Commission commenced a series of public events entitled *RightsTalk!* These talks provide a regular forum for the public to come to the Commission to engage in discussion with guest speakers on topical human rights issues such as racism on public transport, freedom of speech and media reform, the stigma associated with mental illness, the *Convention on the Rights of the Child*, and developments in protecting the rights of people with disability.

As part of this initiative, the Commission commenced a series of seminars on human rights in cyberspace. Topics considered include gender and racial stereotyping in online gaming; freedom of expression online; challenges for older Australians, people with a disability and people in rural and remote areas in accessing information through the internet; and combating hate on the internet.

Case study: *Twenty Years: Twenty Stories*

- To celebrate the 20th anniversary of the *Disability Discrimination Act*, the Commission undertook a film project called *Twenty Years: Twenty Stories*. Twenty short films were produced; half by a professional film company while the other half were created by community groups with the assistance of filmmakers.
- *Twenty Years: Twenty Stories* was an opportunity to mark the advancement of disability rights as a result of the Act and to raise awareness of areas that need improving.
- The Governor-General, the Hon. Quentin Bryce AC CVO, launched *Twenty Years: Twenty Stories* in Sydney on 1 March, 2013. The films have since been shown around Australia and at the Australian Embassy in Geneva, Switzerland. The project was undertaken in collaboration with the Sydney Community Foundation with significant support from government and the philanthropic and business sector, which provided the majority of funds and logistical support for the project.
- Our evaluation has shown that the films have had significant impact on viewers. The films will be used as digital teaching resources in the new national curriculum for Australian schools.



The Governor-General, the Hon Quentin Bryce, AC CVO launches *Twenty Years: Twenty Stories*.

Recognising Australia's human rights champions

In December 2012, the Commission held its 25th annual Australian Human Rights Awards ceremony at the Hilton Hotel in Sydney. The prestigious Human Rights Medal was awarded to Ian Thorpe in recognition of his work with young Australians and with Aboriginal and Torres Strait Islander communities.

The Young People's Human Rights Medal was awarded to Krista McMeeken for her outstanding work with the WA Aboriginal Legal Service and the Child Rights Taskforce. Awards were also presented in eight other categories, including the law, the media, literature, business, and the community.

The Australian Human Rights Awards continue to be an important acknowledgement of the wide-ranging support for human rights across the community.

Complaint about disability discrimination in recruitment

The complainant said she was offered a job with a company that provides services to airports but the offer was withdrawn after she returned a positive drug test. The complainant said she uses medication to manage depression and told her prospective employer about this but the company would not change its decision.

The company denied discrimination and said there may have been miscommunication with the complainant about the option of a second drug test.

The complaint was resolved when the complainant underwent a second drug test, which was clear. The company subsequently offered the complainant employment.

Tackling violence, harassment and bullying

Violence, harassment and bullying profoundly affect the lives of thousands of people in Australia. We all have the right to live our lives free from violence, and feel safe and respected. This is why tackling violence, harassment and bullying is the second of the Commission's two major policy priorities.

Addressing bullying and harassment through discrimination laws

The Commission's National Information Service provides support, information and referral for individuals/organisations across Australia in relation to a range of human rights and discrimination issues including harassment and bullying.

The Commission also undertakes the investigation and resolution of complaints alleging unlawful discrimination including sexual harassment, racial hatred, disability harassment and other less favourable treatment which may be defined as bullying and harassment.

The Commission participates in a cross-government, inter-agency working group on cybersafety. This is aligned with our role in responding to complaints and our educative work on cyberbullying.

BackMeUp cyberbullying project

There are significant challenges arising from online technologies, including cyberbullying and its impact on young people. The Commission has focused its efforts for the past two years on the role bystanders can play in responding to cyberbullies. Our *BackMeUp* campaign, for school children aged 13-17 years old, increases young people's awareness and understanding of cyberbullying and the role of bystanders.

The campaign aims to increase young people's confidence to take safe and effective bystander action.

The *BackMeUp* campaign was conducted through social media. The campaign featured an online video competition, promoted on Facebook and YouTube. Two ambassadors, television presenter Ruby Rose and Cody Bell (a young performer on

the television program *Australia's Got Talent*) fronted the campaign, and both had personal experience of bullying and cyberbullying.

The competition involved 19 project partners, including the Australian Communications and Media Authority (ACMA), the Alannah and Madeline Foundation, Girl Guides Australia, Headspace, Inspire Foundation, Kids Helpline, Facebook, Telstra, Google and Youth Hostels Australia.

Young people from around Australia contributed over 100 video clips to the campaign. These videos identified how young people could support a friend who was being cyberbullied. The videos attracted over 55,000 views on YouTube and almost half of these viewers (42%) were in our target age group of 13-17 year olds.

The video competition received wide media coverage, culminating in a Community Service Announcement (CSA) adapted from one of the winning videos. This CSA was aired on ABC TV and Foxtel. An associated documentary was aired nationally on the ABC TV program, *Compass*.

Evaluation data for the project demonstrated that it had a positive impact on young people, particularly on those who made films for the video competition. An online survey showed the *BackMeUp* campaign had:

- Increased awareness and understanding of cyberbullying. Before engaging with *BackMeUp*, 62% said they understood the difference a bystander could make. After engaging with the campaign, 93% said they were more aware of how to back someone up who was being cyberbullied.
- Increased confidence to take action on cyberbullying as a bystander, with 88% of respondents reporting that *BackMeUp* had made them feel more confident to take action; 27% said they had backed someone up as a result of visiting *BackMeUp*.
- Teachers and parents involved in the competition reported feeling more aware of how young people could take action as bystanders to counter cyberbullying.



Sex Discrimination Commissioner Elizabeth Broderick (left) with Commission President Gillian Triggs and friend at the 2013 Sydney Mardi Gras Fair Day.

Promoting freedom from violence for women and children

An estimated 1.2 million women in Australia over the age of 15 have experienced domestic or family violence, usually at the hands of a male partner. As of 2013, over 1 million workers in Australia are able to access leave and other protections made available through domestic violence clauses in their enterprise agreement or award conditions.

The Commission made submissions on the *Fair Work Amendment Bill* to both the House of Representatives Inquiry and the Senate Standing Committee on Education, Employment and Workplace Relations Inquiry. The Bill, passed by Parliament in June 2013, expanded the right to request a flexible working arrangement to include those employees experiencing or supporting an immediate family or household member who is experiencing violence in the family or household.

The Sex Discrimination Commissioner attended the first week of the 57th Session of the UN Commission on Status of Women in March 2013 as a member of the Australian Government delegation. The priority theme for CSW this year was the elimination and prevention of all forms of violence against women and girls. Lieutenant General David Morrison, AO, Chief of Army, Australian Defence Force, and member of Male Champions of Change, accompanied the Commissioner.

Complaint of sexual harassment in employment

The complainant worked at the respondent cafe on a casual basis. She claimed her supervisor sexually harassed her by actions which included asking her out, telling her that he loved her and encroaching on her personal space. She said that when she rejected her supervisor's advances, he reduced her work hours and the work environment became uncomfortable so she resigned.

On being advised of the complaint, the respondents indicated a willingness to participate in conciliation. The complaint was resolved on the basis that the complainant would be reinstated to her position and the supervisor would provide a written apology and an assurance that the behaviour would not continue. The supervisor also agreed to attend professional counselling regarding appropriate workplace behaviour.

The Sex Discrimination Commissioner presented at several events including speaking about the impact of domestic violence in the workplace at an International Labour Organisation and Australian Government event. The Agreed Conclusions of CSW recognised sexual harassment and violence against women as a workplace issue, and recognised the positive role of national human rights institutions.

The Commission participated in the National Roundtable on Human Trafficking and Slavery in November 2012 and the associated National Roundtable Senior Officials' Meeting in May 2013. The Commission contributes to the work of the Communication and Awareness Working Group of the National Roundtable; this work informs Australia's Communication and Awareness Strategy for Human Trafficking and Slavery.

The Commission made submissions to the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012, which criminalised exploitative behaviours including, forced labour, forced marriage, and organ trafficking. The Commission also made a submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade's Inquiry into Slavery, Slavery-like conditions and People Trafficking, in October 2012.

Australian Defence Force Review

The review, led by the Sex Discrimination Commissioner, identified issues of gender-based harassment and violence. The review recommended a more robust approach to responding to unacceptable sexual behaviours and attitudes, including the establishment of a Sexual Misconduct, Prevention and Response Office to better respond to the needs of complainants. The review recommended the ADF urgently investigate mechanisms to allow members to make confidential reports of sexual harassment, sex discrimination and sexual abuse, and take steps to ensure all relevant data is accurately and consistently collected so that trends can be monitored and appropriate action taken.

Preventing sexual harassment

In 2012, the Commission completed its third national telephone survey to investigate the prevalence, nature and reporting of sexual harassment in Australian workplaces. This survey is completed every five years.

The survey found that, where formal reports and complaints of sexual harassment in the workplace were made, they were resolved quickly (in less than one month) in most cases and with high or extremely high levels of satisfaction amongst the majority of complainants.

A majority of individuals who witnessed or subsequently learned about sexual harassment in their workplace reported taking action to prevent or reduce the harm associated with harassment.

However, the 2012 National Survey showed sexual harassment to be a persistent and pervasive problem in Australian workplaces. It found limited progress had been made since the Commission conducted its 2008 National Survey.

The 2012 National Survey found that targets of sexual harassment are most likely to be women under 40 years of age. Consistent with previous surveys, the 2012 National Survey showed that the harassers are most likely to be male co-workers, and women were at least five times more likely than men to have been harassed by a boss or employer. Men harassing women accounted for more than half (56%) of all sexual harassment, while male harassment of men accounted for nearly a quarter (23%) of sexual harassment.

There was a significant increase in the number of people who have experienced negative consequences such as victimisation as a result of making a formal report or complaint of sexual harassment.

In 2012, the Commission published *Encourage. Support. Act! Bystander Approaches to Sexual Harassment in the Workplace*. The research paper investigated the potential of the 'bystander' model in preventing and reducing the harm of sexual harassment in the workplace.

Complaint of age discrimination in recruitment

The complainant, who is over 45 years old, said she saw an online job advertisement with the heading 'Lawyer – Young and Dynamic'. The complainant said that as the word 'young' was used twice in the advertisement, the employer was not interested in receiving applications from qualified solicitors of her age group.

The website on which the job was advertised denied age discrimination and said it was not the prospective employer and did not write the advertisement. The website said it does not condone discriminatory behaviour.

The complainant considered her complaint resolved on the basis of initiatives the website put in place in response to the complaint. These included:

- reserving the right to remove advertisements which do not appear to comply with applicable discrimination legislation;
- posting an article to remind advertisers of their obligations in recruitment advertising, including non-discrimination;
- introducing a 'report this ad' function; and
- updating terms and conditions of use to preclude advertisements that may be considered discriminatory.



Children's Commissioner Megan Mitchell with members of the Highwater Theatre.

Safeguarding the rights of international students

Australia hosts around 630,000 international students. During the year, the Commission launched a set of principles identifying the key human rights considerations to be taken into account in policy development and service delivery to ensure these international students have a safe, positive and productive time in Australia.

The Commission can also investigate and resolve complaints from international students about breaches of human rights and discrimination, including matters that are referred from the Overseas Students Ombudsman.

Setting and advancing national agendas

One of the Commission's tasks is to draw national attention to areas in which human rights and fundamental freedoms are not properly recognised or respected.

We undertake research, provide advice, review laws, engage in public inquiry processes and work with groups from across the community, helping to contribute to practical change.

National Children's Commissioner

On 25 June 2012, Federal Parliament passed legislation creating the position of National Children's Commissioner. The inaugural commissioner, Megan Mitchell, was appointed on 25 February 2013 and commenced work in March 2013.

The Children's Commissioner has a leadership role in building public awareness of the human rights issues affecting children, and prepares an annual Children's Rights Report to Parliament.

To guide her work, the Commissioner began a national listening tour, the *Big Banter*, in June 2013. The Commissioner delivered her inaugural speech at the *Families Australia Conference* in Melbourne on 11 April 2013. A survey and website were launched at the Secretariat of National Aboriginal and Islander Child Care (SNAICC) Conference in Cairns on 4 June 2013. As part of the *Big Banter*, the Commissioner travelled to capital cities and to remote and regional areas to consult directly with children and child advocates about the issues affecting them. An overview of what she heard will be included in the Commissioner's first report to Parliament.

National Anti-Racism Strategy and Partnership

In 2011, the Australian Government made a commitment to develop and implement a comprehensive National Anti-Racism Strategy. This strategy was to be developed and implemented through a partnership led by the Commission with the Attorney-General's Department, Department of Families, Housing, Community Services and Indigenous Affairs (FAHCSIA), Department of

Immigration and Citizenship, Australian Multicultural Council, National Congress of Australia's First Peoples and Federation of Ethnic Communities' Councils of Australia.

The National Anti-Racism Strategy, launched in August 2012, expects to achieve the following three goals within three years:

- More Australians will recognise that racism continues to be a serious issue in our community.
- More Australians will get involved in practical action to tackle racism, wherever they see it.
- Individuals will have the resources they need to address the racism they encounter, to access legal protections and, where necessary, to obtain redress.

The strategy has a focus on public awareness, education resources and youth engagement and is underpinned by research, consultation and evaluation.

In the past year, the Commission has undertaken the following projects with funding provided by FaHCSIA:

- Piloting of training for service delivery staff on identifying structural racism
- Youth resources for tackling racism, including the development of a music video, *What you say matters*, performed by Brothablack and featuring the students of James Meehan High School.

A key initiative of this strategy is a national public awareness campaign, *Racism. It Stops with Me*. The campaign invites organisations to demonstrate their support for anti-racism by endorsing and promoting the campaign and undertaking specific activities over the next three years. Over 130 organisations have signed up for the campaign in the first year, including leading companies, national sporting bodies, universities, local councils and community-based organisations.

A Community Service Announcement (CSA) featuring Australian sports stars was broadcast nationally on Australian television on 24, 26 and 31 May 2013. It was also played at the AFL

Dreamtime match on 25 May and the Netball championships in Melbourne on 27 May. By 4 June, the CSA had been viewed 229,000 times on YouTube. Further information about the campaign is online at: <http://itstopswithme.humanrights.gov.au/>. Visitors to this website can also view the Community Service Announcement.

Case study: Tackling racism on public transport

On 11 November 2012, Fanny Desaintjores was racially abused by fellow passengers while travelling in Melbourne on a bus operated by Ventura Bus Lines. Footage of the incident was posted on YouTube and received widespread media attention.

Ventura – the largest private bus company in Melbourne – signed up as a supporter of the *Racism. It Stops With Me* campaign shortly after the incident took place.

The company has since installed campaign posters across 800 buses in its fleet. It has also developed protocols so that drivers know how to respond to any racist incidents that occur in the future.

'It is important that we let the public know that we do not condone this kind of behaviour. Signing on as a supporter of this new campaign is a timely way for us to state that, as a company, we will not tolerate racism.'

– Andrew Cornwall
Ventura Managing Director

The campaign developed a strong online presence during the year. The campaign website, <http://itstopswithme.humanrights.gov.au>, provides accessible information about the practical steps individuals and organisations can take to counter racism. This site also acts as a clearinghouse for research about racism and effective strategies to address it. The site features examples of good practice in addressing racism.



The treatment of women in the Australian Defence Force

In April 2011, the Commission agreed to undertake a Review into the treatment of women in the Australian Defence Force (ADF).

The report for Phase 1 – the *Report on the Review of the Treatment of Women in the Australian Defence Force Academy* – was launched in November 2011. The Australian Defence Force Academy (ADFA) accepted this report's 31 recommendations, agreeing to implement 30 recommendations in full and one in-principle.

Phase 2 of the Review examined the effectiveness of cultural change strategies in the ADF and the measures and initiatives required to improve pathways for increased representation of women into senior ranks and leadership.

Research and consultation for Phase 2 consisted of interviews, consultations, focus groups and discussions with over 2,000 people from all ranks across the ADF, past and present, including personnel in Afghanistan, the United Arab Emirates and East Timor. In addition, the views of over 6,000 ADF members were sought through surveys.

The Phase 2 report was released on 22 August 2012. Despite progress over the preceding two decades, the Review could not be confident that women could and would flourish in the ADF.

The Phase 2 report made 21 recommendations covering diversity of leadership; the participation, recruitment and retention of women; workplace flexibility; harassment, violence and abuse; and the responsibility of Defence leadership to deliver effective reform.

During 2012-13, the Review undertook an independent, comprehensive and forensic audit of the ADF's implementation of its Phase 1 recommendations, seeking evidence of progress towards cultural change. This report was released in July 2013. An audit of the implementation of the Phase 2 recommendations is expected to commence in August 2013.

Promoting women's leadership

The Sex Discrimination Commissioner worked closely with senior business leaders through the Male Champions of Change project to advocate for gender equality in Australia and internationally. In 2012, the Male Champions of Change initiated a series of monitored leadership experiments testing gender equality reporting. Results will be released in November 2013.

Valuing unpaid caring work

To identify ways to address the gender gap in retirement incomes and savings, the Commission undertook research on recognising and valuing unpaid caring work.

The Commission's report, *Investing in care: recognising and valuing those who care*, was launched on 31 January 2013. The report examined the nature of unpaid caring work in Australia, the barriers it creates for women's equal participation in the workforce and its impact on workforce participation. It analysed the different models and measures of valuing unpaid work and assessed the possible impact of such measures on the gender gap in retirement savings. It also identified mechanisms in the workplace that can further support caring work. The research was undertaken in partnership with Westpac.

Close the Gap

The Commission hosts the Secretariat of the Close the Gap Campaign Steering Committee (CTGSC). To achieve the goal of life expectancy equality between Aboriginal and Torres Strait Islander peoples and the broader Australian public by 2030, the Close the Gap Campaign seeks implementation of a national plan of action supported by a partnership between Australian governments and Indigenous peoples and their representatives.

The National Health Leadership Forum (NHLF) of the National Congress of Australia's First Peoples comprises Aboriginal and Torres Strait Islander health-related bodies who are members of the CTGSC. The NHLF was established to liaise with government in the development of health policy, including a national plan of action. The Commission also hosts the NHLF Secretariat. Achievements and milestones for the year include:

- The production of the annual *Shadow Report* released to coincide with the Prime Minister's *Closing the Gap Report*.
- A highly successful National Close the Gap Day (1 March 2013) with a Parliamentary breakfast hosted by the CTGSC and supported by an unprecedented level of national participation (850 events held across Australia and 130,000 participants).
- Convening four meetings of the Steering Committee and six meetings of the NHLF.

The Close the Gap campaign emerged as a response to the research of the Aboriginal and Torres Strait Islander Social Justice Commissioner in the *Social Justice Report 2005*. The campaign has maintained an active engagement across the health and non-government organisation sector since 2006.

Improving access for people with a disability

Before the *Disability (Access to Premises – buildings) Standards 2010* commenced on 1 May 2011, the Commission issued guidelines on the application of these standards to assist in their implementation. The Commission released a second version of these guidelines in February 2013, incorporating new notes on interpretation based on feedback from users.

Over the past year, the Commission has conducted the following activities in relation to accessibility for people with disability:

- **Captioning Standards:** The Commission provided input to the Australian Communications and Media Authority (ACMA) draft captioning quality standard released in December 2012. The *Television Captioning Quality Standard* came into effect on 5 June 2013 and aims to ensure that captions are meaningful to deaf and hearing impaired viewers.
- **Audio description:** We urged the Australian Government to implement audio-description on television following the 13-week trial commenced on 5 August 2012. The trial involved the broadcast of drama, documentary and other content with audio description on digital ABC1 for 14 hours per week between 5pm and midnight. The trial concluded on 4 November 2012.
- **Transport Standards:** The *Disability Standards for Accessible Public Transport 2002* took effect on 23 October 2002. A review is required within five years of these standards coming into effect and every five years thereafter to examine how well public transport complies with the nominated targets for disability access. The second review is being undertaken by the Department of Infrastructure and Transport in consultation with the Attorney-General's Department.
- **Accessible airlines:** The Commission made a submission to the Department of Infrastructure and Transport in response to the Department's Issues Paper on airlines' policy of allowing no more than two wheelchair users on each flight. The Commission urged the Australian Government to:

Alleged discrimination against a person accompanied by an assistance animal

The complainant who has a vision impairment and uses a guide dog, said a security guard at an airport treated him unfairly by actions that included telling him to leave his dog before the scanning gate and pulling his dog over the gate.

In response to the complaint, the security company undertook a full review of its operations and training regarding individuals with special needs. The company said the security guard involved in the incident would be required to attend training and prompt action would be taken to ensure all company employees in airports are aware of the correct procedures to screen passengers accompanied by assistance animals.

The complaint was resolved on the basis of the action undertaken by the company and an agreement that the company would donate \$8,000 to an agreed charity.

- » amend civil aviation regulations to prescribe the number of people who use wheelchairs that can be carried on each model of aircraft or where particular facilities are available;
 - » amend the *Transport Standards* to provide that airlines must allow for carriage of the maximum number of people who use a wheelchair and require assistance in boarding, per flight that would not impose an unjustifiable hardship upon the airline;
 - » continue to consult with people with disability and airline operators about any proposed changes to the law.
- **Universal Housing Design:** Livable Housing Australia (LHA), formed from the membership of the National Dialogue on Universal Housing Design, is responsible for the ongoing development, dissemination and revision of *Australia's Livable Housing Design Guidelines*.



Celebrating 20 years of the *Disability Discrimination Act*, at the launch of *Twenty Years: Twenty Stories*.

These guidelines reflect a consensus endorsed by industry, community and government. The Commission is committed to working with LHA in support of more livable homes. The Disability Discrimination Commissioner has continued as a board member of LHA.

