



Victorian Equal Opportunity
& Human Rights Commission

2016/17 Annual Report

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Victorian Equal Opportunity and Human Rights Commission Annual Report 2016/17

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Letter to the Attorney-General

In accordance with the *Financial Management Act 1994*, I am pleased to provide this report on the operations of the Victorian Equal Opportunity and Human Rights Commission for the year ending 30 June 2017.

Yours sincerely

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

Moana Weir
Chairperson,
Victorian Equal Opportunity
and Human Rights Commission



Introduction



Introduction

Chairperson's message

This year marks a significant milestone for the Commission as we celebrate 40 years since the Equal Opportunity Act 1977 was made law.

Over this time the Commission has cemented itself within the community as a champion for all Victorians through its role in challenging discrimination, protecting human rights and progressing substantive equality across the state.

Looking back at the work that has been undertaken since 1977, we note that awareness about discrimination has increased, and this awareness consistently leads individuals to the Commission to help realise their rights. We also note that public authorities and employers are addressing discrimination by developing their policies and practices.

However, we also know that inequality continues across many areas and there is work to do to address this and bring real change.

The positive duty to eliminate discrimination is now an integral part of the Commission's legal framework. This shifts responsibility for change from individual complainants to institutions. This recognises that systemic change and structural disruption is needed to achieve substantive equality for more Victorians.

Reflecting this, the Commission has increasingly taken a prevention-focused approach to our work. This means identifying the drivers and underlying causes of inequality and developing evidence-based approaches that will create long term change. Our *Independent Review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police*, and *Independent Equity and Diversity Review into the Country Fire Authority (CFA) and Melbourne Fire Brigade (MFB)* are key examples of this work.

The Commission also continues its important work with individuals who have experienced discrimination in all areas of public life through our complaints and dispute resolution service.

This Annual Report sets out the performance of the Victorian Equal Opportunity and Human Rights Commission in the 2016/17 financial year. I look forward to the Commission building on the legacy and success of its work and continuing to deliver positive social impacts and progress over the next 40 years in creating an inclusive community which embeds human rights and equality for all Victorians.



Moana Weir
Chairperson

Commissioner's message

As we celebrate 40 years since the enactment of the Equal Opportunity Act it is timely to reflect on how important this legislation and the promise of equality it promotes has become to the state of Victoria. For many years, the Commission has played a critical role in making real the rights and protections contained in Equal Opportunity Act and more recently the Charter and the Racial and Religious Tolerance Act.

This work is particularly important within our volatile global and domestic environment. Recent events remind us that we cannot always assume our freedoms or rights. They can be hard won and easily lost.

Human rights laws and protections in Victoria have progressed in the decades since the Commission was established. The Commission's role has expanded and its mandate and functions have evolved with community understanding and recognition of human rights, the structural and systemic causes of discrimination and the impacts of inequality that can create and perpetuate disadvantage.

This year we continued our work with Victoria Police to help provoke transformative organisational change. Over a number of months we have worked closely with Victoria Police and key stakeholders to gain an understanding of the progress towards implementing the 20 recommendations from our *Independent Review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police*. This is the first of two audits to help guide and assess the impact of the changes. We also commenced the Independent Equity and Diversity Review into the Country Fire Authority (CFA) and Melbourne Fire Brigade (MFB) and spent many months travelling the state and speaking to men and women across both organisations about their experiences.

We have followed up on our groundbreaking research of *Held back: the experiences of students with disabilities in Victorian schools*, analysing the progress made over the past five years.

We also developed and launched guidelines to help organisations understand and comply with the Equal Opportunity Act. Our guidelines on trans and gender diverse inclusion in sport were widely welcomed by sporting clubs and organisations. We also delivered guidelines on family violence services and accommodation, a recommendation of the Royal Commission into Family Violence, to help service providers prevent discrimination.

We intervened on multiple Supreme Court cases on Victoria's youth justice system to ensure the rights of children and young people being detained were front and centre in the court's considerations. Our interventions contributed to the historic ruling that the government had acted incompatibly with human rights.

We have used our expertise to contribute to the public debate and keep organisations and institutions accountable to our equal opportunity laws. We did this earlier in the year when we warned that schools that had instructed students with African heritage to change their hair or risk expulsion may be discriminating against these students. This resulted in the schools changing their practices and policies.

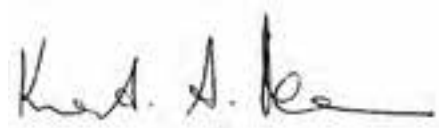
Following a recommendation of the Eight-Year Review of the Charter, we have also begun a project to embed a human rights culture within Victoria and are working with government departments to deliver education across the public sector.

The Commission has also continued to offer advice to Victorians about discrimination and our laws, take complaints and assist in resolving disputes on incidents of

discrimination, whether they occur in the workplace, in schools, in shopping centres or sporting clubs.