- **Cinema:** The Commission has continued as a member of the Accessible Cinema Advisory Group (ACAG). This group was formed at the request of cinema chains Hoyts, Village Cinemas, Event Cinemas and Reading Cinemas to advise and assist them in meeting the goal to improve cinema accessibility for people who are deaf or hearing impaired, blind or vision impaired. The *Cinema Access Implementation Plan*, launched on 17 July 2010, aimed to provide 242 accessible screens in 132 cinema complexes across Australia by the end of 2014. The roll-out of accessible

technology involves the installation of closed captioning and audio description equipment. The ACAG reports that Hoyts and Village Cinemas have completed their roll-out and Event Cinemas anticipates completion of its roll-out by the end of 2013.

- **Books:** In 2011-12, the Commission joined with the World Blind Union in urging the Australian Government to pursue a treaty that would make an exception to copyright law to increase the number of books available in accessible formats to people who are blind or have low vision in developing countries. The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled was adopted by the World Intellectual Property Organisation on 27 June 2013.



Promoting the contribution of older Australians

During the year, the Age Discrimination Commissioner was appointed as a part-time Commissioner to the Australian Law Reform Commission for their inquiry into the legal barriers to older people remaining in the workforce. This inquiry considered how the law has failed to keep pace with the need and desire of many people to work longer. The ALRC released its final report, *Access All Ages – Older Workers and Commonwealth Laws*, in May 2013.

The Commission commenced research in early 2012 to identify the prevailing stereotypes of older Australians in advertising and the media and to understand the scope and depth of age stereotyping and age discrimination in the Australian community. The research report, *Fact or Fiction? Stereotypes of Older Australians*, was released in mid-2013. The research will be used for an information and education campaign to address age stereotyping and discriminatory attitudes and behaviours, which can limit employment options and access to goods and services.

The Age Discrimination Commissioner is a member of the Aged Care Reform Implementation Council, which monitors implementation of the aged care reforms, *Living longer, living better*. The Commissioner has focussed on the issue of training of the aged care workforce, and the protection and promotion of the human rights of people who are aged and vulnerable.

The Age Discrimination Commissioner is a member of the Advisory Panel on Positive Ageing. This advisory panel supports a strategic approach to maximise the potential of an ageing population and reports directly to the Treasurer. During 2012-13, the advisory panel focused on housing, lifelong learning, mature age employment, volunteering, philanthropy, and seniors and the digital revolution.

Convention on the Rights of Older People

The Age Discrimination Commissioner delivered a presentation at the third session of the *Open Ended Working Group on Older People* in New York in August 2012. She made a submission to the OHCHR *Public Consultation on the Human Rights of Older People* and attended the Consultation in March 2013. In these contributions she supported the development of an international convention on the rights of older persons. In Australia, the Commissioner made representations to the Attorney-General, the Foreign Minister, the Minister for Families, Housing, Community Services and Indigenous Affairs and to various civil society groups in support of such a Convention.

Resolving discrimination and addressing human rights breaches

One of the Commission's primary functions is to help people resolve complaints about discrimination and breaches of human rights.

Complaints received by Act

- Disability Discrimination Act: 37%
- Racial Discrimination Act: 23%
- Sex Discrimination Act: 19%
- Australian Human Rights Commission Act: 14%
- Age Discrimination Act: 7%

Helping people deal with discrimination

The Commission can investigate complaints of discrimination, harassment and bullying based on a person's sex, disability, race and age.

We can also investigate complaints about alleged breaches of human rights by the Commonwealth and its agencies, as well as discrimination in employment based on a person's criminal record, sexual preference, trade union activity, political opinion, religion or social origin.

Information about the Commission's Investigation and Conciliation Service is available on our website at: http://www.humanrights.gov.au/complaints_information/.

In 2012-13, the Commission assisted over 17,000 people and organisations by providing information about the law and the complaint process, assisting with problem solving and providing referrals to other services.

The Commission received 2,177 complaints of alleged discrimination and human rights breaches in this reporting year. If the Commission counts complaints received by respondents, the number of complaints received would be 3,010. If the Commission counts complaints received by grounds and areas of discrimination, the number of complaints received would increase to 4,464 and 2,675 respectively.

More information about complaints received and a comprehensive set of statistics and demographic data for 2012-13 is available at Appendix 3.

Resolving complaints through conciliation

The Commission attempts to resolve complaints through conciliation. We use an informal, flexible approach and are an impartial third party during the conciliation process. Complaints are resolved on a without-admission-of-liability basis.

In 2012-13, the Commission facilitated 1,650 conciliations of which 1,079 complaints (65%) were successfully resolved. This represents successful dispute resolution for more than 2,158 people and organisations involved in complaints before the Commission.

Our performance

People who use the Commission's Investigation and Conciliation Service report high rates of satisfaction with the service they receive. In 2012-13, 93% of those who completed the Commission's Service Satisfaction Survey reported that they were satisfied with the service and 64% rated the service as 'very good' or 'excellent'.

Key Performance Indicators for our Investigation and Conciliation Service, as well as our performance against them during 2012-13, are summarised on page 61.

Reporting on human rights breaches

In addition to receiving complaints of unlawful discrimination, the Commission can inquire into complaints of breaches of human rights and workplace discrimination under the *Australian Human Rights Commission Act*.

If conciliation is unsuccessful or inappropriate and the Commission finds that a breach of human rights or workplace discrimination has occurred, the Commission then reports to the Attorney-General in relation to the complaint. The report, which includes recommendations for action, must be tabled in Parliament.

In 2012-13, the Commission reported on 25 complaints, 21 of which included findings of human rights breaches against the Commonwealth (Department of Immigration and Citizenship). The human rights breaches found against the Commonwealth principally related to the arbitrary detention of complainants in immigration detention centres.

Working with the courts

The Commissioners can, with a Court's leave, appear as *amicus curiae* – or 'friend of the court' – to provide specialist assistance in discrimination cases.

The Commission can also, with a Court's leave, intervene in cases which raise human rights issues. We have clear guidelines that we follow before we make a decision to intervene.

The Commission has been granted leave to intervene in three matters this year, by the High Court, the Court of Criminal Appeal in NSW and the Supreme Court in WA.

The High Court and the Family Court handed down judgements this year in two other matters in which the courts had granted the Commission leave to intervene.

The highest court of Australia has consistently considered our submissions to be of value to it in reaching a decision.

Over time our use of the intervention power has meant that:

- There is greater recognition of human rights by the courts. Gaining permission to intervene immediately indicates that human rights issues are relevant to the proceedings. This is significant in Australia where there is limited constitutional and legislative protection of human rights.
- The highest court of Australia has consistently considered our submissions to be of assistance and value to it in reaching a decision, with the Commission never having been refused leave to intervene by the High Court.
- Strong relationships have been established within the sector, in particular senior counsel, top-tier law firms and community legal centres. The positive outcomes from this relationship building include: ability to retain eminent senior counsel to appear on a pro bono basis; being kept informed of potential litigation and thus able to consider interventions in a pro-active manner; solicitors more frequently requesting the Commission to intervene in cases; high level of media requests regarding our interventions.

Case studies: Working with the courts and Reporting on human rights breaches

Rights of Surrogate Children

Faced with an increasing number of applications for parenting orders in relation to children born overseas, through surrogacy arrangements, the Family Court of Australia requested the Commission's assistance in a matter reported as *Ellison and Anor & Karnchanit* [2012] FamCA 602 (1 August 2012).

The Court adopted the Commission's submissions as to whether a declaration of parentage should be made and the relevance of the *Convention on the Rights of the Child* to this question. This judgment is important in recognising the rights that flow to children as a result of a declaration of parentage. It also represents a departure from previous cases where the Court had placed more emphasis on public policy considerations about enforcing State surrogacy laws, potentially at the expense of children's rights.

The Court also adopted the submissions of the independent children's lawyer and the Commission in formulating 'best practice' principles in surrogacy matters. The principles are important in ensuring that the rights of the surrogate mother are adequately considered, including that the Court is provided with evidence that the surrogacy arrangement was made with her informed consent and that there is evidence after the birth of the child about her views of the orders sought and what relationship, if any, she proposes to have with the child.

Report into arbitrary detention of refugees with adverse security assessments

The Commission conducted an inquiry into complaints by 10 Sri Lankan refugees with adverse security assessments about their detention in closed immigration detention facilities. In the absence of any third country being willing to resettle them, the complainants faced the prospect of indefinite detention.

No comprehensive and individualised assessment had been undertaken to assess whether each person posed any risk to the Australian community and whether any such risk could be addressed without their being required to remain in immigration detention (for example by imposing reporting or monitoring conditions). As a result, the Commission found that the complainants were arbitrarily detained.

The conduct also affected three children who had been granted protection visas but were residing in immigration detention with their parents.

The Commission made several recommendations to Government including referral of the cases to ASIO for targeted risk assessments and advice on mitigation of risks. These recommendations were not accepted, but following the Commission's report the Government appointed an Independent Reviewer to conduct a review of all adverse security assessments made by ASIO.

New protections against discrimination on the basis of sexual orientation, gender identity and intersex status

In June 2013, the Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013 was passed into law. The Bill amended the *Sex Discrimination Act 1984* to:

- provide new protections against discrimination on the basis of sexual orientation, gender identity and intersex status
- extend the ground of 'marital status' to 'marital or relationship status' to include same-sex couples
- qualify the exemptions for religious organisations to the effect that it does not apply to conduct connected with the provision of Commonwealth-funded aged care services.

The new provisions came into operation from 1 August 2013. The Commission has prepared a range of fact sheets and educative materials for business and individuals to understand the new provisions. These are available online at <http://www.humanrights.gov.au/new-protection>.

Building human rights into law and practice

The Commission works proactively with the Parliament, governments and at the community level to ensure that human rights and fundamental freedoms are considered when developing laws, policies and practice in order to build a fairer and more inclusive Australia.

Parliamentary scrutiny of human rights

The Commission has developed an effective working relationship with the Joint Committee on Human Rights in the Australian Parliament. We consider whether any new legislative proposals raise concerns about human rights or place restrictions on rights and liberties, and then discuss any concerns with the committee to ensure adequate parliamentary scrutiny. In the first year of operation of the committee, the Commission has expressed concern about new legislation limiting civil rights such as the reviewability of decision making and procedural fairness guarantees.

National Action Plan on Human Rights

Australia's National Action Plan (NAP) on Human Rights was released on Human Rights Day, 10 December 2012. The NAP identifies how Australia will progress all of the recommendations that it accepted as part of the Universal Periodic Review (UPR) process at the United Nations.

The NAP includes a focus on developing improved human right indicators, leading to better accountability. The Commission has been invited to sit on the advisory group that oversees this aspect of the NAP.

Sexual Orientation, Gender Identity and Intersex rights

In 2012-13, the Commission dedicated staff and resources to issues that arise as a result of sexual orientation, gender identity and intersex status. Research and engagement with these issues in 2012 enabled the Commission to nominate its project priorities for 2013 and 2014. These priorities include

a focus on homophobic and transphobic bullying in schools; and raising awareness of the new protections under the amended *Sex Discrimination Act*.

Gender equality in the workplace

The Commission has advocated for gender equality in the workplace and participated in the following public inquiries:

- Consideration of including domestic and family violence as discrimination grounds in the Human Rights and Anti-Discrimination Bill.
- Post Implementation Review of the *Fair Work Act 2009*.
- Equal Opportunity for Women in the Workplace Amendment Bill 2012.
- National Workforce Development Strategy.
- ACTU Independent Inquiry into Insecure Work in Australia.
- Dad and Partner Pay Leave inquiry.

In June 2013, the Commission received funding to conduct research into the prevalence of discrimination in relation to pregnancy at work, and discrimination experienced by those return to work after parental leave. The project includes:

- a national online survey to assess the prevalence, nature and consequences of discrimination relating to pregnancy at work and returning to work after parental leave
- an interim report on the survey headline data
- a series of consultations to consider the prevalence data and its implications
- a research report, including recommendations, which identifies the prevalence of discrimination; the adequacy of existing laws; relevant policies, procedures and practices; and best practice approaches.



Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Gooda.

Respecting the rights of Aboriginal and Torres Strait Islander peoples

The Commission continues to advocate for reform of the Australian Constitution so that Aboriginal and Torres Strait Islander peoples are recognised and discrimination is removed.

The Aboriginal and Torres Strait Islander Social Justice Commissioner was a member of the Expert Panel that advised the Federal Government about options for constitutional reform. The Commission continues to engage with Reconciliation Australia, Recognise and a range of other stakeholders to support progress towards a referendum on the constitutional recognition of Aboriginal and Torres Strait Islander peoples. This has included support for the passage in March 2013 of the *Aboriginal and Torres Strait Islander Peoples Recognition Act 2013*.

The Commission has contributed to public discussion about the Native Title Amendment Bill 2012 (Cth). The Senate referred the Amendment Bill on 29 November 2012 to the Senate Legal and Constitutional Affairs Legislation Committee (Senate Committee) for inquiry and report. Concurrently, the House of Representatives referred the Bill to the House Standing Committee on Aboriginal and Torres Strait Islander Affairs (HSCATSIA) for report and inquiry.

The Commission provided submissions to both the Senate Committee and HSCATSIA inquiries. The Social Justice Commissioner also participated in a discussion held by the HSCATSIA on 8 February 2013 and a public hearing conducted by the Senate Committee on 6 March 2013.

Reports by the Senate Committee and HSCATSIA were finalised in March 2013 and included extensive references to the Commission's written and oral submissions. The Amendment Bill lapsed at the dissolution of the 43rd Parliament on 5 August 2013.

The Commission has considered other native title developments including:

- The Tax Laws Amendment (2012 Measures No. 6) Bill 2012, which was passed by Parliament on 25 June 2013. It amends the *Income Tax Assessment Act 1936* and *Income Tax Assessment Act 1997* to clarify native title payments for the extinguishment or impairment of native title rights and interests as not subject to income tax.
- The Working Group on Taxation of Native Title and Traditional Owner Benefits and Governance, and the Review of the Role and Functions of Native Title Organisations.

Access to justice issues

In 2013, the Commission commenced a consultation and research project about the treatment of people with disability who need communication supports or who have complex and multiple support needs in the criminal justice system. To date the Commission has:

- Convened a roundtable in conjunction with the University of NSW.
- Released an issues paper, as well as research papers, for consultation purposes.
- Conducted consultations nationally.

A final report of the project will be released by the Commission in early 2014.

The Disability Discrimination Commissioner was appointed a part-time member of the Australian Law Reform Commission for its inquiry into laws and legal frameworks within the Commonwealth jurisdiction that deny or diminish the equal recognition of people with disability as persons before the law and their ability to exercise legal capacity.

Justice reinvestment and Aboriginal and Torres Strait Islander peoples

Over the past year, the Commission has advocated for justice reinvestment approaches to be adopted in relation to Aboriginal and Torres Strait Islander peoples. The Social Justice Commissioner and National Children's Commissioner are Champions for Just Reinvest, the NSW campaign for justice reinvestment for Aboriginal and Torres Strait Islander young people.

In May 2013, the Commissioners were invited by the Bourke NSW community to look at options for justice reinvestment. Over 60 people attended the community meeting and there was broad support for the idea. The Commission has since hosted philanthropists, business and research organisations to discuss options for supporting justice reinvestment in partnership with the Bourke community.

The Commission provided a written submission and gave supporting oral evidence at the Senate Legal and Constitutional Affairs Committee Inquiry into the Value of Justice Reinvestment. The Inquiry Report, released in June, made strong recommendations towards trialling justice reinvestment.

Justice reinvestment was initially flagged as a new approach for Aboriginal and Torres Strait Islander peoples in the *Social Justice Report 2008*.

Asylum seekers and immigration detention

The Commission seeks to ensure that the human rights of all people held in immigration detention in Australia are protected. The Commission has focused its recent immigration detention work on the conditions and treatment of asylum seekers, refugees and children, because they have specific vulnerabilities and are given special protections under international law.

Over the past year we have:

- Released the publication, *Human rights standards for immigration detention*, setting out key standards for conditions in detention to assist in monitoring immigration detention centres.

- Released the report, *Community arrangements for asylum seekers, refugees and stateless people*, in July 2012. This report considered the benefits of transferring asylum seekers, refugees and stateless persons into community arrangements, as well as the situation of people who remain in immigration detention facilities with little or no prospect of being released.
- Conducted visits to offshore and mainland detention centres, including Christmas Island and the Pontville centre in Tasmania.
- Released a background paper in June 2013 setting out some basic information about the process of visa refusal and cancellation under section 501, and discusses these human rights concerns about the process and its consequences.
- Made submissions to parliamentary and other inquiries into asylum seeker and immigration detention policy – this has included in relation to building works on Manus Island, regional processing issues, the review of the security assessments process, health care for asylum seekers and to the Expert Panel on Asylum Seekers.
- Received and processed human rights complaints from asylum seekers under the *Australian Human Rights Commission Act*.
- Undertaken a major evaluation of our work in this area. Findings indicated we have significant impact particularly through our leadership, the quality of our scrutiny and the evidence presented in our submissions reports and inquiries. Our work is used substantially by advocates and in judgments by the courts. As one key informant reported:
'The Commission's reports put a spotlight on immigration detention, issues such as self-harm, overcrowding, mental health issues – all these issues get into the public realm through the Commissions reports which put it in black and white. They are an invaluable form of external scrutiny...'

Monitoring and reporting

Some people in Australia are especially vulnerable to discrimination, exclusion and unfair treatment. The Commission has a particular responsibility to monitor their experiences, identify issues of concern and propose solutions that will lead to improvement.

Sometimes we do this by holding national inquiries that examine these concerns in detail. We also undertake regular monitoring and reporting work, such as the Social Justice Commissioner's annual *Social Justice Report* and *Native Title Report* on issues affecting Aboriginal and Torres Strait Islander communities, and the annual National Children's Commissioner report to Parliament.

We also have the long-standing role of monitoring Australia's immigration detention system and treatment of asylum seekers. We do this through visits to detention facilities, raising public awareness and engaging with the government, NGOs and community groups. We advocate for reforms to the system of mandatory and indefinite detention, and for greater use of community-based alternatives to holding people in closed detention facilities for prolonged periods.

Social Justice and Native Title Reports 2012

The *Social Justice Report 2012* and *Native Title Report 2012* were tabled and launched in November 2012. Both reports focus on the importance of Indigenous governance and how it can enable Aboriginal and Torres Strait Islander peoples to realise their social, cultural and economic development aspirations.

The report considers what is needed for Aboriginal and Torres Strait Islander peoples to take control of their own governance with the support of their own organisations. The report also considers the actions required of governments to ensure participation of Aboriginal and Torres Strait Islander peoples in decisions that affect them and to engage with communities in a culturally safe and culturally secure manner.

An age of uncertainty – national inquiry

An age of uncertainty, the report of the Commission's Inquiry into the treatment of individuals suspected of people smuggling offences who say that they are children, was released on 27 July 2012. The report details how inadequate age assessment practices and procedures resulted in some Indonesian children spending significant periods of time detained in adult correctional facilities. The report made a number of recommendations to ensure that in future, the human rights of children who come in contact with Australia's criminal justice system are respected.

In response to the report, legislation to remove the use of wrist x-rays as the determinative tool for age assessment was introduced to Parliament in June 2013.

Optional Protocol to the Convention Against Torture

In April 2013, the Commission released *Human rights standards for immigration detention*. The purpose of these standards is to assist independent monitors such as the Commission to monitor and inspect Australia's immigration detention facilities, by setting out benchmarks for the humane treatment of people held in immigration detention.

The Commission continues to advocate for Australia to ratify the *Optional Protocol to the Convention Against Torture* (OPCAT).

Under OPCAT, state parties agree to international inspections of places of detention by the United Nations Subcommittee on the Prevention of Torture. State parties are also required to establish an independent National Preventive Mechanism to conduct inspections of all places of detention. This would include prisons, juvenile detention, immigration detention facilities and other places where people are deprived of their liberty.

As of 31 December 2012, there were 65 state parties to the OPCAT and an additional 21 states, including Australia, that are signatories.

Engaging regionally and internationally

China and Vietnam Human Rights Technical Assistance programs

The Commission's international activities cover a number of different countries and topic areas. The two largest technical cooperation programs are those with China and Vietnam. The Commission's international cooperation work was funded by the Australian Agency for International Development (AusAID).

The Commission has managed the China-Australia Human Rights Technical Cooperation Program since it commenced in 1998. This program was redesigned in 2012 to build on past achievements and respond to the changing Chinese environment. In 2012-13, the program supported the establishment of domestic violence crisis intervention centres in China, internships for Chinese lawyers in Australian legal centres, human rights training for Chinese university students, human rights education programs, and protection of the rights of people with disabilities.

The Commission has managed the Vietnam-Australia Human Rights Technical Cooperation Program since it commenced in 2006. Areas addressed by this program in 2012-13 include support for the establishment of women's legal centres, training for lawyers working in community legal centres, development of a publication to inform prisoners about their rights, support for proposed reforms to the Criminal Procedure Code and Penal Code of Vietnam, and engagement by Vietnam with the United Nations Universal Periodic Review process.

In 2012-13, the Commission undertook some capacity building for the Indonesian Commission on Violence Against Women ("Komnas Perempuan"). These activities were funded by AusAID under the Australia-Indonesia Partnership for Justice Program (AIPJ). The focus of the cooperation was on practical measures for combatting violence against women with disabilities. The activities included a series of training workshops in July 2012 and a meeting in December 2012 attended by key Indonesian stakeholders.

Our role as a national human rights institution

The Commission is accredited as an 'A status' National Human Rights Institution (NHRI).

This means we are established and operate in accordance with the UN Principles Relating to the Status of National Institutions. These set out the minimum standards required by national human rights institutions to be considered credible and to operate effectively.

The establishment and maintenance of A status NHRIs has been a key point in Australia's diplomatic advocacy since the Vienna World Conference on Human Rights in 1993.

As an A status NHRI we participate in the following regional and global organisations:

- International Coordinating Committee of National Human Rights Institutions.
- Asia Pacific Forum of National Human Rights Institutions.
- Commonwealth Forum of National Human Rights Institutions.

Through these processes we share best practice approaches to human rights protection and respond to human rights issues facing Australia and our region. This helps to build our own expertise and informs how we work domestically.

Commonwealth Forum of NHRIs

At the end of June 2013, the Commission formally concluded its two-year term as chair of the Commonwealth Forum of National Human Rights Institutions (CFNHRI). The Commission achieved important outcomes, strengthening the capacity of the CFNHRI to support the work of individual NHRIs in promoting and protecting human rights across the Commonwealth.

Outcomes have been achieved at the administrative and functional level. These outcomes relate to building the new website and facilitating the sharing of information; as well as substantive human rights issues such as disability, climate change and human rights, and sexual orientation and gender identity.

The Commission built the CFNHRI's capacity to support and strengthen national human rights institutions – and to protect and promote human rights across the Commonwealth. The CFNHRI is a vibrant and active network that members greatly value in as it provides a forum to share information and work together on issues of shared concern. At the most recent CFNHRI meeting in Geneva, members outlined their appreciation and gratitude to the Australian Human Rights Commission for providing strong leadership and effective secretariat support during its time as chair.

Key activities for 2012-13 included:

- Working with the Human Rights Commission of Sierra Leone on running effective national inquiries. The workshop was held in Freetown, Sierra Leone in March 2013.
- The Commission chaired the 2013 CFNHRI biennial meeting held in Geneva in May 2013. Topics covered included human rights and mass violence; sexual orientation and gender identity, and the rights of older people in the Commonwealth.

We have an important role to play in the United Nations system, regularly providing independent reports that describe how Australia is progressing in relation to meeting its human rights obligations. In the past year this included the following:

- In August 2012, the Commission submitted an Independent Interim Report on Australia's Implementation of the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) to the Committee on the Elimination of Discrimination against Women. The report was in response to the Committee's request for interim information to be provided on measures to address violence against women and measures to improve Aboriginal and Torres Strait Islander women's enjoyment of their human rights.

- The Commission has provided information to the committee under the *UN Convention on the Rights of Persons with Disabilities* (CRPD) ahead of their review of Australia's progress in September 2013. The Commission administers funding for disability advocacy organisations to participate in international processes, and has confirmed funding for civil society representatives to attend the CRPD review in September.

The Commission has also engaged in the following UN processes:

- Commissioner Broderick attended the Commission on the Status for Women along with the chief of the defence forces, to showcase the Commission's work with Defence on the ADF review.
- Commissioner Gooda participated in a preparatory meeting for the UN World Conference on Indigenous Peoples in Sydney and Alta, Norway. The Commission has provided funding to indigenous peoples' organisations to participate in the UN Permanent Forum on Indigenous Issues and UN Expert Mechanism on the Rights of Indigenous Peoples – in accordance with a funding arrangement with FaHCSIA.
- The Commission steered the development of a joint NHRI statement to the Human Rights Council in June 2013 calling on the United Nations to take action to address sexual orientation, gender identity and intersex human rights.

Universal Periodic Review process

Each year, the Commission prepares a status report on the Government's implementation of Universal Periodic Review recommendations. State and territory human rights agencies are consulted in the preparation of the report, which is lodged with the UN Human Rights Council. The 2012 report was published in December 2012 and is available from our website and from the UN website.

Evaluating the impact of our work

Since 2009, we have focused on strengthening our evaluation capability. We are committed to demonstrating the impact of our work in improving human rights and to maintaining effective evaluation systems.

We see evaluation as the systematic assessment of results which include effectiveness, efficiency, impact and sustainability. Evaluation helps us to identify what has worked well, what has not, and why. Evaluation also provides an overall judgement on the value of an activity.

Our evaluation framework acknowledges the importance of accountability for our work and the role of a framework that provides lessons, helps improve our services and programs, and informs strategic planning and decisions.

There are accepted difficulties in evaluating change in the social, policy, practice and legislative areas in which we seek to have impact. Such change is frequently linked to long term goals, multiple activities, diverse stakeholders and slow incremental steps towards change.

Through our monitoring and evaluation processes, we seek to demonstrate how our work has an impact on the short and medium-term factors that underpin and lead to systemic change in policy, practice and legislation over a longer timeframe. For example, the Immigration Detention and Asylum Seeker Policy Program has evidenced that the program's detention reports and submissions influence stakeholder views and strengthen their advocacy.

Many of our projects have focused on identifying human rights issues and advocacy to improve protections in policy, practice and legislation. Several projects stand out in the systemic impact they have achieved. For example, the *Inquiry into the treatment of individuals suspected of people smuggling offences who say that they are children* resulted in numerous changes to the policy framework in this area and the Phase 2 report from the Australian Defence Review program made 21 recommendations, all of which were accepted in-principle by the ADF.



BackMeUp campaign: effective partnerships, positive results.

One of the consistent strengths in our work is the quality and effectiveness of the partnerships we develop and sustain.

The impact of partnerships has been a demonstrable feature of Close the Gap work, the Constitutional reform campaign and the National Anti-Racism Partnership and Strategy. The *BackMeUp* campaign and the *Twenty Years: Twenty Stories* project recruited and worked with partners from new sectors including social media, the arts and the philanthropic sector. These activities achieved significant in-kind and financial support from supporters.

'Fantastic project. it makes my time on the board worthwhile; a great partnership, a great concept and idea.' (Source: *Twenty Years: Twenty Stories* – interview with philanthropic supporter)

People and performance

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Organisational excellence



Commission President Gillian Triggs and Commissioner Mick Gooda with Aboriginal Legal Service of Western Australia representatives at the Australian Human Rights Awards, 2012.

The Commission is accredited as an A-status National Human Rights Institution by the International Coordinating Committee (ICC) of National Human Rights Institutions. The ICC is responsible for assessing the re-accreditation, according to a UN sanctioned process.

In order to be given A-status, NHRIs must be established and operate in compliance with the United Nations *Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights*, otherwise known as the Paris Principles.

While the status gives us much greater access to United Nations human rights treaty bodies, it is also accompanied by a set of responsibilities to which the Commission must commit.

Complaint about access to a train station

The complainant advised that he has a number of disabilities and uses a wheelchair. He said he was left stranded on a train platform because the accessible lift was out of order. The complainant said that in order to leave the station he had to catch a train to an accessible station and then be driven home. The complainant said the station previously had ramp access but the ramp had been removed after a recent refurbishment.

On being notified of the complaint, the government bodies that owned and managed the station indicated a willingness to try and resolve the complaint.

The department that owned the station agreed to pay the complainant \$250 compensation and install a backup diesel generator to ensure continued operation of the lift in a power outage. The department also agreed that where possible, all new railway stations will have ramp or subway access and construction projects will involve consultation with disability stakeholder groups and be subject to rigorous audits. The government agency that managed the station agreed to implement security measures to prevent vandalism of the lift, provide information on its website about assistance available for customers with special needs in the event of a lift failure, provide training to its employees about commuter entitlements; and pay the complainant \$300 compensation.

Working at the Commission

Workplace philosophy

The Commission recognises that a vibrant, diverse workforce provides the greatest opportunity to incorporate and promote difference. We are proactive, positive and flexible and we support and respect each other to achieve our goals.

The Commission benchmarks the diversity of its workforce against the *APS State of the Service* report. We continue to exceed APS targets for all diversity groups.

Throughout the year, we take opportunities to celebrate diversity events and to acknowledge our successes. These include launching a new Disability Action Plan and releasing a guide to working with people with disability. The Commission was also pleased to participate in the *Stepping into* program this year, hosting an intern with disability.

Staff development and training

During 2012- 2013, the Commission delivered the following training sessions to staff:

- Aboriginal and Torres Strait Islander Cultural Competence
- Essentials for Team Leaders
- Leading Successful Projects
- Proofreading and Editing
- Report writing
- Ergonomic Sessions for Managers

Performance feedback

The Commission conducts an annual review of staff performance. This enables us to identify key areas for learning and professional growth for the coming year.

Health and safety at work

The Commission has a strong and proactive record on work health and safety issues. We hold regular health and wellbeing lunchtime sessions and encourage best practice in workplace safety and risk management. The Commission developed a range of workplace rehabilitation material this year under the revised SRC Guidelines.

Workplace relations and employment arrangements

The Commission has a current enterprise agreement with staff which will be renegotiated in 2014. The Agreement promotes workplace flexibility to assist employees to achieve a work life balance. The Commission has three Senior Executive Service employees, each covered by a section 24(1) Determination. During this period, the Commission had seven non-SES employees on Individual Flexibility Arrangements. The Commission does not provide performance payments.

Recruitment

The Commission meets Public Service Act requirements by conducting merit-based selection processes. In 2012/2013, the Commission has developed a new web-based career information page and will move to on-line applications for vacancies and internships from late 2013. We will also introduce a new annual intake process for university internships.

Promoting staff ethics

We have an Ethics Contact Officer who is responsible for ethics-related issues in the workplace and to fostering a high performing ethical culture. No issues were raised for investigation or resolution during the year in review.

Our staff

The Commission's average staffing level for the year was 134, with a turnover of 5.6% for ongoing staff. The Commission has a diverse workforce mix, which includes:

- 73% women
- 3.5% Aboriginal and Torres Strait Islander staff
- 9.7% People with a disability
- 20.2% NESB staff

The Commission's staffing profile was amplified in 2012/2013 due to the continuation of the Australian Defence Force Review.

An overview of the Commission's staffing profile, as at 30 June 2013, is provided at Appendix 5.

Management accountability

Our main corporate governance practices

The Commission, as a legal entity, is constituted by the President and the Commissioners. The President is the senior member of the Commission. The Commission meets every six to eight weeks to make its decisions. All meetings are minuted.

The responsibilities of the Commission include preparing and implementing the strategic plan, ensuring compliance with the APS Code of Conduct, ensuring transparency and accountability for our work and fostering high ethical standards in its execution. The President has specific responsibility for financial management but has delegated some of those functions to the Executive Director.

The Commission has developed a Governance Handbook which sets out its responsibilities and, where relevant, the individual responsibilities of the President and specific Commissioners.

Identifying financial and operational risk

We annually review and identify changes to business and operational risks through our business risk assessment. Risks are categorised according to whether they are strategic or corporate in nature. Controls and risk-mitigating strategies are also identified along with an assessment of the residual risk.

Protecting against fraud

We have undertaken a Fraud Risk Assessment, developed a Fraud Control Plan and have procedures and processes in place to assist in fraud prevention, detection, investigation and reporting in line with the Commonwealth Fraud Control Guidelines. The Fraud Control Plan is available electronically to all Commission staff.

Audit committee

Consistent with the Australian Stock Exchange principles of good corporate governance and the requirements of the *Financial Management and Accountability Act 1997* (Cth), we maintain an audit committee. The audit committee advises the President on compliance with external reporting requirements and the effectiveness and efficiency of internal control and risk management mechanisms. The audit committee met four times during the reporting period.

Complaint about racial vilification in the print media

The complainant, who is of Aboriginal descent, claimed the respondent newspaper and cartoonist published a cartoon that vilified Aboriginal people.

The newspaper and cartoonist said the cartoon was published in the course of a debate, was drawn and published for genuine artistic purposes and contained genuine and fair comments on an event of public interest.

The complaint resolved with an agreement that the respondents would visit the complainant's community to listen to community members' stories and teach the children how to draw cartoons.

People and performance



Students at the *Racism. It Stops With Me* campaign launch.

Key Performance Indicators and standards for our Investigation and Conciliation Service

We have developed Key Performance Indicators (KPIs) and standards which form the basis for ongoing assessment of the Commission's complaint service. These indicators, and our performance in 2012-13 in relation to these indicators, are summarised below.

- **Timeliness.** Our stated performance standard is for 80% of complaints to be finalised within 12 months of receipt. In 2012-13, we finalised 95% of matters within 12 months. The average time from lodgement to finalisation of a complaint was 4.6 months. There has been an ongoing improvement in the timeliness of the complaint process over the past 5 years.
- **Conciliation rate.** Our stated performance standard is for 30% of all finalised complaints to be conciliated. In 2012-13, 45% of all finalised complaints were conciliated and 65% of complaints where conciliation was attempted were successfully resolved. The conciliation success rate is in line with the average figure for the past 5 years.
- **Service satisfaction.** Our stated performance standard is for 80% of surveyed parties to complaints to be satisfied with the service they receive. In 2012-13, 93% of surveyed parties reported that they were satisfied with the service and 64% rated the service as 'very good' or 'excellent'. Over the past five years there has been an ongoing increase in the number of

participants who rate the service they receive as 'very good' or 'excellent' (58% - 64%). Further details of survey results for this reporting year are provided below.

Measuring satisfaction with the complaint service

We seek feedback on aspects of the service from people lodging complaints (complainants) and people responding to complaints (respondents). In 2012-13 we introduced an option for parties to complaints to complete the survey online. Other formats for completing the survey are also provided.

In 2012-13, 149 complainants and 201 respondents agreed to participate in the survey.

- 88% of complainants and 92% of respondents felt that Commission staff explained things in a way that was easy for them to understand.
- 92% of complainants and 95% of respondents felt that forms and correspondence from the Commission were easy to understand.
- 78% of complainants and 80% of respondents felt that the Commission dealt with the complaint in a timely manner.
- 89% of complainants and 94% of respondents did not consider staff to be biased.

Our Charter of Service

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 2012-13 the Commission received one complaint about its service under the complaint process provided in the Charter.



Guest speaker Nazeem Hussein at the *Racism. It Stops With Me* campaign launch.

Ensuring accountability for our administrative decisions

People who are affected by administrative decisions we have made may be entitled to seek a review of those decisions before a court or tribunal.

Judicial review: Judicial review of Commission decisions can be sought by application to the Federal Court or the Federal Magistrates Court under the *Administrative Decisions (Judicial Review) Act 1977* (Cth).

In accordance with established legal principle, the Commission (as decision maker) usually does not play an active role in those proceedings. This is to avoid a perception of bias in the event that a matter is remitted to the Commission for further determination. Instead, the Commission agrees to be bound by the decision of the Court and leaves the substantive parties (usually the complainant and respondent to a complaint that was before the Commission) to argue the matter.

In 2012-13, the Federal Court upheld one decision of the Commission challenged under the *Administrative Decisions (Judicial Review) Act*. One new application for review was filed and dismissed by the Court.

Merits review: Some decisions of the Commission or its staff (acting under instruments of delegation) are subject to merits review by the Administrative Appeals Tribunal (AAT). These include decisions made under the *Freedom of Information Act 1982* (Cth), and decisions on applications for temporary exemptions under section 44 of the Sex Discrimination Act, section 55 of the Disability Discrimination Act and section 44 of the Age Discrimination Act.

Facilitating freedom of information

The *Freedom of Information Act 1982* (Cth) gives the general public legal access to government documents.

Documents held by the Commission relate to:

- administration matters, including personnel, recruitment, accounts, purchasing, registers, registry, library records and indices
- complaint handling matters, including the investigation and resolution of complaints
- legal matters, including legal documents, opinion, advice and representations
- research matters, including research papers in relation to complaints, existing or proposed legislative practices, public education, national inquiries and other relevant issues
- policy matters, including minutes of Commission meetings, administrative and operational guidelines
- operational matters, including files on formal inquiries
- reference materials, including press clippings, survey and research materials, documents relating to conferences, seminars and those contained in the library.

All initial inquiries about access to Commission documents are directed to our Freedom of Information Officer, who can be contacted by either telephoning (02) 9284 9600 or by writing to:

Freedom of Information Officer
 Australian Human Rights Commission
 GPO Box 5218 Sydney NSW 2001

We follow procedures for dealing with Freedom of Information requests detailed in section 15 of the Freedom of Information Act. A valid request must:

- be in writing
- state that it is a request for the purposes of the Freedom of Information Act
- include details of how notices under the Freedom of Information Act can be sent to them, such as an email address
- specify the documents to which access is sought.

Since 1 May 2011 agencies subject to the Freedom of Information Act have been required to publish information to the public as part of the Information Publication Scheme (IPS).

The Commission's plan, which shows what information is published in accordance with the IPS requirements, is available on our website at: www.humanrights.gov.au/ips/ips_scheme.html.

Consultancy services

We use consultants where there is a need to access skills, expertise or independence that is not available within the organisation.

We engage consultants where we lack specialist expertise or when independent research, review or assessment is required. Consultants are typically engaged to investigate or diagnose a defined issue or problem, carry out defined reviews or evaluations, or provide independent advice, information or creative solutions to assist us in our decision making.

Prior to engaging consultants, we take into account the skills and resources required for the task, the skills available internally, and the cost-effectiveness of engaging external expertise. The decision to engage a consultant is made in accordance with the FMA Act and related regulations, including the Commonwealth Procurement Guidelines and relevant internal procurement policies and controls.

During the year under review, six new consultancy arrangements were entered into for a total amount of \$319,325. During the reporting period these contracts involved total actual expenditure including GST, of \$317,620. There were five active part-performed consultancy contracts from prior years. As the prior year contracts were fully expensed and accrued in the year of commitment, payments made in the current reporting period did not give rise to any new expenditure.

Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website: www.tenders.gov.au.

Advertising and market research

The Commission did not enter into any market research contracts during the reporting period. We paid \$886 (including GST) on non-campaign advertising (recruitment) and \$8,556 (including GST) on non-campaign advertising (gazetting *Discrimination Act* exemptions, event notifications and program advertising).

MOU and Fee for service arrangements

The Commission provided fee for services activities and received sponsorship from a number of entities during 2012-13. Approximately \$6,898k in fees, sponsorship and cost recoveries was earned by the Commission through MOUs and service contracts as set out below.

Service fees or Sponsorship from Related Parties performed under MOU Arrangements

Description of Services	Client	2012-13 Revenue earned (\$,000)
Provision of shared corporate services including Finance, HR and IT.	OAIC	\$1 014
Provision of sublease at 175 Pitt Street Sydney	OAIC	\$882
Provision of sublease	AGD	\$70
Provision of management services for the human rights technical support arrangements principally with China and Vietnam	AusAID	\$2 868
Review of treatment of women at the Australian Defence Force Academy	Australian Defence Forces	\$1 300
Gender Equality	FACHSIA	\$50
Support for People with Disabilities to attend International Forums	FACHSIA	\$75
Support for Activities towards the 20th Anniversary of the Disability Discrimination Act	FACHSIA	\$50
Support for Indigenous people to attend international Forums	FACHSIA	\$62
Sponsorship of Human Rights Awards	Dept of Immigration & Citizenship	\$10
Sponsorship for launch of National Anti-Racism Strategy – Old Parliament House	Dept of Immigration & Citizenship	\$20
Sponsorship for launch of National Anti-Racism Strategy – Old Parliament House	AG's	\$10
Sponsorship towards Anti-Cyberbullying Project	Australian Communication & Media Authority	\$20
Other	Various	\$78
Total Services to Related Parties		\$6 509

Service fees or Sponsorship from Unrelated Parties performed under Contracts.

Description of Services	Client/Sponsor	2012-13 Revenue earned (\$,000)
Provision of secretariat for Close the Gap	Various, including Oxfam, Fred Hollows Foundation	\$242
Research into women's return to work	Westpac	\$53
Provision of shared services	Secretariat of the Asia Pacific Forum	\$82
Other	Various	\$12
Total Services to Unrelated Parties		\$389

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INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

I have audited the accompanying financial statements of the Australian Human Rights Commission for the year ended 30 June 2013, which comprise: a statement by the Chief Executive and Chief Finance Officer; Statement of Comprehensive Income; Balance Sheet; Statement of Changes in Equity; Cash Flow Statement; Schedule of Commitments; Schedule of Contingencies; Administered Schedule of Comprehensive Income; Administered Schedule of Assets and Liabilities; Administered Reconciliation Schedule; Administered Cash Flow Statement; Schedule of Administered Commitments; Schedule of Administered Contingencies; and Notes to and forming part of the financial statements, including a Summary of Significant Accounting Policies.

Chief Executive's Responsibility for the Financial Statements

The Chief Executive of the Australian Human Rights Commission is responsible for the preparation of financial statements that give a true and fair view in accordance with the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards, and for such internal control as is necessary to enable the preparation of the financial statements that give a true and fair view and are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based on my audit. I have conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. These auditing standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Australian Human Rights Commission's preparation of the financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not the purpose of expressing an opinion on the effectiveness of the Australian Human Rights Commission's internal control. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Chief Executive of the Australian Human Rights Commission, as well as evaluating the overall presentation of the financial statements.

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

Independence

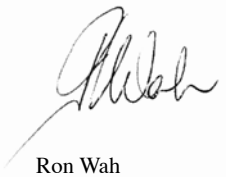
In conducting my audit, I have followed the independent requirements of the Australian National Audit Office, which incorporate the requirements of the Australian accounting profession.

Opinion

In my opinion, the financial statements of the Australian Human Rights Commission:

- (a) have been prepared in accordance with the Finance Minister's orders made under the *Financial Management and Accountability Act 1997*, including the Australian Accounting Standards; and
- (b) give a true and fair view of the matters required by the Finance Minister's Orders including the Australian Human Rights Commission's financial position as at 30 June 2013 and of its financial performance and cash flows for the year then ended.

Australian National Audit Office



Ron Wah
Audit Principal

Delegate of the Auditor-General

Canberra
22 August 2013

AUSTRALIAN HUMAN RIGHTS COMMISSION

FINANCIAL STATEMENTS

for the period ended 30 June 2013

STATEMENT BY THE CHIEF EXECUTIVE AND CHIEF FINANCE OFFICER

In our opinion, the attached financial statements for the period ended 30 June 2013 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*, as amended.

In our opinion, at the date of this statement, there are reasonable grounds to believe that the Commission will be able to pay its debts as and when they become due and payable.