To ensure we continue to be as effective as possible with limited resources we consulted internally and externally to set our strategic direction for the next five years. Over the next five years we want to ensure that human rights are central to the development and enactment of Victorian law and policy; that people value and stand up for human rights; and that institutions champion human rights and develop, adopt and drive leading practice (see page 13 for more information on the Strategic Plan). We will focus on four priority areas: workplace equality; human rights in closed environments; embedding a human right culture and reducing racism to achieve these goals.

I hope you take some time to read this report and to support the Commission in our aim of creating a fair, safe and inclusive Victoria where everyone is respected and treated with dignity.

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

Kristen Hilton

Victorian Equal Opportunity
and Human Rights Commissioner

The Board

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

Moana Weir (Chairperson)

Moana Weir is a lawyer and Board member, with professional experience as company secretary and general counsel of ASX listed entities such as REA (realestate.com.au) and SEEK, as well as serving on the board for V/Line Corporation (2010 to 2013) and Melbourne Montessori School Ltd. Moana is currently Head of Legal for Regulatory and Consumer at Bupa ANZ.

Ms Weir has 17 years' senior management experience in leading legal, regulatory and risk management, corporate governance, sustainability management, corporate communications and external reporting.

She has a passion for driving real change and better outcomes in equal opportunity and human rights, including in the areas of diversity and inclusion in the workplace.

Abeselom Nega

Abeselom Nega is the CEO of iEmpower – a highly respected specialist youth services organisation – and has previously served as the General Manager AMES Employment, Chairperson of the Federation of African Communities Council, a Commissioner of the Victorian Multicultural Commission (VMC) and Board member of the National Accreditation Authority for Translators Interpreters (NAATI) for 9 years, making him the longest continuous serving Board member in the organisation's 40 year history.

Mr Nega is a member of the Federal Government Settlement Services Advisory Council (SSAC) and the current Chair of the Melbourne Employment Forum (MEF), an organisation working to create employment opportunities to refugees and migrants. Abeselom is interested in facilitating meaningful opportunities for young people from disadvantaged backgrounds through partnerships with the public, private and community sector based organisations. Abeselom is a member of numerous professional bodies.

Megan Boston

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

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

Tim Goodwin

Tim Goodwin is a barrister, practising primarily in commercial and public law. He has a Masters of Laws from Harvard Law School and is a member of the Indigenous Lawyers' Committee, the Commercial Bar Association of the Victorian Bar and a member of the Australian Association of Constitutional Law.

Mr Goodwin is a Board member of the Australian Research Alliance for Children and Youth and a Trustee of the Reichstein Foundation and the Roberta Sykes Indigenous Education Foundation.

Mr Goodwin is a member of the Yuin people of the south-east coast of New South Wales.

Jennifer Huppert

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

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

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

Laurinda Gardner

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

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

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

Faddy Zouky OAM

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

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

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

Audit and risk committee

Megan Boston (Chair)

Moana Weir

Abeselom Nega

Laurinda Gardner
Jeff Floyd
Sue Madden

About the Commission

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

Our laws

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

The Commission has responsibilities under three laws:

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

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

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

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

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

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

Vision, mission and principles

Vision

For Victoria to be a *fair, safe and inclusive* place where everyone is respected and treated with dignity.

Mission

To engage and influence individuals, communities, institutions and lawmakers to protect and promote human rights in Victoria.

Principles

1. Making human rights real – we will help Victorians understand the relevance of human rights to their work and lives.
2. Leading with evidence – we will ensure that our work is well informed through both research and reflective practice to be effective and defensible.
3. Creating impact – we will focus on work that leads to transformative change.
4. Being the best we can be – we will invest in our organisation and staff to foster a culture of good governance and sustainability and where diversity of thought, creativity, experience and expertise thrive.

Strategic goals and priorities

Our Strategic Plan 2017–22 is the road map that guides the Commission’s work for the next five years. We consulted internally and externally across Victoria to identify our priorities and will use the plan to undertake work that has impact and creates meaningful change.

Goals

Our goals reflect our aspirations as an organisation. They are ambitious and require sustained action over time. They are set for the next five-year period.

- Human rights are central to the development and enactment of Victorian law and policy,
- People value and stand up for human rights
- Institutions champion human rights and develop, adopt and drive leading practice.

Priorities

Over the next five years the Commission will focus its efforts in four priority areas that will drive our vision for a fair, safe and inclusive Victoria. They are:

- workplace equality
- reducing racism
- human rights in closed environments
- embedding a human rights culture.

Organisational structure

The Commissioner leads six branches to deliver the work of the Commission:

Executive Branch

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

Legal and Dispute Resolution

Leads the Commission's dispute resolution service and its intervention and investigation functions. It provides expert legal advice to the Commission, and develops resources, undertakes research and participates in stakeholder forums designed to improve diversity and inclusion and the promotion of human rights in Victoria.