Professor Gillian Triggs
President and Chief Executive

22 August 2013



David Richards
Chief Finance Officer

22 August 2013

Statement of Comprehensive Income

for the period ended 30 June 2013

	Notes	2013 \$'000	2012 \$'000
Expenses			
Employee benefits	3A	16,384	15,064
Supplier	3B	8,547	8,432
Depreciation and amortisation	3C	905	720
Write-down and impairment of assets	3D	2	25
Total expenses		25,838	24,241
Less:			
Own-source income			
Own-source revenue			
Sale of goods and rendering of services	4A	6,017	6,087
Other revenue	4B	882	841
Total own-source revenue		6,899	6,929
Gains			
Sale of assets	4C	1	–
Other gains	4D	71	119
Total gains		72	119
Total own-source income		6,971	7,048
Net cost of services		(18,867)	(17,194)
Revenue from Government	4E	17,979	16,423
Deficit attributable to the Australian Government		(888)	(770)
Other comprehensive income			
Items not subject to subsequent reclassification to profit or loss			
Changes in asset revaluation surplus		287	–
Total other comprehensive income after income tax		287	–
Total comprehensive loss attributable to the Australian Government		(601)	(770)

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

Balance Sheet

as at 30 June 2013

	Notes	2013 \$'000	2012 \$'000
Assets			
Financial Assets			
Cash and cash equivalents	5A	1,045	1,681
Trade and other receivables	5B	6,711	6,139
Total financial assets		7,756	7,820
Non-Financial Assets			
Infrastructure, plant and equipment	6A,B	5,034	5,423
Intangibles	6C,D	893	907
Other non-financial assets	6E	100	108
Total non-financial assets		6,027	6,438
Total assets		13,783	14,258
Liabilities			
Payables			
Suppliers	7A	1,660	2,048
Other payables	7B	3,093	3,060
Total payables		4,753	5,108
Non-interest Bearing Liabilities			
Lease incentives	8A	4,529	5,095
Total interest bearing liabilities		4,529	5,095
Provisions			
Employee provisions	9A	3,804	2,935
Other provisions	9B	243	238
Total provisions		4,047	3,173
Total liabilities		13,329	13,376
Net assets		454	882
Equity			
Contributed equity		1,961	1,788
Asset revaluation reserve		287	-
Accumulated results		(1,794)	(906)
Total equity		454	882

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

Statement of Changes in Equity

for the period ended 30 June 2013

	Retained earnings		Asset revaluation reserve		Contributed equity/capital		Total equity	
	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000
Opening balance								
Balance carried forward from previous period	(906)	(137)	-	-	1,788	1,442	882	1,305
Adjusted opening balance	(906)	(137)	-	-	1,788	1,442	882	1,305
Comprehensive income								
Other comprehensive income	-	-	287	-	-	-	287	-
Deficit for the period	(888)	(770)	-	-	-	-	(888)	(770)
Total comprehensive income	(888)	(770)	287	-	-	-	(601)	(770)
of which:								
Attributable to the Australian Government	(888)	(770)	287	-	-	-	(601)	(770)
Transactions with owners								
Contributions by owners								
Departmental capital budget	-	-	-	-	173	346	173	346
Sub-total transactions with owners	-	-	-	-	173	346	173	346
Closing balance attributable to the Australian Government	(1,794)	(906)	287	-	1,961	1,788	454	882

Cash Flow Statement

for the period ended 30 June 2013

	Notes	2013 \$'000	2012 \$'000
OPERATING ACTIVITIES			
Cash received			
Appropriations		18,249	16,153
Cash transferred from the Official Public Account		6,256	10,893
Sales of goods and rendering of services		8,205	5,195
Net GST received		267	94
Total cash received		32,977	32,335
Cash used			
Employees		(15,533)	(14,327)
Suppliers		(9,587)	(8,029)
Section 31 receipts transferred to Official Public Account		(8,491)	(9,315)
Total cash used		(33,611)	(31,671)
Net cash from (used by) operating activities	10	(634)	664
INVESTING ACTIVITIES			
Cash used			
Purchase of infrastructure, plant and equipment		(36)	(711)
Purchase of intangibles		(182)	(540)
Total cash used		(218)	(1,251)
Net cash used by investing activities		(218)	(1,251)
FINANCING ACTIVITIES			
Cash received			
Contributed equity		216	1,187
Total cash received		216	1,187
Net increase (decrease) in cash held		(636)	600
Cash and cash equivalents at the beginning of the reporting period		1,681	1,081
Cash and cash equivalents at the end of the reporting period	5A	1,045	1,681

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

Schedule of Commitments

as at 30 June 2013

	2013 \$'000	2012 \$'000
BY TYPE		
Commitments receivable		
Sublease rental income	(9,113)	(10,074)
Other commitments	(1,776)	(5,515)
Net GST recoverable on commitments ¹	(1,831)	(1,602)
Total commitments receivable	(12,720)	(17,191)
Commitments payable		
Capital commitments		
Infrastructure, plant and equipment ²	-	137
Total capital commitments	-	137
Other commitments		
Operating leases ²	30,893	34,360
Other	140	316
Total other commitments	31,033	34,676
Total commitments payable	31,033	34,813
Net commitments by type	18,313	17,622
BY MATURITY		
Commitments receivable		
Operating lease income		
One year or less	(997)	(960)
From one to five years	(5,578)	(5,375)
Over five years	(2,538)	(3,738)
Total operating lease income	(9,113)	(10,074)
Other commitments receivable		
One year or less	(1,865)	(5,808)
From one to five years	(1,201)	(1,309)
Over five years	(541)	-
Total other commitments receivable	(3,607)	(7,117)
Total commitments receivable	(12,720)	(17,191)

Schedule of Commitments

as at 30 June 2013

	2013 \$'000	2012 \$'000
Commitments payable		
Capital commitments		
One year or less	-	137
Total capital commitments	-	137
Operating lease commitments		
One year or less	3,620	3,575
From one to five years	18,786	18,286
Over five years	8,487	12,499
Total operating lease commitments	30,893	34,360
Other Commitments		
One year or less	140	316
Total other commitments	140	316
Total commitments payable	31,033	34,813
Net commitments by maturity	18,313	17,622

Note: Commitments are GST inclusive where relevant

Nature of Leases/General Description

1. Outstanding payments for leasehold improvements
2. Operating leases included are effectively non-cancellable and comprise:

Leases for office accommodation

Lease payments are subject to fixed annual rental increases. The initial periods of accommodation are still current and there are two options in the lease agreement to renew.

Agreements for the provision of motor vehicles to senior executive officers

No contingent rentals exist and there are no renewal or purchase options available to the AHRC.

Lease agreement in relation to the provision of desktop computer equipment and printers

The lessor provides all desktop computer equipment and software. The lease agreement allows for variations to the duration of the rental period and to the equipment being provided.

Other commitments

Consists of agreements with other entities for the provision of goods and services, outgoings and agreements equally proportionately unperformed.

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

Schedule of Contingencies

as at 30 June 2013

	2013 \$'000	2012 \$'000
Contingent assets	–	–
Total contingent assets	–	–
Contingent liabilities		
Make-good costs	79	79
Total contingent liabilities	79	79
Net contingent liabilities	(79)	(79)

Details of each class of contingent liabilities and contingent assets listed above are disclosed in Note 11, along with information on significant remote contingencies and contingencies that cannot be quantified.

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

Administered Schedule of Comprehensive Income

for the period ended 30 June 2013

	Notes	2013 \$'000	2012 \$'000
EXPENSES			
Suppliers	16A	143	122
Total expenses administered on behalf of Government		143	122
Net cost of services		143	122
Deficit		(143)	(122)

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

Administered Schedule of Assets and Liabilities

as at 30 June 2013

	Notes	2013 \$'000	2012 \$'000
ASSETS			
Financial assets			
Trade and other receivables	17B	-	12
Total financial assets		-	12
Total assets administered on behalf of Government		-	12
LIABILITIES			
Payables			
Suppliers	18A	-	1
Total payables		-	1
Total liabilities administered on behalf of Government		-	1
Net assets		-	11

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

Administered Reconciliation Schedule

	2013 \$'000	2012 \$'000
Opening administered assets less administered liabilities as at 1 July	11	–
Adjustment for errors	(11)	–
Adjusted opening administered assets less administered liabilities	–	–
Surplus (deficit) items:		
Less: Administered expenses (non CAC)	(143)	(122)
Administered transfers to/from Australian Government:		
Appropriation transfers from OPA:		
Annual appropriations for administered expenses (non CAC)	143	133
Closing administered assets less administered liabilities as at 30 June	–	11

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

Administered Cash Flow Statement for the period ended 30 June 2013

	Notes	2013 \$'000	2012 \$'000
OPERATING ACTIVITIES			
Cash received		–	–
Total cash received		–	–
Cash used			
Suppliers		(143)	(122)
Total cash used		(143)	(122)
Net cash flows used by operating activities		(143)	(122)
Cash and cash equivalents at the beginning of the reporting period		–	–
Cash from Official Public Account for:			
– Appropriations		143	122
Cash and cash equivalents at the end of the reporting period	17A	–	–

This schedule should be read in conjunction with the accompanying notes.

Schedule of Administered Commitments

as at 30 June 2013

	2013 \$'000	2012 \$'000
BY TYPE		
Commitments receivable	-	-
Total commitments receivable	-	-
Commitments payable	-	-
Total commitments payable	-	-
Net commitments by type	-	-
BY MATURITY		
Commitments receivable	-	-
Total commitments receivable	-	-
Commitments payable	-	-
Total commitments payable	-	-
Net commitments by maturity	-	-

This schedule should be read in conjunction with the accompanying notes.

Schedule of Administered Contingencies

as at 30 June 2013

	2013 \$'000	2012 \$'000
Administered contingent assets	-	-
Administered contingent liabilities	-	-
Total administered contingent liabilities	-	-
Net administered contingent assets/(liabilities)	-	-

Details of each class of contingent liabilities and contingent assets in the above table are disclosed in Note 20, along with information on significant remote contingencies and contingencies that cannot be quantified.

This schedule should be read in conjunction with the accompanying notes.

Notes to and forming part of the financial statements

for the period ended 30 June 2013

Note 1: Summary of Significant Accounting Policies

1.1 Objectives of the Australian Human Rights Commission

The Australian Human Rights Commission (the Commission) is an Australian Government controlled entity. It is a not-for-profit entity. The Commission's objective is to ensure that Australians have access to independent human rights complaint handling and public inquiries processes and benefit from human rights education, promotion, monitoring and compliance activities.

The Commission is structured to meet the following outcome:

"An Australian Society in which human rights are respected, protected and promoted through independent investigation and resolution of complaints, education and research to promote and eliminate discrimination, and monitoring, and reporting on human rights."

The continued existence of the Commission in its present form and with its present programs is dependent on Government policy and on continuing appropriations by Parliament for the Commission's administration and programs.

Commission activities contributing toward this outcome are classified as either departmental or administered. Departmental activities involve the use of assets, liabilities, income and expenses controlled or incurred by the Commission in its own right. Administered activities involve the management or oversight by the Commission, on behalf of the Government, of items controlled or incurred by the Government.

The administered activities conducted by the Commission on behalf of the Government relate to the National Anti-Racism Partnership Strategy.

1.2 Basis of Preparation of the Financial Statements

The financial statements are required by section 49 of the *Financial Management and Accountability Act 1997* and are general purpose financial statements.

The Financial Statements have been prepared in accordance with:

- Finance Minister's Orders (or FMO) for reporting periods ending on or after 1 July 2011; and
- Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

The financial statements are presented in Australian dollars and values are rounded to the nearest thousand dollars unless otherwise specified.

Unless an alternative treatment is specifically required by an accounting standard or the FMO, assets and liabilities are recognised in the balance sheet when and only when it is probable that future economic benefits will flow to the entity or a future sacrifice of economic benefits will be required and the amounts of the assets or liabilities can be reliably measured. However, assets and liabilities arising under executory contracts are not recognised unless required by an accounting standard. Liabilities and assets that are unrecognised are reported in the schedule of commitments or the schedule of contingencies.

Unless alternative treatment is specifically required by an accounting standard, income and expenses are recognised in the statement of comprehensive income when and only when the flow, consumption or loss of economic benefits has occurred and can be reliably measured.

The Australian Government continues to have regard to developments in case law, including the High Court's most recent decision on Commonwealth expenditure in *Williams v Commonwealth* (2012) 288 ALR 410, as they contribute to the larger body of law relevant to the development of Commonwealth programs. In accordance with its general practice, the Government will continue to monitor and assess risk and decide on any appropriate actions to respond to risks of expenditure not being consistent with constitutional or other legal requirements.

Note 1: Summary of Significant Accounting Policies (continued)

1.3 Significant Accounting Judgements and Estimates

No significant accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to carrying amounts of assets and liabilities within the next accounting period.

1.4 New Australian Accounting Standards

Adoption of New Australian Accounting Standard Requirements

No accounting standard has been adopted earlier than the application date as stated in the standard.

Future Australian Accounting Standard Requirements

New standards, revised standards, interpretations and amending standards issued by the Australian Accounting Standards Board prior to the signing of the statement by the Chief Executive and Chief Finance Officer, are not expected to have a material financial impact on the Commission for future reporting periods.

1.5 Revenue

Revenue from Government

Amounts appropriated for departmental outputs for the year (adjusted for any formal additions and reductions) are recognised as revenue when the Commission gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned.

Appropriations receivable are recognised at their nominal amounts.

Other Types of Revenue

Revenue from the sale of goods is recognised when:

- the risks and rewards of ownership have been transferred to the buyer;
- the Commission retains no managerial involvement or effective control over the goods;
- the revenue and transaction costs incurred can be reliably measured; and
- it is probable that the economic benefits associated with the transaction will flow to the entity.

Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date. The revenue is recognised when:

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

The stage of completion of contracts at the reporting date is determined by reference to:

- the proportion that costs incurred to date bear to the estimated total costs of the transaction.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed at end of reporting period. Allowances are made when collectability of the debt is no longer probable.

1.6 Gains

Resources Received Free of Charge

Resources received free of charge are recognised as gains when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Sale of Assets

Gains from disposal of assets are recognised when control of the asset has passed to the buyer.

Note 1: Summary of Significant Accounting Policies (continued)

1.7 Transactions with the Government as Owner

Equity Injections

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.

Other Distributions to Owners

The FMOs require that distributions to owners be debited to contributed equity unless in the nature of a dividend.

1.8 Employee Benefits

Liabilities for 'short-term employee benefits' (as defined in AASB 119 Employee Benefits) and termination benefits due within twelve months of end of reporting period are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

Other long-term employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

Leave

The liability for employee benefits includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of the Commission is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that will be applied at the time the leave is taken, including the Commission's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave has been determined by reference to the work of an actuary as at 30 June 2013. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Separation and Redundancy

Provision is made for separation and redundancy benefit payments. The Commission recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the terminations.

Superannuation

Staff of the Commission are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS) or the PSS accumulation plan (PSSap).

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported by the Department of Finance and Deregulation as an administered item.

The Commission makes employer contributions to the employee superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government of the superannuation entitlements of the Commission's employees. The Commission accounts for the contributions as if they were contributions to defined contribution plans.

The liability for superannuation recognised as at 30 June represents outstanding contributions for the final fortnight of the year.

Note 1: Summary of Significant Accounting Policies (continued)

1.9 Leases

A distinction is made between finance leases and operating leases. Finance leases effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of leased assets. An operating lease is a lease that is not a finance lease. In operating leases, the lessor effectively retains substantially all such risks and benefits.

Where an asset is acquired by means of a finance lease, the asset is capitalised at either the fair value of the lease infrastructure or, if lower, the present value of minimum lease payments at the inception of the contract and a liability is recognised at the same time and for the same amount.

The discount rate used is the interest rate implicit in the lease. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are expensed on a straight-line basis which is representative of the pattern of benefits derived from the leased assets.

1.10 Cash

Cash and cash equivalents includes cash on hand, cash held with outsiders, demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value. Cash is recognised at its nominal amount.

1.11 Financial Assets

The Commission classifies its financial assets as 'loans and receivables'.

The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition.

Financial assets are recognised and derecognised upon trade date.

Effective Interest Method

The effective interest method is a method of calculating the amortised cost of a financial asset and of allocating interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset, or, where appropriate, a shorter period.

Loans and Receivables

Trade receivables, loans and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as 'loans and receivables'. Loans and receivables are measured at cost.

Impairment of Financial Assets

Financial assets are assessed for impairment at the end of each reporting period.

Financial assets held at cost - If there is objective evidence that an impairment loss has been incurred for loans and receivables the amount of the impairment loss is the difference between the carrying amount of the asset and the present value of the estimated future cash flows discounted at the current market rate for similar assets.

1.12 Financial Liabilities

Financial liabilities are classified as 'other financial liabilities'.

Financial liabilities are recognised and derecognised upon 'trade date'.

Note 1: Summary of Significant Accounting Policies (continued)

Other Financial Liabilities

Other financial liabilities, including borrowings, are initially measured at fair value, net of transaction costs.

Other financial liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective yield basis.

The effective interest method is a method of calculating the amortised cost of a financial liability and of allocating interest expense over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash payments through the expected life of the financial liability, or, where appropriate, a shorter period.

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

1.13 Contingent Liabilities and Contingent Assets

Contingent liabilities and contingent assets are not recognised in the balance sheet but are reported in the relevant schedules and notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

1.14 Acquisition of Assets

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor agency's accounts immediately prior to the restructuring.

1.15 Infrastructure, Plant and Equipment

Asset Recognition Threshold

Purchases of infrastructure, plant and equipment are recognised initially at cost in the balance sheet, except for purchases costing less than \$2,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'make good' provisions in property leases taken up by the Commission where there exists an obligation to restore the property to its original condition. These costs are included in the value of the Commission's leasehold improvements with a corresponding provision for the 'make good' recognised.

Revaluations

Fair values for each class of asset are determined as shown below:

Asset Class	Fair Value Measured at:
Computer, plant and equipment	Market value
Leasehold improvements	Depreciated replacement cost

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 1: Summary of Significant Accounting Policies (continued)

Following initial recognition at cost, infrastructure, plant and equipment are carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reverses a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reverse a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

Depreciation

Depreciable infrastructure, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the Commission using, in all cases, the straight-line method of depreciation.

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives:

Asset Class	2013	2012
Computer, plant and equipment	4 to 10 years	4 to 10 years
Leasehold improvements	Lease term	Lease term

Impairment

All assets were assessed for impairment at 30 June 2013. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs to sell and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the Commission were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

Derecognition

An item of infrastructure, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

1.16 Intangibles

The Commission's intangibles comprise internally developed and/or customised software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

Notes to and forming part of the financial statements for the period ended 30 June 2013

Note 1: Summary of Significant Accounting Policies (continued)

Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the Commission's software are 2 to 5 years (2011-12: 2 to 5 years).

All software assets were assessed for indications of impairment as at 30 June 2013.

1.17 Taxation

The Commission is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

Revenues, expenses and assets are recognised net of GST except:

- where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
- for receivables and payables.

1.18 Reporting of Administered Activities

Administered revenues, expenses, assets, liabilities and cash flows are disclosed in the administered schedules and related notes.

Except where otherwise stated below, administered items are accounted for on the same basis and using the same policies as for departmental items, including the application of Australian Accounting Standards.

Administered Cash Transfers to and from the Official Public Account

Revenue collected by the entity for use by the Government rather than the entity is administered revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance and Deregulation. Conversely, cash is drawn from the OPA to make payments under Parliamentary appropriation on behalf of Government. These transfers to and from the OPA are adjustments to the administered cash held by the entity on behalf of the Government and reported as such in the schedule of administered cash flows and in the administered reconciliation schedule.

Note 2: Events After the Reporting Period

The Minister for Finance and Deregulation signed a determination titled 'Instrument to Reduce Appropriations (No.1 of 2013-14)' which took effect on 13 August 2013. The amount of the reduction for the Australian Human Rights Commission is \$63,000 and has been reflected in a reduction of appropriation revenue for 2012-13.

Reporting of Administered Activities

The Commission is not aware of any significant events that have occurred since balance date that warrant disclosure in these financial statements.

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 3: Expenses

	2013 \$'000	2012 \$'000
Note 3A: Employee Benefits		
Wages and salaries	12,304	11,690
Superannuation:		
Defined contribution plans	1,152	1,038
Defined benefit plans	877	760
Leave and other entitlements	1,340	1,279
Separation and redundancies	635	220
Other employee expenses	76	77
Total employee benefits	16,384	15,064

Note 3B: Supplier

Goods and services

General property operating expenses	859	783
Insurance	38	45
Office consumables	87	124
Official travel	1,418	1,111
Postage and freight	43	45
Printing and publications	336	199
Professional services and fees	2,410	2,317
Reference materials, subscriptions and licences	272	341
Staff training	170	100
Telecommunications	263	289
Other	247	565
Total goods and services	6,143	5,920

Goods and services are made up of:

Provision of goods – related entities	11	4
Provision of goods – external parties	778	862
Rendering of services – related entities	298	399
Rendering of services – external parties	5,056	4,655
Total goods and services	6,143	5,920

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 3: Expenses (continued)

	2013 \$'000	2012 \$'000
Note 3B: Supplier (continued)		
Other supplier expenses		
Operating lease rentals – related entities:		
Sublease	180	266
Operating lease rentals – external parties:		
Minimum lease payments	2,179	2,207
Workers compensation expenses	45	39
Total other supplier expenses	2,404	2,512
Total supplier expenses	8,547	8,432

Note 3C: Depreciation and Amortisation

Depreciation:

Infrastructure, plant and equipment:		
Computer, plant and equipment	152	118
Total depreciation	152	118

Amortisation:

Infrastructure, plant and equipment:		
Leasehold improvements	558	559
Intangibles:		
Computer software	195	43
Total amortisation	753	602
Total depreciation and amortisation	905	720

Note 3D: Write-Down and Impairment of Assets

Asset write-downs and impairments from:

Impairment of infrastructure, plant and equipment	–	5
Financial assets – written off	1	1
Non-financial assets – written off	1	–
Bad debts – written off	–	19
Total write-down and impairment of assets	2	25

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 4: Income

	2013 \$'000	2012 \$'000
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OWN-SOURCE REVENUE

Note 4A: Sale of Goods and Rendering of Services

Provision of goods – external parties	1	2
Rendering of services – related entities	5,627	5,581
Rendering of services – external parties	389	504
Total sale of goods and rendering of services	6,017	6,087

Note 4B: Other Revenue

Rental Income:

Operating lease:		
Sub lease rental income	882	841
Total rental income	882	841

GAINS

Note 4C: Sale of Assets

Property, plant and equipment:

Proceeds from sale	1	–
Total sale of assets	1	–

Note 4D: Other Gains

Resources received free of charge	50	50
Gain on reduction of prior year provisions	21	69
Total other gains	71	119

REVENUE FROM GOVERNMENT

Note 4E: Revenue from Government

Appropriations:

Departmental appropriations	17,979	16,423
Total revenue from Government	17,979	16,423

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 5: Financial Assets

	2013 \$'000	2012 \$'000
Note 5A: Cash and Cash Equivalents		
Cash on hand or on deposit	1,045	1,681
Total cash and cash equivalents	1,045	1,681
Note 5B: Trade and Other Receivables		
Goods and Services:		
Goods and services – related entities	345	1,510
Goods and services – external parties	50	172
Total receivables for goods and services	395	1,682
Appropriations receivable:		
For existing programs	6,275	4,353
Total appropriations receivable	6,275	4,353
Other receivables:		
GST receivable from the Australian Taxation Office	60	123
Total other receivables	60	123
Total trade and other receivables (gross)	6,730	6,158
Less impairment allowance account:		
Goods and services	(19)	(19)
Total impairment allowance account	(19)	(19)
Total trade and other receivables (net)	6,711	6,139
Receivables are expected to be recovered in:		
No more than 12 months	6,711	6,139
Total trade and other receivables (net)	6,711	6,139
Receivables are aged as follows:		
Not overdue	6,702	4,477
Overdue by:		
0 to 30 days	7	1,634
31 to 60 days	–	26
61 to 90 days	–	–
More than 90 days	21	21
Total receivables (gross)	6,730	6,158

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 5: Financial Assets (continued)

	2013 \$'000	2012 \$'000
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Note 5B: Trade and Other Receivables (continued)

The impairment allowance account is aged as follows:

Not overdue	-	-
Overdue by:		
0 to 30 days	-	-
31 to 60 days	-	-
61 to 90 days	-	-
More than 90 days	(19)	(19)
Total impairment allowance account	(19)	(19)

Reconciliation of the Impairment Allowance Account:

Movements in relation to 2013

	Goods and services \$'000	Total \$'000
Opening balance	(19)	(19)
Amounts written off	-	-
Amounts recovered and reversed	-	-
Closing balance	(19)	(19)

Movements in relation to 2012

	Goods and services \$'000	Total \$'000
Opening balance	-	-
Amounts written off	(19)	(19)
Closing balance	(19)	(19)

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 6: Non-Financial Assets

	2013 \$'000	2012 \$'000
Note 6A: Infrastructure, Plant and Equipment		
Computer, plant and equipment		
Fair value	304	606
Accumulated depreciation	–	(201)
Total computer, plant and equipment	304	405
Leasehold improvements		
Fair value	4,730	5,578
Accumulated depreciation	–	(559)
Total leasehold improvements	4,730	5,018
Total infrastructure, plant and equipment	5,034	5,423

No indicators of impairment were found for property, plant and equipment.

No property, plant or equipment is expected to be sold or disposed of within the next 12 months.

Revaluations of non-financial assets

All revaluations were conducted in accordance with the revaluation policy stated at Note 1. On 30 June 2013, an independent valuer conducted the revaluations.

A revaluation increment of \$267,160 for leasehold improvements (2012: nil) and \$20,173 for plant and equipment (2012: nil) were credited to the asset revaluation surplus by asset class and included in the equity section of the balance sheet; no increments/decrements were expensed (2012: nil expensed).

Note 6B: Reconciliation of the Opening and Closing Balances of Infrastructure, Plant and Equipment 2013

	Computer, plant & equipment \$'000	Leasehold improvements \$'000	Total \$'000
As at 1 July 2012			
Gross book value	606	5,577	6,183
Accumulated depreciation and impairment	(201)	(559)	(760)
Net book value 1 July 2012	405	5,018	5,423
Additions:			
By purchase	32	3	35
Revaluations recognised in other comprehensive income	20	267	287
Depreciation/Amortisation expense	(152)	(558)	(710)
Disposals:			
Other	(1)	–	(1)
Net book value 30 June 2013	304	4,730	5,034
Net book value as of 30 June 2013 represented by:			
Gross book value	304	4,730	5,034
Accumulated depreciation and impairment	–	–	–
	304	4,730	5,034

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 6: Non-Financial Assets (continued)

Note 6B: Reconciliation of the Opening and Closing Balances of Infrastructure, Plant and Equipment 2012

	Computer, plant & equipment \$'000	Leasehold improvements \$'000	Total \$'000
As at 1 July 2011			
Gross book value	368	5,984	6,352
Accumulated depreciation and impairment	(123)	(407)	(530)
Net book value 1 July 2011	245	5,577	5,822
Additions:			
By purchase	238	–	238
Depreciation/Amortisation expense	(118)	(559)	(677)
Disposals:			
Other	40	–	40
Net book value 30 June 2012	405	5,018	5,423
Net book value as of 30 June 2012 represented by:			
Gross book value	606	5,577	6,183
Accumulated depreciation and impairment	(201)	(559)	(760)
	405	5,018	5,423
		2013	2012
		\$'000	\$'000

Note 6C: Intangibles

Computer software:

Internally customised – in progress	–	166
Internally developed – in use	1,131	784
Accumulated amortisation	(238)	(43)
Total computer software	893	907
Total intangibles	893	907

No indicators of impairment were found for intangible assets.

No intangibles are expected to be sold or disposed of within the next 12 months.

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 6: Non-Financial Assets (continued)

Note 6D: Reconciliation of the Opening and Closing Balances of Intangibles 2013

	Computer software internally customised – in progress \$'000	Computer software internally developed – in use \$'000	Total \$'000
As at 1 July 2012			
Gross book value	166	784	950
Accumulated amortisation and impairment	–	(43)	(43)
Net book value 1 July 2012	166	741	907
Additions:			
By purchase or internally developed	–	181	181
Amortisation	–	(195)	(195)
Work-in-progress transfer	(166)	166	–
Net book value 30 June 2013	–	893	893
Net book value as of 30 June 2013 represented by:			
Gross book value	–	1,131	1,131
Accumulated amortisation and impairment	–	(238)	(238)
Net book value 30 June 2013	–	893	893

Note 6D: Reconciliation of the Opening and Closing Balances of Intangibles 2012

	Computer software internally customised – in progress \$'000	Computer software internally customised – in use \$'000	Computer software internally developed – in use \$'000	Total \$'000
As at 1 July 2011				
Gross book value	–	31	440	471
Accumulated amortisation and impairment	–	(31)	(440)	(471)
Net book value 1 July 2011	–	–	–	–
Additions:				
By purchase or internally customised	166	–	784	950
Amortisation	–	–	(43)	(43)
Net book value 30 June 2012	166	–	741	907
Net book value as of 30 June 2012 represented by:				
Gross book value	166	–	784	950
Accumulated amortisation and impairment	–	–	(43)	(43)
Net book value 30 June 2012	166	–	741	907

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 6: Non-Financial Assets (continued)

	2013 \$'000	2012 \$'000
Note 6E: Other Non-Financial Assets		
Prepayments	100	108
Total other non-financial assets	100	108
Total other non-financial assets – are expected to be recovered in:		
No more than 12 months	99	101
More than 12 months	1	7
Total other non-financial assets	100	108

No indicators of impairment were found for other non-financial assets.

Note 7: Payables

	2013 \$'000	2012 \$'000
Note 7A: Suppliers		
Trade creditors and accruals	882	1,616
Rent payable	778	432
Total suppliers payables	1,660	2,048
Suppliers payables expected to be settled within 12 months:		
Related entities	271	360
External parties	611	1,256
Total	882	1,616
Suppliers payables expected to be settled in greater than 12 months:		
External parties	778	432
Total	778	432
Total suppliers payables	1,660	2,048

Settlement is generally made accordance with the terms of the supplier invoice.

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 7: Payables (continued)

	2013 \$'000	2012 \$'000
Note 7B: Other Payables		
Wages and salaries	354	349
Superannuation	54	54
Other employee expenses	18	9
Revenue received in advance	2,667	2,640
Administered GST payable	–	8
Total other payables	3,093	3,060
Total other payables are expected to be settled in:		
No more than 12 months	3,093	2,595
More than 12 months	–	465
Total other payables	3,093	3,060

Note 8: Non-interest Bearing Liabilities

	2013 \$'000	2012 \$'000
Note 8A: Non-interest Bearing Liabilities		
Lease incentives ¹	4,529	5,095
Total non-interest bearing liabilities	4,529	5,095
Payable:		
Within one year	557	566
In one to five years	2,785	2,833
In more than five years	1,187	1,696
Total loans	4,529	5,095

¹ Lease incentive included in property operating lease.

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 9: Provisions

	2013 \$'000	2012 \$'000
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Note 9A: Employee Provisions

Leave	3,317	2,850
Separations and redundancies	487	84
Total employee provisions	3,804	2,935

Employee provisions are expected to be settled in:

No more than 12 months	2,963	2,215
More than 12 months	841	720
Total employee provisions	3,804	2,935

Note 9B: Other Provisions

Provision for contract obligations	164	159
Provision for restoration obligations	79	79
Total other provisions	243	238

Other provisions are expected to be settled in:

No more than 12 months	164	159
More than 12 months	79	79
Total other provisions	243	238

	Provision for contract obligations \$'000	Provision for restoration \$'000	Total \$'000
Carrying amount 1 July 2012	159	79	238
Additional provisions made	101	-	101
Amounts used	(96)	-	(96)
Amounts reversed	-	-	-
Closing balance 30 June 2013	164	79	243

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 10: Cash Flow Reconciliation

	2013 \$'000	2012 \$'000
Reconciliation of cash and cash equivalents as per Balance Sheet to Cash Flow Statement		
Cash and cash equivalents as per:		
Cash flow statement	1,045	1,681
Balance sheet	1,045	1,681
Difference	-	-
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	(18,867)	(17,194)
Add revenue from Government	18,249	16,423
Adjustments for non-cash items		
Depreciation / amortisation	905	720
Net write down of financial assets	1	19
Net write down of non-financial assets	-	5
Unwinding of leasehold fitout incentive	(566)	(572)
Changes in assets / liabilities		
(Increase) / decrease in net receivables	(885)	773
(Increase) / decrease in other non-financial assets	8	(63)
Increase / (decrease) in employee provisions	872	736
Increase / (decrease) in supplier payables	(388)	1,232
Increase / (decrease) in other payable	32	(1,319)
Increase / (decrease) in other provisions	5	(97)
Net cash from/(used by) operating activities	(634)	664

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 11: Contingent Assets and Liabilities

Unquantifiable Contingencies

At 30 June 2013 the Commission is appearing as an intervener in two matters before the Family Court of Australia and one matter before the High Court.

It is not possible to estimate the amounts of the eventual payments that may be required in relation to the unresolved claims, though it is not common for costs to be awarded against the Commission in these matters.

Note 12: Senior Executive Remuneration

	2013 \$'000	2012 \$'000
Note 12A: Senior Executive Remuneration Expenses for the Reporting Period		
Short-term employee benefits:		
Salary	2,295,182	2,002,310
Annual leave accrued	39,499	73,862
Other	1,595	58,203
Total short-term employee benefits	2,336,276	2,134,375
Post-employment benefits:		
Superannuation	193,765	197,663
Total post-employment benefits	193,765	197,663
Other long-term employee benefits:		
Long-service leave	29,921	48,047
Total other long-term employee benefits	29,921	48,047
Termination benefits:		
Separation and redundancy payments	-	-
Total termination benefits	-	-
Total senior executive remuneration expenses	2,559,962	2,380,085

Notes:

- Note 12A is prepared on an accrual basis.
- Note 12A excludes acting arrangements and part-year service where total remuneration expensed as a senior executive was less than \$180,000.

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 12: Senior Executive Remuneration (continued)

Note 12B: Average Annual Reportable Remuneration Paid to Substantive Senior Executives during the Reporting Period

Average annual reportable remuneration paid to substantive senior executives in 2013

2013						
Average annual reportable remuneration ¹	Substantive senior executives No.	Reportable salary ² \$	Contributed superannuation ³ \$	Reportable allowances ⁴ \$	Bonus paid ⁵ \$	Total reportable remuneration \$
Total reportable remuneration (including part-time arrangements):						
Less than \$180,000	2	77,836	7,391	–	–	85,227
\$180,000 to \$209,999	3	178,737	22,125	–	–	200,862
\$300,000 to \$329,999	4	282,367	20,301	300	–	302,968
\$330,000 to \$359,999	2	314,751	27,843	198	–	342,792
Total number of substantive senior executives	11					

Average annual reportable remuneration paid to substantive senior executives in 2012

2012						
Average annual reportable remuneration ¹	Substantive senior executives No.	Reportable salary ² \$	Contributed superannuation ³ \$	Reportable allowances ⁴ \$	Bonus paid ⁵ \$	Total reportable remuneration \$
Total reportable remuneration including part-time arrangements):						
Less than \$180,000						
\$180,000 to \$209,999	2	171,821	26,322	–	–	198,143
\$210,000 to \$239,999	1	211,185	26,085	–	–	237,270
\$270,000 to \$299,999	6	220,804	40,266	9,701	–	270,770
Total number of substantive senior executives	9					

Notes

- This table reports substantive senior executives who received remuneration during the reporting period. Each row is an averaged figure based on headcount for individuals in the band.
- 'Reportable salary' includes the following:
 - gross payments (less any bonuses paid, which are separated out and disclosed in the 'bonus paid' column);
 - reportable fringe benefits (at the net amount prior to 'grossing up' for tax purposes);
 - exempt foreign employment income; and
 - salary sacrificed benefits.
- The 'contributed superannuation' amount is the average cost to the entity for the provision of superannuation benefits to substantive senior executives in that reportable remuneration band during the reporting period.
- 'Reportable allowances' are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.
- 'Bonus paid' represents average actual bonuses paid during the reporting period in that reportable remuneration band. The 'bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the entity during the financial year.

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 12: Senior Executive Remuneration (continued)

Note 12C: Average Annual Reportable Remuneration Paid to Other Highly Paid Staff during the Reporting Period

During the reporting period there were no employees whose salary plus performance bonus was \$180,000 or more and did not have a role as a senior executive and are therefore not disclosed as a senior executive in Notes 12A and Note 12B above.

Average annual reportable remuneration paid to other highly paid staff in 2012

Average annual reportable remuneration ¹	Other highly paid staff No.	Reportable salary ² \$	Contributed superannuation ³ \$	Reportable allowances ⁴ \$	Bonus paid ⁵ \$	Total reportable remuneration \$
Total reportable remuneration (including part-time arrangements)						
\$150,000 to \$179,999	2	110,131	44,602	–	–	154,733
Total number of other highly paid staff	2					

Notes

1. This table reports staff:

- a) who were employed by the entity during the reporting period;
 - b) whose reportable remuneration was \$150,000 or more for the reporting period; and
 - c) were not required to be disclosed in Table B or director disclosures.
- Each row is an averaged figure based on headcount for individuals in the band.

2. 'Reportable salary' includes the following:

- a) gross payments (less any bonuses paid, which are separated out and disclosed in the 'bonus paid' column);
- b) reportable fringe benefits (at the net amount prior to 'grossing up' for tax purposes);
- c) exempt foreign employment income; and
- d) salary sacrificed benefits.

3. The 'contributed superannuation' amount is the average cost to the entity for the provision of superannuation benefits to other highly paid staff in that reportable remuneration band during the reporting period.

4. Reportable allowances⁴ are the average actual allowances paid as per the 'total allowances' line on individuals' payment summaries.

5. 'Bonus paid' represents average actual bonuses paid during the reporting period in that reportable remuneration band. The 'bonus paid' within a particular band may vary between financial years due to various factors such as individuals commencing with or leaving the entity during the financial year.

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 13: Remuneration of Auditors

	2013 \$'000	2012 \$'000
Financial statement audit services were provided free of charge to the Commission by the Australian National Audit Office (ANAO).		
Fair value of the services provided		
Financial statement audit services	50	50
Total	50	50

No other services were provided by the ANAO.

Note 14: Financial Instruments

	2013 \$'000	2012 \$'000
Financial statement audit services were provided free of charge to the Commission by the Australian National Audit Office (ANAO).		

Note 14A: Categories of Financial Instruments

Financial Assets

Loans and receivables:

Cash and cash equivalents	1,045	1,681
Trade receivables	376	1,663
Carrying amount of financial assets	1,421	3,344

Financial Liabilities

Other liabilities:

Trade creditors and accruals	1,660	2,048
Lease incentives	4,529	5,095
Revenue received in advance	2,667	2,640
Carrying amount of financial liabilities	8,856	9,783

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 14: Financial Instruments (continued)

	Carrying amount 2013 \$'000	Fair value 2013 \$'000	Carrying amount 2012 \$'000	Fair value 2012 \$'000
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Note 14B: Fair Value of Financial Instruments

Financial Assets

Cash and cash equivalents	1,045	1,045	1,681	1,681
Trade receivables	376	376	1,663	1,663
Total	1,421	1,421	3,344	3,344

Financial Liabilities

Trade creditors and accruals	1,660	1,660	2,048	2,048
Lease incentives	4,529	4,529	5,095	5,095
Revenue received in advance	2,667	2,667	2,640	2,640
Total	8,856	8,856	9,783	9,783

Note 14C: Credit Risk

The Commission's maximum exposures to credit risk at reporting date in relation to each class of recognised financial asset is the carrying amount of those assets as indicated in the Balance Sheet.

The Commission has no significant exposures to any concentrations of credit risk nor does it hold any collateral to mitigate against credit risk.

Credit quality of financial instruments not past due or individually determined as impaired:

	Not past due nor impaired 2013 \$'000	Not past due nor impaired 2012 \$'000	Past due or impaired 2013 \$'000	Past due or impaired 2012 \$'000
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Loans and receivables

Cash and cash equivalents	1,045	1,681	-	-
Trade receivables	348	1,616	28	47
Total	1,393	3,297	28	47

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 14: Financial Instruments (continued)

Note 14C: Credit Risk (continued)

Ageing of financial assets that were past due but not impaired for 2013:

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Trade receivables	7	–	–	21	28
Total	7	–	–	21	28

Ageing of financial assets that were past due but not impaired for 2012:

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
Trade receivables	26	–	–	21	47
Total	26	–	–	21	47

Note 14D: Liquidity Risk

The Commission's financial liabilities are payables, accrued expenses, revenue received in advance and other non-interest bearing liabilities. The exposure to liquidity risk is based on the notion that the Commission will encounter difficulty in meeting its obligations associated with financial liabilities. This is unlikely due to the appropriation funding and mechanisms available to the Commission (e.g. Advance to the Minister for Finance) and internal policies and procedures put in place to ensure there are appropriate resources to meet its financial obligations.

Maturities for non-derivative financial liabilities 2013:

	On demand \$'000	within 1 year \$'000	1 to 2 years \$'000	2 to 5 years \$'000	> 5 years \$'000	Total \$'000
Trade creditors and accruals	–	1,660	–	–	–	1,660
Lease incentives	–	557	1,114	1,671	1,187	4,529
Revenue received in advance	–	2,667	–	–	–	2,667
Total	–	4,884	1,114	1,671	1,187	8,856

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 14: Financial Instruments (continued)

Note 14D: Liquidity Risk (continued)

Maturities for non-derivative financial liabilities 2012:

	On demand \$'000	within 1 year \$'000	1 to 2 years \$'000	2 to 5 years \$'000	> 5 years \$'000	Total \$'000
Trade creditors and accruals	–	2,048	–	–	–	2,048
Lease incentives	–	566	1,133	1,700	1,696	5,095
Revenue received in advance	–	2,640	–	–	–	2,640
Total	–	5,254	1,133	1,700	1,696	9,783

The Commission had no derivative financial liabilities in both the current and prior year.

Note 14E: Market Risk

The Commission holds basic financial instruments that do not expose the Commission to certain market risks. The Commission is not exposed to 'interest rate risk', 'currency risk' or 'other price risk'.

Note 15: Financial Assets Reconciliation

	Notes	2013 \$'000	2012 \$'000
Financial assets			
Total financial assets as per balance sheet		7,756	7,820
Less: non-financial instrument components			
GST Receivable from the Australian Taxation Office	5B	60	123
Appropriations receivable	5B	6,275	4,353
Total non-financial instrument components		6,335	4,476
Total financial assets as per financial instruments note		1,421	3,344

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 16: Administered – Expenses

	2013 \$'000	2012 \$'000
Note 16A: Suppliers		
Goods and services		
Advertising	–	24
Professional services and fees	77	80
Printing and promotion	39	1
Official travel	17	12
Other	10	5
Total goods and services	143	122
Goods and services are made up of:		
Provision of goods – external parties	40	–
Rendering of services – related entities	–	9
Rendering of services – external parties	103	113
Total goods and services	143	122

Note 17: Administered – Financial Assets

	2013 \$'000	2012 \$'000
Note 17A: Cash and Cash Equivalents		
Cash on hand or on deposit	–	–
Total cash and cash equivalents	–	–
Note 17B: Trade and Other Receivables		
Other receivables:		
GST receivable from Australian Taxation Office	–	12
Total other receivables	–	12
Total trade and other receivables (gross)	–	12
Total trade and other receivables (net)	–	12

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 17: Administered – Financial Assets (continued)

	2013 \$'000	2012 \$'000
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Note 17B: Trade and Other Receivables (continued)

Receivables are expected to be recovered in:

No more than 12 months	–	12
Total trade and other receivables (net)	–	12

Receivables were aged as follows:

Not overdue	–	12
Overdue by:		
0 to 30 days	–	–
31 to 60 days	–	–
61 to 90 days	–	–
More than 90 days	–	–
Total receivables (gross)	–	12

Note 18: Administered – Payables

	2013 \$'000	2012 \$'000
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Note 18A: Suppliers

Trade creditors and accruals	–	1
Total suppliers	–	1

Supplier payables expected to be settled within 12 months:

External parties	–	1
Total supplier payables	–	1

Settlement is generally made in accordance with the terms of the supplier invoice.