Education and Engagement

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

Policy and Research

Provides policy advice and direction, and undertakes key strategic projects and research activities that identify and seek to address systemic discrimination and human rights issues.

Communications and Campaigns

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

Business Services

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

Organisational review

During the 2016-17 financial year, the Commission concluded an internal review and revised its structure to enhance its performance in delivering important services to the Victorian community. The changes ensure the Commission can extend its reach and impact, and continue to be a strong and rigorous organisation.

The changes included creating four business areas to deliver education and information, resolve disputes and advocate for our laws through legal services, undertake policy, research and projects to address systemic discrimination and human rights issues, and raise awareness through communications and campaigns.

The Commission also established a dedicated business services branch to enable our front line functions, assist us to respond to new technologies and ways of working, and help us to strategically grow and adapt to changing needs across the workforce.

In our workplace

People and Culture Plan

The Commission established its People and Culture Plan in the 2016/17 financial year. The plan focuses on supporting engaged, satisfied and capable staff, and building a high performing culture.

In 2016/17, the Commission delivered a number of initiatives to improve the health and safety of staff. The Commission's staff induction program includes the completion of mandatory Health and Safety at Work training and a building tour that incorporates occupational health and safety awareness. New and existing staff undertook first aid officer training, communication accessibility training with Scope, and staff were also provided training on personal security awareness and incident management. The Commission also supports staff to pursue professional development opportunities.

The Commission strongly values diversity and is committed to reflecting this in our culture and organisational frameworks. The People and Culture Plan outlines a series of initiatives that actively supports a safe, inclusive, respectful and supportive workplace for every employee.

Accessible policies, programs and services

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

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

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

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

Disability Action Plan

The Commission's 2015–17 Disability Action Plan was launched in June 2015 and reflects our obligations under the *Disability Act 2006* by:

- reducing barriers to people with disabilities accessing the Commission's goods, services and facilities

- reducing barriers to people with disabilities obtaining and maintaining employment with the Commission
- promoting inclusion and participation in the community of people with disabilities
- achieving tangible changes in attitudes and practices that discriminate against people with disabilities.

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

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

Disability Action Plan Report Card	
OBJECTIVE: To reduce barriers to accessing the Commission’s goods, services and facilities.	There are six actions associated with this objective. Four have been completed and two are ongoing as part of the Commission’s core business practices.
OBJECTIVE: To reduce barriers to obtaining and maintaining employment with the Commission.	There are five actions associated with this objective. Three are on track and two will commence in the second half of 2017 to improve staff capacity and an inclusive work environment.
OBJECTIVE: To promote inclusion and participation in the community and achieve tangible changes in attitudes and practices that discriminate against people with disabilities.	There are five actions associated with this objective. One, to extend the reach and impact of our education programs, will commence in the second half of 2017. The remaining four actions are on track to be completed.



Part 1: Eliminating discrimination

The Commission is committed to eliminating unlawful discrimination. Our work is both preventative and responsive, creating real impact to bring change. We work across the community, government and corporate sectors to develop systemic responses and also respond to individual complaints of discrimination.

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Dispute Resolution and information service

The Commission provides a dispute resolution service under the Equal Opportunity Act and Racial and Religious Tolerance Act. We also manage enquiries about the application of the Charter.

The dispute resolution service is central to the Commission's role in protecting and promoting human rights. It is not just about resolving complaints, it is also an opportunity to educate and ensure outcomes are consistent with our laws.

The Commission continues to adapt its dispute resolution service to ensure all Victorians have the opportunity to easily access information about their rights and obligations under our laws and to participate in dispute resolution.

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

Enquiries

In 2016/17, the Commission received 8278 enquiries from people raising 11,210 issues.

In the past three years, the Commission received:

2014/15	9175 enquiries raising 13,877 issues
2015/16	8170 enquiries raising 11,823 issues
2016/17	8278 enquiries raising 11,210 issues

Enquiries received by contact mode

How Received	2014/15	2015/16	2016/17
Phone	6587	5799	5243
Email	886	889	1445
Web form	756	822	683
Instant message	501	290	581
Letter	331	270	252
In person	96	88	64
Fax	18	12	10
Total	9175	8170	8278

10 most common issues raised from enquiries

Issues	Total
Disability	1749
No jurisdiction*	1483
Sex	559
Race	473
Age	411
Sexual harassment	371
Carer status	321
Victimisation	300
Employment law	298
Employment activity	279

* Refers to issues raised that do not fall within the Commission's jurisdiction

Complaints

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

2014/15	1060 files raising 2977 complaints
2015/16	865 files raising 2116 complaints
2016/17	748 files raising 1906 complaints

10 most common attributes of complaint under Equal Opportunity Act and Racial and Religious Tolerance Act

Attribute	