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 19: Administered – Cash Flow Reconciliation

	2013 \$'000	2012 \$'000
Reconciliation of cash and cash equivalents as per Administered Schedule of Assets and Liabilities to Administered Cash Flow Statement		
Cash and cash equivalents as per:		
Schedule of administered cash flows	-	-
Schedule of administered assets and liabilities	-	-
Difference	-	-
Reconciliation of net cost of services to net cash from operating activities:		
Net cost of services	(143)	(122)
Changes in assets / liabilities	-	-
Net cash used by operating activities	(143)	(122)

Note 20: Administered – Contingent Assets and Liabilities

The Commission has no administered contingent assets or liabilities.

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 21: Administered – Financial Instruments

	2013 \$'000	2012 \$'000
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Note 21A: Categories of Financial Instruments

Financial Assets

Loans and receivables:

GST receivable from the Australian Taxation Office (ATO)	-	12
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Carrying amount of financial assets	-	12
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Financial Liabilities

Other liabilities

Accruals	-	1
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Carrying amount of financial liabilities	-	1
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	Carrying amount 2013 \$'000	Fair value 2013 \$'000	Carrying amount 2012 \$'000	Fair value 2012 \$'000
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Note 21B: Fair Value of Financial Instruments

Financial Assets

GST receivable from the ATO	-	-	12	12
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Total	-	-	12	12
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Financial Liabilities

Accruals	-	-	1	1
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Total	-	-	1	1
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Note 21C: Credit Risk

The following table illustrates the Commission's gross exposure to credit risk, excluding any collateral or credit enhancements.

	2013 \$'000	2012 \$'000
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Financial assets

GST Receivable from the ATO	-	12
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Total	-	12
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Financial liabilities

Accruals	-	1
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Total	-	1
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In relation to the Commission's gross credit risk the following collateral is held: nil (2012: nil).

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 21: Administered – Financial Instruments (continued)

Note 21C: Credit Risk (continued)

Credit quality of financial instruments not past due or individually determined as impaired

	Not past due nor impaired 2013 \$'000	Not past due nor impaired 2012 \$'000	Past due or impaired 2013 \$'000	Past due or impaired 2012 \$'000
GST Receivable from the ATO	–	12	–	–
Total	–	12	–	–

Ageing of financial assets that were past due but not impaired for 2013

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
GST Receivable from the ATO	–	–	–	–	–
Total	–	–	–	–	–

Ageing of financial assets that were past due but not impaired for 2012

	0 to 30 days \$'000	31 to 60 days \$'000	61 to 90 days \$'000	90+ days \$'000	Total \$'000
GST Receivable from the ATO	12	–	–	–	–
Total	12	–	–	–	–

Note 21D: Liquidity Risk

Maturities for non-derivative financial liabilities 2013

	On demand \$'000	within 1 year \$'000	1 to 2 years \$'000	2 to 5 years \$'000	> 5 years \$'000	Total \$'000
Accruals	–	–	–	–	–	–
Total	–	–	–	–	–	–

	On demand \$'000	within 1 year \$'000	1 to 2 years \$'000	2 to 5 years \$'000	> 5 years \$'000	Total \$'000
Accruals	–	1	–	–	–	–
Total	–	1	–	–	–	–

The Commission had no derivative financial liabilities in both the current and prior financial year.

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 22: Administered Financial Assets Reconciliation

	2013 \$'000	2012 \$'000
Financial Assets		
Total financial assets as per schedule of administered assets and liabilities:	-	12
Less: non-financial instrument components	-	-
Total non-financial instrument components	-	12
Total financial assets as per financial instruments note	-	12

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 23: Appropriations

Table A: Annual Appropriations ('Recoverable GST exclusive')

	2013 Appropriation							Appropriation applied in 2013 (current and prior years) \$'000	Variance ² \$'000
	Appropriation Act		FMA Act				Total appropriation \$'000		
	Annual Appropriation \$'000	Appropriations reduced ¹ \$'000	AFM \$'000	Section 30 \$'000	Section 31 \$'000	Section 32 \$'000			
DEPARTMENTAL									
Ordinary annual services	18,215	-	-	-	7,496	-	25,711	(32,897)	(7,186)
Other services	-	-	-	-		-	-	-	-
Equity	-	-	-	-		-	-	-	-
Loans	-	-	-	-		-	-	-	-
Total departmental	18,215	-	-	-	7,496	-	25,711	(32,897)	(7,186)
ADMINISTERED									
Ordinary annual services									
Administered items	143	-	-	-		-	143	(143)	-
Total administered	143	-	-	-	-	-	143	(143)	-

Notes:

1. The responsible Minister may decide that part or all of an administered appropriation is not required and request that the Finance Minister reduce that appropriation. For administered appropriations reduced under section 11 of Appropriation Acts (Nos. 1,3&5) 2012-13 and section 12 of Appropriation Acts (Nos. 2,4&6) 2012-13, the appropriation is taken to be reduced to the required amount specified in Table D of this note once the annual report is tabled in Parliament. All administered appropriations may be adjusted by a Finance Minister's determination, which is disallowable by Parliament. In accordance with Estimates Memorandum 2013/23 - Section 11 Reduction of Administered Appropriations the Commission will request a reduction for administered appropriations. The amount of the reduction under Appropriation Act (No.1) 2012-13 will be \$43.64.

2. Variances represent utilisation of the agency's prior year cash balance and appropriations receivable.

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 23: Appropriations (continued)

Table A: Annual Appropriations ('Recoverable GST exclusive') (continued)

	2012 Appropriation							Appropriation applied in 2013 (current and prior years) \$'000	Variance ² \$'000
	Appropriation Act		FMA Act				Total appropriation \$'000		
	Annual Appropriation \$'000	Appropriations reduced ¹ \$'000	AFM \$'000	Section 30 \$'000	Section 31 \$'000	Section 32 \$'000			
DEPARTMENTAL									
Ordinary annual services	16,499	-	-	-	4,209	270	20,978	(22,990)	(2,012)
Other services	-	-	-	-	-	-	-	(510)	(510)
Equity	-	-	-	-	-	-	-	-	-
Loans	-	-	-	-	-	-	-	-	-
Total departmental	16,499	-	-	-	4,209	270	20,978	(23,500)	(2,522)
ADMINISTERED									
Ordinary annual services	-	(18)	-	-	-	140	140	(122)	-
Administered items	-	(18)	-	-	-	140	140	(122)	-
Total administered	-	(18)	-	-	-	140	140	(122)	-

Notes:

- The responsible Minister may decide that part or all of an administered appropriation is not required and request that the Finance Minister reduce that appropriation. For administered appropriations reduced under section 11 of Appropriation Acts (Nos. 1,3 & 5) 2011-12 and section 12 of Appropriation Acts (Nos. 2,4 & 6) 2011-12, the appropriation is taken to be reduced to the required amount specified in Table D of this note once the annual report is tabled in Parliament. All administered appropriations may be adjusted by a Finance Minister's determination, which is disallowable by Parliament. On 12 December 2012, the Finance Minister issued a determination to reduce administered appropriations. The amount of the reduction under Appropriation Act (No.1) 2011-12 was \$18,413.64.
- Variances represent utilisation of the agency's prior year cash balance and appropriations receivable.

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 23: Appropriations (continued)

Table B: Departmental and Administered Capital Budgets ('Recoverable GST exclusive')

	2013 Capital Budget Appropriations				Capital Budget Appropriations applied in 2013 (current and prior years)			Variance ³ \$'000
	Appropriation Act		FMA Act	Total Capital Budget Appropriations \$'000	Payments for non-financial assets ² \$'000	Payments for other purposes \$'000	Total payments \$'000	
	Annual Capital Budget \$'000	Appropriations reduced ¹ \$'000	Section 32 \$'000					
DEPARTMENTAL								
Ordinary annual services – Departmental Capital Budget¹	173	–	–	173	(216)	–	(216)	(43)

Notes:

1. Departmental and Administered Capital Budgets are appropriated through Appropriation Acts (No.1,3,5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts. For more information on ordinary annual services appropriations, please see Table A: Annual appropriations.
2. Payments made on non-financial assets include purchases of assets, expenditure on assets which has been capitalised.
3. Variance represents prior year departmental capital budget appropriation drawdown and spent in current period.

	2013 Capital Budget Appropriations				Capital Budget Appropriations applied in 2013 (current and prior years)			Variance ³ \$'000
	Appropriation Act		FMA Act	Total Capital Budget Appropriations \$'000	Payments for non-financial assets ² \$'000	Payments for other purposes \$'000	Total payments \$'000	
	Annual Capital Budget \$'000	Appropriations reduced ¹ \$'000	Section 32 \$'000					
DEPARTMENTAL								
Ordinary annual services – Departmental Capital Budget¹	346	–	–	346	(677)	–	(677)	(331)

Notes:

1. Departmental and Administered Capital Budgets are appropriated through Appropriation Acts (No.1,3,5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts. For more information on ordinary annual services appropriations, please see Table A: Annual appropriations.
2. Payments made on non-financial assets include purchases of assets, expenditure on assets which has been capitalised.
3. Variance represents prior year departmental capital budget appropriation drawdown and spent in the current period.

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 23: Appropriations (continued)

Table C: Unspent Annual Appropriations ('Recoverable GST exclusive')

Authority	2013 \$'000	2012 \$'000
DEPARTMENTAL		
Appropriation Act (No. 1) 2011-2012	-	3,867
Appropriation Act (No. 1) 2012-2013	5,895	-
Capital Budget Bill 1 (DCB) 2010-2011	-	167
Capital Budget Bill 1 (DCB) 2011-2012	271	319
Capital Budget Bill 1 (DCB) 2012-2013	173	-
Cash held by the Commission	1,045	1,681
Total	7,383	6,034
ADMINISTERED		
Appropriation Act (No. 1) 2011-2012	-	18
Appropriation Act (No. 1) 2012-2013	-	-
Total	-	18

Table D: Reduction in Administered Items ('Recoverable GST exclusive')

2013	Amount required ³ – by Appropriation Act			Total amount required ³	Total amount appropriated ⁴	Total reduction ⁵
Ordinary Annual Services	Act (No.1)	Act (No.3)	Act (No.5)			
Outcome 1	142,956.36	-	-	142,956.36	143,000.00	(43.64)

Notes:

- Numbers in this section of the table must be disclosed to the cent.
- Administered items for 2013 were reduced to these amounts when these financial statements were tabled in Parliament as part of the entity's 2013 annual report. This reduction will be effective in 2014, but the amounts have been reflected in Table A in the 2013 financial statements in the column 'Appropriations reduced' as they were adjustments to 2013 appropriations.
- Amount required as per Appropriation Act (Act 1 s. 11; Act 2 s. 12).
- Total amount appropriated in 2013.
- Total reduction effective in 2014.

2012	Amount required ³ – by Appropriation Act			Total amount required ³	Total amount appropriated ⁴	Total reduction ⁵
Ordinary Annual Services	Act (No.1)	Act (No.3)	Act (No.5)			
Outcome 1	121,586.36	-	-	121,586.36	140,000.00	(18,413.64)

Notes:

- Numbers in this section of the table must be disclosed to the cent.
- Administered items for 2012 were reduced to these amounts when these financial statements were tabled in Parliament as part of the entity's 2012 annual report. This reduction was effective in 2013, but the amounts were reflected in Table A in the 2012 financial statements in the column 'Appropriations reduced' as they were adjustments to 2012 appropriations.
- Amount required as per Appropriation Act (Act 1 s. 11; Act 2 s. 12).
- Total amount appropriated in 2012.
- Total reduction effective in 2013.

Notes to and forming part of the financial statements for the period ended 30 June 2013

Note 24: Special Accounts and FMA Act Section 39

The Commission has a 'Services for Other Entities and Trust Moneys' special account. The account was established under Section 20 of the Financial Management and Accountability Act 1997 (FMA Act) by the Financial Management and Accountability (Establishment of SOETM Special Account – AHRC) Determination 2012/05. The year ended 30 June 2013 the account had a nil opening balance and there were no transactions debited or credited to it in the 2012-2013 financial year.

The purpose of the 'Services to Other Entities and Trust Moneys' special account was for the expenditure of monies temporarily held on trust or otherwise for the benefit of a person other than the Commonwealth. Any money held in this account is special public money under section 20 of the FMA Act.

The Commission has no investments made under Section 39 of the FMA Act.

Special Accounts and FMA Act Section 39 – Administered

The Commission has no administered special accounts.

The Commission has no administered investments made under Section 39 of the FMA Act.

Note 25: Compensation and Debt Relief

The Commission made no payments for compensation or debt relief during the reporting period.

Compensation and Debt Relief – Administered

The Commission made no administered payments for compensation or debt relief during the reporting period.

Note 26: Reporting of Outcomes

Note 26A: Net Cost of Outcome Delivery

	Outcome 1		Total	
	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000
DEPARTMENTAL				
Expenses	25,838	24,241	25,838	24,241
Own-source income	6,971	7,048	6,791	7,048
ADMINISTERED				
Expenses	143	122	143	122
Net cost of outcome delivery	(19,010)	(17,316)	(19,010)	(17,316)

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 26: Reporting of Outcomes (continued)

Note 26B: Major Classes of Departmental Expense, Income, Assets and Liabilities by Outcome

	Outcome 1		Total	
	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000
Expenses				
Employee benefits	16,384	15,064	16,384	15,064
Supplier	8,547	8,432	8,547	8,432
Depreciation and Amortisation	905	720	905	720
Other	2	25	2	25
Total	25,838	24,241	25,838	24,241
Income				
Sales of goods and services	6,017	6,087	6,017	6,087
Revenue from Government	17,979	16,423	17,979	16,423
Rental income (sub-lease)	882	841	882	841
Other gains	71	119	71	119
Total	24,949	23,470	24,949	23,470
Assets				
Cash and cash equivalents	1,045	1,681	1,045	1,681
Trade and other receivables	6,730	6,139	6,730	6,139
Infrastructure, plant and equipment	5,034	5,423	5,034	5,423
Intangibles	893	907	893	907
Other non-financial assets	100	108	100	108
Total	13,802	14,258	13,802	14,258
Liabilities				
Suppliers	1,660	2,048	1,660	2,048
Lease incentives	4,529	5,095	4,529	5,095
Employee provisions	3,804	2,935	3,804	2,935
Other provisions and payables	3,336	3,298	3,336	3,298
Total	13,329	13,375	13,329	13,375

Outcome 1 is described in Note 1.1. Net costs shown included intra-government costs that were eliminated in calculating the actual Budget Outcome. Refer to Outcome 1 Resourcing Table on page 122 of this Annual Report.

Notes to and forming part of the financial statements
for the period ended 30 June 2013

Note 26: Reporting of Outcomes (continued)

Note 26C: Major Classes of Administered Expenses, Income, Assets and Liabilities by Outcome

	Outcome 1		Total	
	2013 \$'000	2012 \$'000	2013 \$'000	2012 \$'000
Expenses				
Supplier	143	122	143	122
Total	143	122	143	122
Income				
Revenue from Government				
Administered	143	122	143	122
Total	143	122	143	122
Assets				
GST Receivable from ATO	-	12	-	12
Total	-	12	-	12
Liabilities				
Suppliers	-	1	-	1
Total	-	1	-	1

Outcome 1 is described in Note 1.1. Net costs shown included intra-government costs that were eliminated in calculating the actual Budget Outcome. Refer to Outcome 1 Resourcing Table on page 122 of this Annual Report.

Note 27: Net Cash Appropriation Arrangements

	2013 \$'000	2012 \$'000
Total comprehensive income (loss) less depreciation/amortisation expenses previously funded through revenue appropriations¹	304	(50)
Plus: depreciation/amortisation expenses previously funded through revenue appropriation	(905)	(720)
Total comprehensive loss per the Statement of Comprehensive Income	(601)	(770)

1. From 2010-11, the Government introduced net cash appropriation arrangements, where revenue appropriations for depreciation/amortisation expenses ceased. Entities now receive a separate capital budget provided through equity appropriations. Capital budgets are to be appropriated in the period when cash payment for capital expenditure is required.

Note 28: Compliance with Statutory Conditions for Payments from the Consolidated Revenue Fund

During 2012-2013 additional legal advice was received that indicated there could be breaches of Section 83 under certain circumstances with payments for long service leave, goods and services tax and payments under determinations of the Remuneration Tribunal. The Commission will review its processes and controls over payments for these items to minimise the possibility of future breaches as a result of these payments.

Appendices

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Appendix 1: Agency resource statement

Table 1: Agency resource statement 2012–13

		Actual available appropriation for 2012–13 \$'000	Payments made 2012–13 \$'000	Balance remaining 2012–13 \$'000
		(a)	(b)	(a)-(b)
Ordinary Annual Services¹				
Departmental appropriation ²		32,677	25,357	7,320
Total		32,677	25,357	7,320
Administered Expenses				
Outcome 1		143	143	
Total		143	143	
Total ordinary annual services	A	32,820*	25,500	
Other Services				
Departmental non-operating				
Equity injections		0	0	0
Total		0	0	0
Total other services	B	0	0	
Total Available Annual Appropriations and payments		32,820	25,500	
Total special appropriations	C	0	0	0
Total special accounts	D	0	0	0
Total resourcing and payments A+B+C+D		32,820	25,500	
Total net resourcing and payments for the Australian Human Rights Commission		32,820	25,500	

* Full year budget, including any subsequent adjustment made to the 2012–13 Budget.

- 1 Appropriation Bill (No.1) 2012–13. Includes Prior Year departmental appropriation and S.31 relevant agency receipts.
- 2 Includes an amount of \$0.173m in 2012–13 for the Departmental Capital Budget. For accounting purposes this amount has been designated as 'contributions by owners'.

Appendix 2: Expense for our outcome

Table 2: Expenses for Outcome 1

Outcome 1 – An Australian society in which human rights are respected, protected and promoted through independent investigation and resolution of complaints, education and research to promote and eliminate discrimination, and monitoring, and reporting on human rights.

	Budget* 2012–13 \$'000	Actual Expenses 2012–13 \$'000	Variation 2012–13 \$'000
	(a)	(b)	(a) – (b)
Program 1.1: Australians have access to independent human rights complaint handling and public inquiries processes and benefit from human rights education, promotion and monitoring, and reporting on human rights			
Administered expenses			
Ordinary Annual Services (Appropriation Bill No.1)	143	143	0
Departmental expenses			
Departmental appropriation ¹	23,959	24,881	(922)
Expenses not requiring appropriation in the Budget year	955	957	(2)
Total for Program 1.1	25,057	25,981	(924)
Outcome 1 Totals by appropriation type			
Administered expenses			
Ordinary Annual Services (Appropriation Bill No.1)	143	143	0
Departmental expenses			
Departmental appropriation ¹	23,959	24,981	(922)
Expenses not requiring appropriation in the Budget year	955	957	(2)
Total expenses for Outcome 1	25,057	25,981	(924)
		2011–12	2012–13
Average Staffing Level (number)		132	134

* Full year budget, including any subsequent adjustment made to the 2012–13 Budget.

1. Departmental Appropriation combines 'Ordinary annual services (Appropriation Bill No. 1)' and 'Revenue from independent sources (s 31)'.

Appendix 3: Complaint statistics

Enquiries and complaints received

In 2012-13, the Commission received 17,002 enquiries. This is similar to the number of enquiries received in the previous reporting year. The majority of enquiries (73%) were received via the Commission's national Complaint Information Hotline. Over the past five years there has been a 56% increase in the number of enquiries made to the Commission via email and other online options. The issues raised by enquirers in this reporting year are outlined in Table 3.

In 2012-13 the Commission received 2,177 complaints. One complaint may raise a number of grounds and areas of discrimination and be against one or more respondents. If the Commission counts complaints received by respondents, the number of complaints received in 2012-13 would increase to 3010. If the Commission counts complaints received by grounds and areas of discrimination, the number of complaints received would increase to 4,464 and 2,675 respectively.

During 2011-12 the Commission experienced a significant increase in the number of complaints received (21%) which related to an increase in complaints regarding the length or conditions of immigration detention. In 2012-13 complaint numbers have returned to a level similar to previous years. In this reporting year:

- 37% of complaints were lodged under the Disability Discrimination Act
- 23% of complaints were lodged under the Racial Discrimination Act
- 19% of complaints were lodged under the Sex Discrimination Act
- 14% of complaints were lodged under the Australian Human Rights Commission Act
- 7% of complaints were lodged under the Age Discrimination Act.

In comparison with the previous reporting year, there was an increase in complaints received under the *Racial Discrimination Act* which reflected an increase in the number of complaints received regarding material on the internet. In 2012-13 there was a significant decrease (35%) in complaints received under the *Australian Human Rights Commission Act*, attributable to a decrease in the number of complaints about immigration detention.

Employment was the main area of complaint under both the Sex Discrimination Act (83%) and Age Discrimination Act (57.5%). The provision of goods, services and facilities was the main area of complaint under the Racial Discrimination Act (29%) and the Disability Discrimination Act (34%).

Outcomes of complaints

In 2012-13, the Commission finalised 2,500 complaints. In this reporting year the Commission conducted approximately 1,650 conciliation processes of which 1,079 complaints (65%) were successfully resolved. This represents successful dispute resolution for more than 2,158 people and organisations involved in complaints before the Commission. The conciliation success rate in 2012-13 is similar to the average for the past five years.

In terms of the outcomes of all finalised complaints: 45% were conciliated; 33% were terminated; 13% were withdrawn; and 9% were discontinued. The percentage of complaints that were withdrawn and discontinued in 2012-13 is similar to the average over the past five years. It is noted that complainants may decide not to continue with their complaint after being made aware of the response to the complaint or after the Commission has provided them with a preliminary assessment of the complaint.

Timeliness of the complaint process

In 2012-13, 70% of complaints were finalised within 6 months, 87% within 9 months and 95% within 12 months. The average time from receipt to finalisation of a complaint was 4.6 months. Over the past five years there has been a significant improvement in the percentage of complaints finalised within 6 months (53% – 70%) and 9 months (78% – 87%) and also in the average process time for a complaint.

Demographic data

Information on the geographical location and ethnicity of complainants is provided in Tables 8, 11 and 12.

Demographic data obtained during the complaint process indicates that in 2012-13, 53% of complaints were lodged by individual males, 43% by individual females and 4% by other categories. Other categories include intersex, sex not specified, joint/multiple complainants and organisations.

Where referral source was identified, 59% of complainants reported that they knew about the Commission prior to lodging their complaint. The other main identified referral sources were the internet (12%), family members, friends or support people (10%), private lawyers (7%) and specialist advocacy agencies such as advocacy agencies for people with disabilities, women or Aboriginal and Torres Strait Islander peoples (3%).

The majority of complainants (71%) indicated that their main source of income at the time of the alleged act was from a form of employment and of this group 81% indicated they were in full or part time permanent employment, 16% were engaged in casual, contract or outwork and 3% were self employed.

Approximately 34% of complainants said they were represented at the beginning of the complaint process and 38% of these complainants said they were represented by privately funded solicitors. These figures are similar to those recorded in the previous five years. Other identified forms of representation were family members or friends (20%) other advocate groups, such as working women's centres or disability advocacy services (17%), community legal centres, such as Aboriginal or disability legal services (16%), and trade unions or professional associations (5%).

In 2012-13, the main respondent organisation categories were private enterprise (51%), State departments/statutory authorities (19%) and Commonwealth departments/statutory authorities (16%). These have been the main respondent organisation categories for a number of years. There has been a decrease in complaints against the Commonwealth in the last reporting year which is indicative of a decrease in the number of complaints received regarding immigration detention.

Complaint Information Service

Table 1: Website enquiries

Complaint webpage views	51 883
-------------------------	--------

Table 2: Enquiries received by mode of contact

Enquiry type	Total
Telephone	12 363
TTY/NRS	10
Email/Smartform/Webform	3 872
In-person	119
Written	638
Total	17 002

Table 3: Enquiries received by issue

Issue	Total
Race – immigrant status	45
Race – racial hatred	500
Race – other	1 452
Sex – sexual harassment	711
Sex – breastfeeding	57
Sex – family responsibilities	211
Sex – pregnancy	427
Sex – marital status	57
Transgender, intersex, gender identity	28
Sex – other	851
Disability – HIV/AIDS/hepatitis	13
Disability – workers compensation	136
Disability – mental health/psychosocial	362
Disability – intellectual disability	67
Disability – learning disability	63
Disability – maltreatment/negligence	80
Disability – assistance animals, aids	136
Disability – carer or assistant	141
Disability – harassment	15
Disability – other	3 392

Table 3: Enquiries received by issue (continued)

Issue	Total
Age – too young	121
Age – too old	502
Age – other	401
Employment – criminal record/conviction	243
Employment – political opinion	16
Employment – religion	190
Employment – sexual preference	99
Employment – social origin	14
Employment – union activity	44
Employment – bullying and harassment	1 805
Employment – dismissal	784
Employment – personality conflict/favouritism	255
Employment – work conditions	1 626
Employment – other	125
Children – including CROC	198
Human rights – immigration detention centres	419
Human rights – visas	422
Human rights – other	729
Indigenous – housing	44
Indigenous – native title	27
Indigenous – other	722
Prisons/prisoners	202
Police	242
Court/tribunal proceedings	411
Privacy	67
Neighbourhood disputes	102
Advertising	15
Local government	66
State government	471
Federal government	416
Other	3 491
Total*	23 013

* One enquiry may raise multiple issues.

Table 4: Enquiries received by State/Territory of origin

State of origin	Total	Percentage
New South Wales	4 575	27
Victoria	2 354	14
South Australia	817	5
Western Australia	1 238	7
Queensland	2 033	12
Australian Capital Territory	457	3
Tasmania	199	1
Northern Territory	314	2
Unknown/overseas	5 015	29
Total	17 002	100

Complaints overview

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

	2008-09	2009-10	2010-11	2011-12	2012-13
Received	2 253	2 517	2 152	2 610	2 177
Finalised	2 354	2 426	2 266	2 605	2 500

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

	2008-09 (%)	2009-10 (%)	2010-11 (%)	2011-12 (%)	2012-13 (%)
Terminated/declined	34	32	35	31	33
Conciliated	48	50	47	48	45
Withdrawn	18	13	11	12	13
Discontinued*	–	5	6	8	9
Reported (AHRCA only)	–	–	1	1	–

* Complaints finalised under statutory provision – 46 PF(5)(a) – Satisfied that complainant does not want inquiry to continue.

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

	2008-09 (%)	2009-10 (%)	2010-11 (%)	2011-12 (%)	2012-13 (%)
Complaints successfully resolved	68	69	64	66	65
Complaints unable to be resolved	32	31	36	34	35

Table 8: Complaints received by State/Territory of complainant

State of origin	Total	Percentage
New South Wales	875	40
Victoria	361	16
South Australia	126	6
Western Australia	239	11
Queensland	416	19
Australian Capital Territory	61	3
Tasmania	16	1
Northern Territory	44	2
Unknown/overseas	39	2
Total	2 177	100

Table 9: Complaints received and finalised by Act

Act	Received	Finalised
Racial Discrimination Act (RDA)	500	453
Sex Discrimination Act (SDA)	417	533
Disability Discrimination Act (DDA)	793	961
Age Discrimination Act (ADA)	157	178
Australian Human Rights Commission Act (AHRCA)	310	375
Total	2 177	2 500

Chart 1: Complaints received by Act

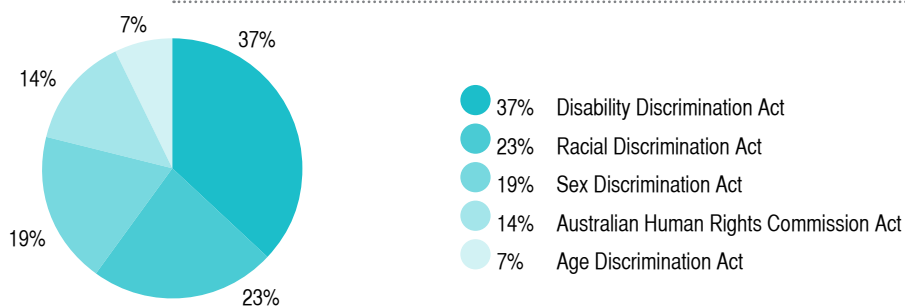


Table 10: Complaints received by Act over the past five years

	2008-09	2009-10	2010-11	2011-12	2012-13
Racial Discrimination Act	396	550	422	477	500
Sex Discrimination Act	547	532	459	505	417
Disability Discrimination Act	980	1 057	823	955	793
Age Discrimination Act	151	174	175	196	157
Australian Human Rights Commission Act	179	204	273	477	310
Total	2 253	2 517	2 152	2 610	2 177

Table 11: Country of birth – complainants

	RDA (%)	SDA (%)	DDA (%)	ADA (%)	AHRCA (%)	Total (%)
Born in Australia	32	25	36	31	13	29
Born outside of Australia	31	11	12	25	52	22
Unknown/unspecified	37	64	52	44	35	49

Table 12: Indigenous status – complainants

	RDA (%)	SDA (%)	DDA (%)	ADA (%)	AHRCA (%)	Total (%)
Aboriginal	35	3	3	1	2	8
Torres Strait Islander	0.5	–	–	–	–	–
None of the above/Unknown	64.5	97	97	99	98	92

Table 13: Time from receipt to finalisation for finalised complaints

	RDA (%)	SDA (%)	DDA (%)	ADA (%)	AHRCA (%)	Cumulative Total (%)
0 – 6 months	84	67	64	86	63	70
6 – 9 months	93	89	87	95	78	87
9 – 12 months	96	95	96	99	91	95

Racial Discrimination Act

Table 14: Racial Discrimination Act – complaints received and finalised

Racial Discrimination Act	Total
Received	500
Finalised	453

Table 15: Racial Discrimination Act – complaints received by ground

Racial Discrimination Act	Total	Percentage
Colour	67	7
National origin/extraction	96	10
Ethnic origin	106	11
Descent	23	2
Race	481	48
Victimisation	15	2
Racial hatred	192	19
Association	3	–
Immigrant status	13	1
Incite unlawful act	1	–
Total*	997	100

* One complaint may raise multiple grounds

Table 16: Racial Discrimination Act – complaints received by area

Racial Discrimination Act	Total	Percentage
Rights to equality before the law	–	–
Access to places and facilities	–	–
Land, housing, other accommodation	9	1
Provision of goods and services	193	29
Right to join trade unions	–	–
Employment	168	25
Advertisements	–	–
Education	12	2
Other – section 9	107	16
Racial hatred	181	27
Total*	670	100

* One complaint may relate to more than one area.

Table 17: Racial hatred complaints received by sub-area

Racial Discrimination Act	Total	Percentage
Media – press/TV/radio	17	9
Disputes between neighbours	11	6
Personal conflict	9	5
Employment	48	25
Racist propaganda	–	–
Internet – e-mail/webpage/chat room	79	41
Entertainment	–	–
Sport	4	2
Public debate	1	–
Provision of goods and services	20	10
Education	3	2
Total	192	100

Table 18: Racial Discrimination Act – outcomes of finalised complaints

Racial Discrimination Act	Total
Terminated	153
At complainants request – s.46PE	–
Not unlawful	–
More than 12 months old	6
Trivial, vexatious, frivolous, misconceived, lacking in substance	25
Adequately dealt with already	1
More appropriate remedy available	–
Subject matter of public importance	–
No reasonable prospect of conciliation	121
Discontinued*	50
Withdrawn	40
Conciliated	189
Administrative closure**	21
Total	453

* Finalised under statutory provision – 46 PF(5)(a) – Satisfied that complainant does not want inquiry to continue.

** Not an aggrieved party, state complaint previously lodged.

Chart 2: Racial Discrimination Act – outcomes of finalised complaints

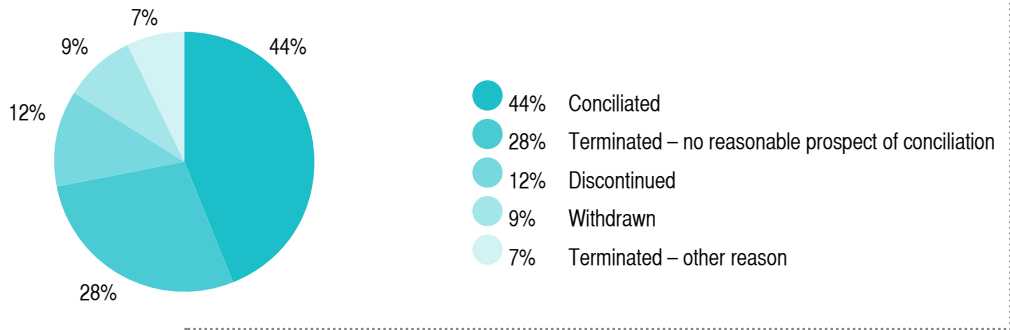
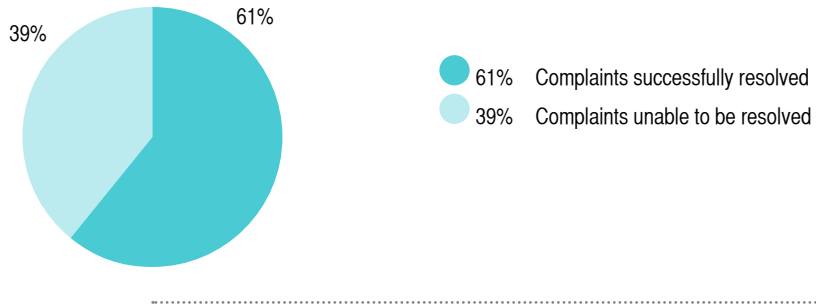


Chart 3: Racial Discrimination Act – complaints resolved by conciliation



Sex Discrimination Act

Table 19: Sex Discrimination Act – complaints received and finalised

Sex Discrimination Act	Total
Received	417
Finalised	533

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

Sex Discrimination Act	Total	Percentages
Female	331	79
Male	72	17
Intersex	3	1
Other category*	11	3
Total	417	100

* Includes sex not specified, joint/multiple and organisation on behalf of other.

Table 21: Sex Discrimination Act – complaints received by ground

Sex Discrimination Act	Total	Percentages
Sex discrimination	461	45
Marital status	27	3
Pregnancy	154	15
Sexual harassment	215	21
Family responsibilities	55	5
Breastfeeding	13	1
Victimisation	69	7
Causes, instructs, induces, aids or permits an unlawful act	34	3
Advertisements	1	–
Total*	1 029	100

* One complaint may raise multiple grounds.

Table 22: Sex Discrimination Act – complaints received by area

Sex Discrimination Act	Total	Percentage
Employment	358	83
Goods, services and facilities	44	10
Land	–	–
Accommodation	1	–
Superannuation	–	–
Education	7	2
Clubs	1	–
Administration of Commonwealth laws and programs	11	3
Requests for information	–	–
Registered organisations	1	–
Qualifying bodies	3	1
Victimisation	3	1
Total*	429	100

* One complaint may relate to more than one area.

Table 23: Sex Discrimination Act – outcomes of finalised complaints

Sex Discrimination Act	
Terminated	165
At complainants request – s.46PE	–
Not unlawful	1
More than 12 months old	9
Trivial, vexatious, frivolous, misconceived, lacking in substance	8
Adequately dealt with already	–
More appropriate remedy available	–
Subject matter of public importance	–
No reasonable prospect of conciliation	147
Discontinued*	47
Withdrawn	75
Conciliated	219
Administrative closure**	27
Total	533

* Finalised under statutory provision – 46 PF(5)(a) – Satisfied that complainant does not want inquiry to continue.

** Not an aggrieved party, state complaint previously lodged.

Chart 4: Sex Discrimination Act – outcomes of finalised complaints

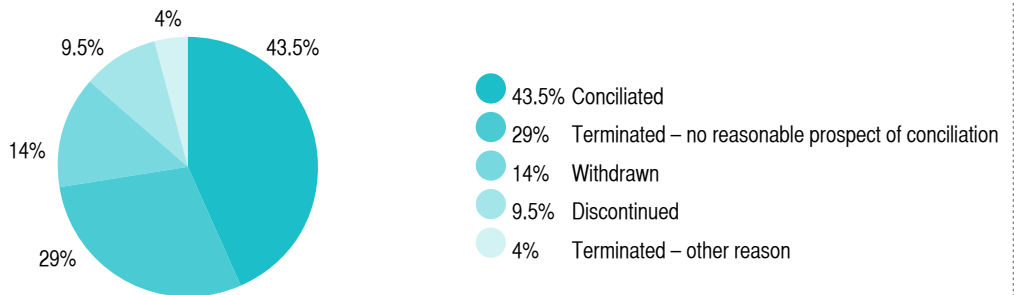
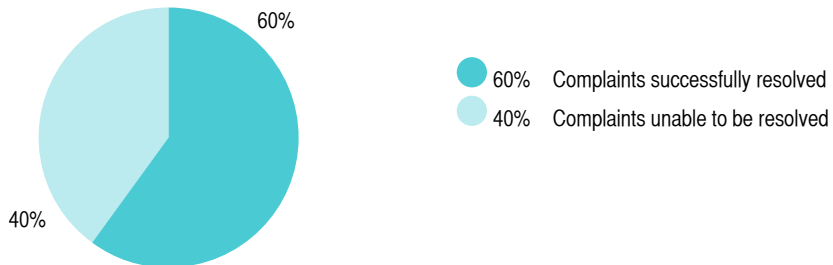


Chart 5: Sex Discrimination Act – complaints resolved by conciliation



Disability Discrimination Act

Table 24: Disability Discrimination Act – complaints received and finalised

Disability Discrimination Act	Total
Received	793
Finalised	961

Table 25: Nature of complainant's disability

Disability Discrimination Act	Total	Percentage
Physical disability	178	18
A mobility aid is used (e.g. walking frame or wheelchair)	86	9
Physical disfigurement	15	2
Presence in the body of organisms causing disease (e.g. HIV/AIDS)	11	1
Presence in the body of organisms causing disease (other)	13	1
Psychiatric/psychosocial	151	16
Neurological disability (e.g. epilepsy)	47	5
Intellectual disability	28	3
Learning disability	33	3
Sensory disability (hearing impaired)	40	4
Sensory disability (deaf)	33	3
Sensory disability (vision impaired)	44	5
Sensory disability (blind)	69	7
Work-related injury	56	6
Medical condition (e.g. diabetes)	81	8
Other	82	9
Total*	967	100

* One complainant may have multiple disabilities.

Table 26: Disability Discrimination Act – complaints received by ground

Disability Discrimination Act	Total	Percentage
Disability of person(s) aggrieved	1 456	79
Associate	89	5
Disability – person assisted by trained animal	33	2
Disability – accompanied by carer or assistant	13	1
Disability – aid	67	4
Harassment	23	1
Victimisation	23	1
Causes, instructs, induces, aids or permits an unlawful act	59	3
Incites unlawful act	–	–
Unlawful to contravene disability standard	80	4
Total*	1 843	100

* One complaint may raise multiple grounds.

Table 27: Disability Discrimination Act – complaints received by area

Disability Discrimination Act	Total	Percentage
Employment	353	33
Goods, services and facilities	365	34
Access to premises	59	6
Land	–	–
Accommodation	35	3
Advertisements	–	–
Superannuation, insurance	15	1
Education	68	6
Clubs, incorporated associations	22	2
Administration of Commonwealth laws and programs	29	3
Sport	3	–
Requests for information	1	–
Qualifying bodies	2	–
Registered organisations	–	–
Unlawful to contravene disability standards	122	11
Victimisation	10	1
Total*	1 084	100

* One complaint may relate to more than one area.

Table 28: Disability Discrimination Act – outcomes of finalised complaints

Disability Discrimination Act	
Terminated	351
At complainants request – s.46PE	–
Not unlawful	6
More than 12 months old	12
Trivial, vexatious, frivolous, misconceived, lacking in substance	42
Adequately dealt with already	6
More appropriate remedy available	7
Subject matter of public importance	–
No reasonable prospect of conciliation	278
Discontinued*	48
Withdrawn	117
Conciliated	424
Administrative closure**	21
Total	961

* Finalised under statutory provision – 46 PF(5)(a) – Satisfied that complainant does not want inquiry to continue.

** Not an aggrieved party, state complaint previously

Chart 6: Disability Discrimination Act – outcomes of finalised complaints

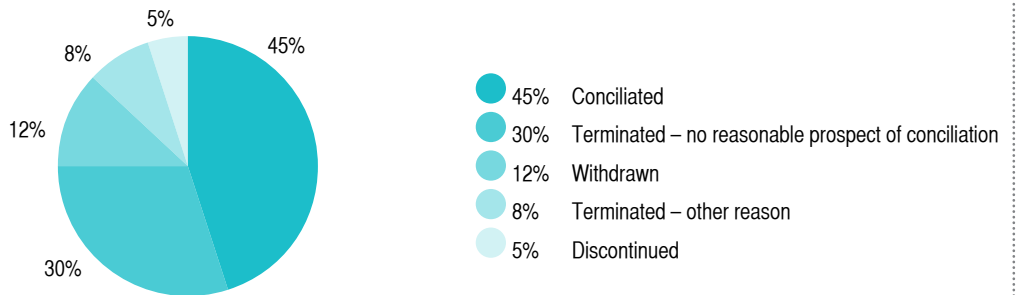
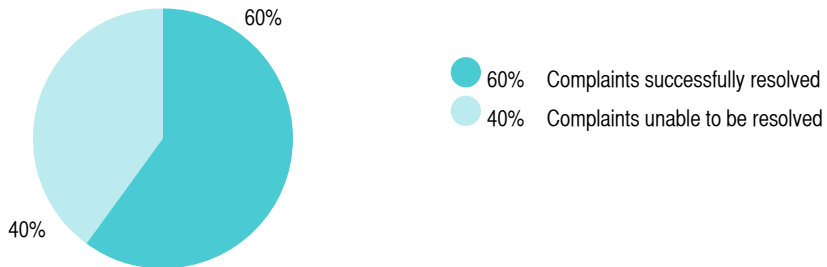


Chart 7: Disability Discrimination Act – complaints resolved by conciliation



Age Discrimination Act

Table 29: Age Discrimination Act – complaints received and finalised

Age Discrimination Act	Total
Received	157
Finalised	178

Table 30: Age Discrimination Act – complaints received by ground

Age Discrimination Act	Total	Percentage
Age – direct	153	58
Age – indirect	101	38
Causes, instructs, induces, aids or permits an unlawful act	6	2
Victimisation	4	1
Advertisements	2	1
Total*	266	100

* One complaint may raise multiple grounds.

Table 31: Age Discrimination Act – age group of complainant

Age Discrimination Act	Total	Percentage
0 – 12 years	2	1
13 – 17 years	7	4
18 – 24 years	9	6
25 – 34 years	6	4
35 – 44 years	10	6
45 – 54 years	15	10
55 – 64 years	48	31
65 – 74 years	41	26
>75 years	11	7
Unknown	8	5
Total	157	100

Table 32: Age Discrimination Act – complaints received by area

Age Discrimination Act	Total	Percentage
Employment	103	57.5
Goods, services and facilities	42	23
Access to premises	1	0.5
Land	–	–
Accommodation	3	2
Advertisements	1	0.5
Superannuation, insurance	6	3
Education	7	4
Administration of Commonwealth laws and programs	12	7
Sport	–	–
Requests for information	1	0.5
Registered organisations	–	–
Qualifying bodies	–	–
Victimisation	3	2
Total*	179	100

* One complaint may relate to more than one area.

Table 33: Age Discrimination Act – outcomes of finalised complaints

Age Discrimination Act	
Terminated	39
At complainants request – s.46PE	–
Not unlawful	5
More than 12 months old	2
Trivial, vexatious, frivolous, misconceived, lacking in substance	8
Adequately dealt with already	–
More appropriate remedy available	–
Subject matter of public importance	–
No reasonable prospect of conciliation	24
Discontinued*	10
Withdrawn	45
Conciliated	78
Administrative closure**	6
Total	178

* Finalised under new statutory provision – 46 PF(5)(a) – Satisfied that complainant does not want inquiry to continue.

** Not an aggrieved party, state complaint previously lodged.

Chart 8: Age Discrimination Act – outcomes of finalised complaints

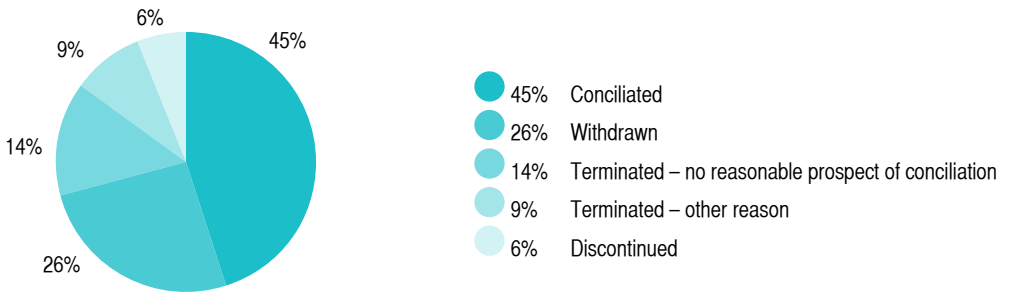
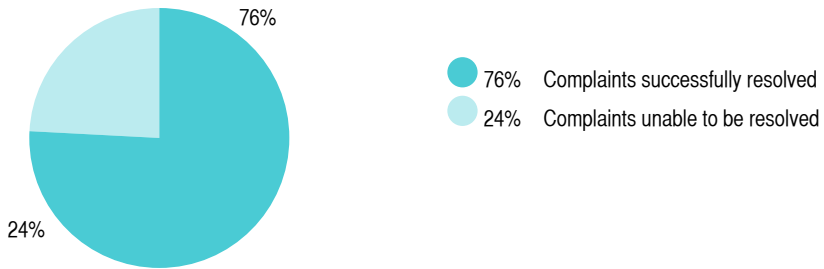


Chart 9: Age Discrimination Act – complaints resolved by conciliation



Australian Human Rights Commission Act (AHRCA)

Table 34: AHRCA – complaints received and finalised

Australian Human Rights Commission Act	Total
Received	310
Finalised	375

Table 35: AHRCA – complaints received by ground

Australian Human Rights Commission Act	Total	Percentage
Religion (ILO 111)	24	7
Political opinion (ILO 111)	1	–
Social origin (ILO 111)	–	–
Medical record (ILO 111)	–	–
Criminal record (ILO 111)	71	22
Sexual preference (ILO 111)	16	5
Trade union activity (ILO 111)	7	2
International Covenant on Civil and Political Rights	182	56
Convention on the Rights of the Child	17	5
Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	–	–
Convention on the Rights of Persons with Disabilities	10	3
Not a ground within jurisdiction	–	–
Not a human right as defined by the Act	–	–
Victimisation	1	–
Total*	329	100

* One complaint may raise multiple grounds.

Table 36: AHRCA – complaints received by area

Australian Human Rights Commission Act	Total	Percentage
Acts or practices of the Commonwealth	192	61
Employment	118	38
Not act or practice of the Commonwealth (not employment cases)	3	1
Total*	313	100

* One complaint may relate to more than one area.

Table 37: AHRCA – Outcomes of finalised complaints

Australian Human Rights Commission Act	Total
Declined	189
Does not constitute discrimination	20
Human rights breach, not inconsistent or contrary to any human right	1
More than 12 months old	5
Trivial, vexatious, frivolous, misconceived, lacking in substance	39
Adequately dealt with already	12
More appropriate remedy available	12
Withdrawn, does not wish to pursue, advised the Commission	46
Withdrawn, does not wish to pursue, settled outside the Commission	2
Discontinued – lost contact	52
Conciliated	169
Referred for reporting*	11
Administrative closure	6
Total	375

* 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

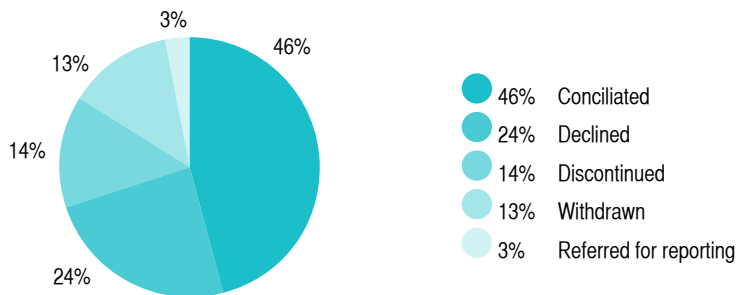
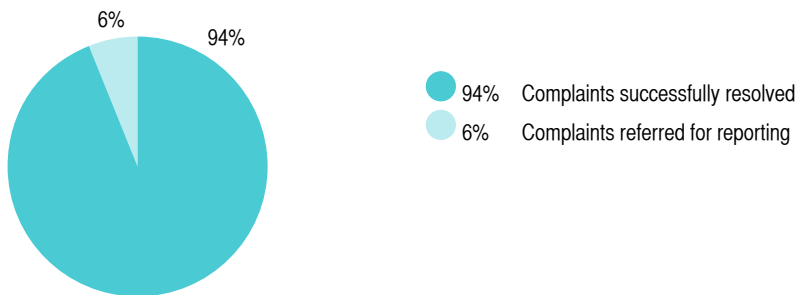


Chart 11: AHRCA – complaints resolved by conciliation



Appendix 4: Website statistics

Table 38: Website statistics

Old site from 1 July 2012 – 10 April 2013. New site from 11 April 2013 – 30 June 2013.

From 11 April 2013 the Commission began using a new web site with a different structure. For this reason, this report is divided into two sections relating to the old site and the new site. The Commission moved to Google Analytics rather than website log statistics during this reporting period. The change gives us a better understanding of how our site is used and how it compares to other sites. Previous website statistics cannot be compared to Google analytics because they measure different data.

Overall	Page views	Visits
Old Site	4,197,968	1,984,141
New Site	1,444,365	685,716
All Subsites	339,355	76,493
TOTAL	5,981,688	2,746,350

Subsites	Page views	Visits
Age Positive*	2012	962
Bullying*	12599	8718
Racism. It Stops With Me	105460	n/a
Something in Common	102506	55061
Tell Me Something I Don't Know	56327	10055
Twenty Years Twenty Stories **	56818	n/a
* Only existed on New site		
** From 1 March 2013		

Home page	Page views
Old Site	289,499
New Site	92,768
TOTAL	382,267

Old Site – section breakdown	Page views	Home page of section
Aboriginal and Torres Strait Islander Social Justice	457,085	53,529
Age Discrimination	79,141	36,979
Complaint Information	176,483	49,091

Old Site – section breakdown (continued)	Page views	Home page of section
Disability Rights	541,671	47,494
Education Resources	212,525	31,995
Human Rights	603,787	82,801
Job Vacancies	44,724	39,798
Legal Information	158,129	32,544
Media Releases Index	308,662	4,659
Publications	n/a	956
Racial Discrimination	216,332	46,461
Sex Discrimination	186,765	62,298

New Site – section breakdown	Page views	Home page of section
About	62,447	14,367
News	140,173	2,483
Complaints	51,883	12,305
Education	42,119	6,183
Get Involved	9,810	2,148
Publications	460,086	8,412
Our work – ATSI	9,015	5,728
Our work – Age	5,995	3,921
Our work – Children	7,290	4,183
Our work – Disability	28,401	8,165
Our work – Human Rights Scrutiny	6,341	4,401
Our work – Race	6,748	4,687
Our work – Sex	18,697	4,788
Our work – Sexuality, Sex & Gender Identity	4,124	2,836
Our work – Legal	28,828	2,931
Our work – International	1,099	1,061
Our work overall	116,538	4,067
Site search	49,014	n/a
Website information	7,181	n/a
Useful links	10,757	n/a

Appendix 5: Staffing profile

Table 39: Staffing profile as at 30 June 2013

Classification	Male	Female	Full Time	Part Time	Total Ongoing	Total Non-Ongoing	Total
Statutory Office Holders	2	4	6			6	6
SES Band 2		1	1		1		1
SES Band 1	1	1	2		2		2
Executive Level 2 (\$109,641-\$128,855)	8	18	22	4	23	3	26
Executive Level 1 (\$91,192-101,963)	6	27	24	9	29	4	33
APS 6 (\$72,904-83,314)	8	24	25	7	29	3	32
APS 5 (\$65,860-72,529)	4	9	10	3	6	7	13
APS 4 (\$59,047-65,370)	4	15	16	3	16	3	19
APS 3 (\$52,981-58,303)	4	6	9	1	6	4	10
APS 2 (\$47,795-52,593)	0	0	0	0	0	0	0
APS 1 (\$41,101-46,315)	1	0	0	1	1	0	1
Total	38	105	115	28	113	30	143

Appendix 6: Submissions

2012

- Inquiry into Workplace Bullying (6 July 2012)
- Submission to the Expert Panel on Asylum Seekers (20 July 2012)
- Exposure Draft of the Homelessness Bill 2012 (7 August 2012)
- Newstart Allowance (10 August 2012)
- List of issues prior to report to UN Human Rights Committee (10 August 2012)
- Inquiry into the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012 (27 August 2012)
- Independent Interim Report on CEDAW (31 August 2012)
- Review of Counter-Terrorism and National Security Legislation (14 September 2012)
- COAG Review of Counter-Terrorism Legislation (28 September 2012)
- Review of the Safety, Rehabilitation and Compensation Act 1988 (19 October 2012)
- Migration Health Care Bill (23 October 2012)
- Involuntary or coerced sterilisation of people with disabilities (20 November 2012)
- Royal Commission into Institutional Responses to Child Sexual Abuse (27 November 2012)
- Human Rights and Anti-Discrimination Bill (6 December 2012)
- Review of Security Assessments Bill (12 December 2012)
- Unauthorised Maritime Arrivals Bill (17 December 2012)

2013

- Examination of the Migration (Regional Processing) package of legislation (17 January 2013)
- National Disability Insurance Scheme Bill 2012 (24 January 2013)
- Native Title Amendment Bill (25 January 2013)
- Value of a justice reinvestment approach (13 March 2013)
- Consultation on the human rights of older people (15 March 2013)
- Same-sex marriage in NSW (15 March 2013)
- Review of the Sex Standard (18 March 2013)
- Health and Physical Education Curriculum (12 April 2013)
- Manus Island Regional Processing Centre Proposal (17 April 2013)
- Inquiry into Sex Discrimination Amendment (Sexual Orientation, Gender Identity & Intersex Status) Bill 2013 (23 April 2013)
- Draft Guidelines on the Recognition of Gender (26 April 2013)
- Parentage provisions in the Family Law Act (2 May 2013)
- Consultation on exposure draft of Charities Bill 2013 (3 May 2013)

Glossary

A

AAT	Administrative Appeals Tribunal
ACARA	The Australian Curriculum, Assessment and Reporting Authority is the independent authority responsible for the development of a national curriculum, a national assessment program and a national data collection and reporting program.
ADA	<i>Age Discrimination Act 2004</i>
AHRCA	<i>Australian Human Rights Commission Act 1986</i>
ANAO	Australian National Audit Office
APF	Asia Pacific Forum of National Human Rights Institutions – a member-based organisation that supports the establishment and strengthening of independent human rights institutions in the Asia Pacific region.
APS	Australian Public Service
ASTRA	Australian Subscription Television Association
ASX	Australian Securities Exchange
ATSIC	Aboriginal and Torres Strait Islander Commission
AusAID	Australian Agency for International Development
Action Plan	A voluntary mechanism for organisations to structure their own compliance efforts.
Amicus Curiae	'Friend of the court' – the role of <i>amicus curiae</i> is to provide special assistance to the court in resolving issues raised by the case and to draw attention to aspects of the case that might otherwise have been overlooked.

B

Braille	A tactile form of reading and writing used by people who are blind or vision impaired, invented by Louis Braille in 1829.
Building Code of Australia	Developed by the Australian Building Codes Board on behalf of the Commonwealth, State and Territory Governments, the Building Code of Australia (BCA) provides a nationally accepted and uniform set of technical requirements for all areas of building, from design to construction.

C

CDS	Commonwealth Disability Strategy
CEDAW	<i>Convention on the Elimination of All Forms of Discrimination Against Women</i>
GEO	Chief Executive Officer
COAG	Council of Australian Governments

Glossary

CPSU	Community and Public Sector Union
CSW	United Nations Commission on the Status of Women
Certificate IV	A basic post-secondary level of qualification for training gained under the Australian Qualifications Framework, which provides the hierarchy of educational qualifications in Australia.
Commission, the	The Australian Human Rights Commission
Consultancy contract	A contract that typically defines the nature, purpose and duration of the task to be performed, but not (in any detail) the manner in which the task is to be performed by a consultant. The consultant is usually paid on completion of milestones or in a lump sum.
Consultancy service	A particular type of service delivered under a contract for services, distinguished from other contracts by the nature of the work performed. Consultancy services involve the application of expert professional skills to: investigate or diagnose a defined issue or problem, carry out defined research, reviews or evaluations; or provide independent advice, information or creative solutions to assist the agency in management decision making.
Consultant	An entity (whether an individual, a partnership or a corporation) engaged to provide professional independent and expert advice or services. Consultants are not employees of the department and are not paid wages or other employee entitlements.
Corporate Social Responsibility	The concept of Corporate Social Responsibility is generally understood to mean that corporations have a degree of responsibility not only for the economic consequences of their activities, but also for the social and environmental implications. This is sometimes referred to as a 'triple bottom line' approach that considers the economic, social and environmental aspects of corporate activity.
Cyberbullying	A form of bullying carried out through an internet service, mobile phone or other electronic device.
D	
DDA	<i>Disability Discrimination Act 1992</i>
DPO	Disabled People's Organisations
E	
EL	Executive Level
EMRIP	Expert Mechanism on the Rights of Indigenous Peoples
Expert Mechanism	Expert Mechanism on the Rights of Indigenous Peoples – composed of five experts (from Congo, Malaysia, Norway, Costa Rica and the Philippines), the Expert Mechanism provides thematic expertise on the rights of indigenous peoples to the Human Rights Council, the main human rights body of the United Nations.

Glossary

F

FaHCSIA Department of Families, Housing, Community Service and Indigenous Affairs

Fair Work Australia Fair Work Australia is the national workplace relations tribunal. It is an independent body with power to carry out a range of functions relating to the safety net of minimum wages and employment conditions; enterprise bargaining; industrial action; dispute resolution; termination of employment; and other workplace matters.

G

GST Goods and Services Tax

General Assembly The United Nations General Assembly – one of the five principal organs of the United Nations and the only one in which all member nations have equal representation. Its powers are to oversee the budget of the United Nations, appoint the non-permanent members to the Security Council, receive reports from other parts of the United Nations and make recommendations in the form of General Assembly Resolutions.

H

Human Rights Technical Cooperation Program In August 1997, China and Australia initiated a high level dialogue on human rights during the course of which it was agreed that the two countries would undertake a program of technical cooperation. The goal of the Program is to strengthen the administration, promotion and protection of human rights in China.

I

ICCPR *International Covenant on Civil and Political Rights* – a multilateral treaty adopted by the United Nations General Assembly on December 16, 1966, and in force from March 23, 1976, which commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial.

IFA Individual flexibility agreement – under the *Fair Work Act*, an IFA varies the effect of the Modern Award or Enterprise Agreement so that it can “meet the genuine needs of the employer and that individual employee” in an individual context.

IHRNA Indigenous Human Rights Network Australia

ILO International Labour Organization – the world’s only tripartite multilateral agency, which is dedicated to bringing decent work and livelihoods, job-related security and better living standards to the people of both poor and rich countries.

IPO Indigenous Peoples Organisations Network of Australia – an association of Aboriginal and Torres Strait Islander organisation promoting and protecting the human rights of the Aboriginal and Torres Strait Islander peoples in Australia.

K

K-12 A designation for the sum of primary and secondary education. The expression is a shortening of Kindergarten (4–6-year-old) through 12th grade or grade 12 (16-19 years old).

Glossary

L

Lateral violence	Violence that occurs between people who have both been victims of violence or oppression themselves.
------------------	--

N

NAIDOC	National Aboriginal and Islander Day Observance Committee
NDIS	National Disability Insurance Scheme
NES	National Employment Standard
NGO	Non Government Organisation – a legally constituted organization created by natural or legal persons that operates independently from any government. The term is usually applied only to organizations that pursue some wider social aim that has political aspects.
NHRI	National Human Rights Institution
NT	Northern Territory
NTER	Northern Territory Emergency Response
National Action Plan	National Action Plan to Build on Social Cohesion, Harmony and Security
National Disability Insurance Scheme	A federally funded, non means tested scheme that will offer financial cover for services including for respite care, vehicle modification, accommodation support, therapies and prosthetics.
National Plan	National Plan to Reduce Violence Against Women
Native title	A pre-existing property interest, held communally or individually by Aboriginal peoples and Torres Strait Islanders, which is capable of being recognised by Australia's common law. Native title can exist over land and waters where Aboriginal people or Torres Strait Islanders maintain traditional laws and customs that give them a connection to the specified area. Native title rights are not granted by governments or courts. Native title is not an underlying title but rather a bundle of rights that can be extinguished by inconsistent acts of government.

O

OPCAT	<i>Optional Protocol to the Convention Against Cruel, Inhuman or Degrading Treatment or Punishment</i> – an international agreement which establishes a two-tiered system of inspections of places of detention, with the aim of preventing torture and cruel, inhuman or degrading treatment or punishment.
Operations	Functions, services and processes performed in pursuing the objectives or discharging the functions of an agency.
Outcomes	The results, impacts or consequence of actions by the Commission on the Australian community.

Glossary

Outputs	The goods or services produced by agencies on behalf of government for external organisations or individuals. Outputs include goods and services produced for other areas of government external to an agency.
---------	--

P

Pacific Disability Forum	The peak non-government organisation in the Pacific representing Pacific Islanders with disabilities, their rights and entitlements. Its purpose is to promote and facilitate Pacific regional cooperation on disability-related concerns for the benefit of people with disabilities.
--------------------------	--

Permanent Forum	United Nations Permanent Forum on Indigenous Issues – an advisory body to the United Nations Economic and Social Council with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights.
-----------------	--

Podrights	A Podcast from the Australian Human Rights Commission
-----------	---

Q

QUT	Queensland University of Technology
-----	-------------------------------------

R

RAP	Reconciliation Action Plan – a self-generated plan that helps organisations build positive relationships between Indigenous and non-Indigenous people, through engagement within their sphere of influence, in the national effort to close the gap in life expectancy between Indigenous and other Australians.
-----	--

RDA	<i>Racial Discrimination Act 1975</i>
-----	---------------------------------------

RMIT	Royal Melbourne Institute of Technology University
------	--

Roundtable	Formal meetings between interested parties (mainly government and non government industry) where everyone has equal status.
------------	---

S

SDA	<i>Sex Discrimination Act 1984</i>
-----	------------------------------------

SES	Senior Executive Service
-----	--------------------------

SMS	Short message service – text messaging on a mobile telephone.
-----	---

Service charter	Public statements about the service that a department or agency will provide.
-----------------	---

Special Rapporteur	A title given to individuals working on behalf of the United Nations who bear a specific mandate from the UN Human Rights Council to investigate, monitor and recommend solutions to human rights problems. This appointment is made by the UN Secretary General.
--------------------	---

Glossary

T

TTY	Text Telephone – a special device that lets people who are deaf, hearing impaired, or speech-impaired use the telephone to communicate, by allowing them to type messages back and forth to one another, instead of talking and listening.
-----	--

U

UN	The United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization – established on 16 November 1945 and based in Paris, UNESCO is a specialized agency of the United Nations which has 193 Member States and seven Associate Members. Its stated mission is to contribute to the building of peace, the eradication of poverty, sustainable development and intercultural dialogue through education, the sciences, culture, communication and information. UNESCO's two global priorities are Africa and gender equality.
UNHCR	Office of the United Nations High Commissioner for Refugees
UNPFII	United Nations Permanent Forum on Indigenous Issues – an advisory body to the Economic and Social Council, with a mandate to discuss indigenous issues related to economic and social development, culture, the environment, education, health and human rights.
UPR	Universal Periodic Review – a State-driven process under the auspices of the Human Rights Council which involves a review of the human rights records of all 192 UN Member States once every four years. It provides the opportunity for each State to declare the actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations.
Universal Declaration of Human Rights	Adopted unanimously by the members of the United Nations on 10 December 1948, it is the foundation on which much international law has been based. It sets out the fundamental rights of all people, including the right to life; freedom from slavery, torture and arbitrary arrest; freedom of thought, opinion and religion; the right to a fair trial and equality before the law; the right to work and education; and the right to participate in the social, political and cultural life of one's country.
Universal design	A code to describe the design of building products so that the largest number of people, including people with disabilities, can use them.

W

WCAG	Web Content Accessibility Guidelines
Web 2.0	A Web 2.0 website allows users to interact online through social media as opposed to viewing passively.
Workplace diversity	The central principle of workplace diversity is the creation of workplaces free from discrimination, harassment and bullying.

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Note – Use of the terms ‘Aboriginal and Torres Strait Islander peoples’ and ‘Indigenous peoples’

The Commission recognises the diversity of the cultures, languages, kinship structures and ways of life of Aboriginal and Torres Strait Islander peoples. Aboriginal and Torres Strait Islander peoples are also referred to as ‘Indigenous peoples’ in this document. This is because the term carries a meaning in international law. In particular, the use of ‘peoples’ with an ‘s’ (and not people singular) reflects the human rights instruments that refer to the collective right of self-determination as one enjoyed by ‘peoples’. For a more detailed explanation on the use of terms see ‘Note: Terminology’ on the inside back cover of the Aboriginal and Torres Strait Islander Social Justice Commissioner’s *Social Justice Report 2012*, Australian Human Rights Commission 2012.

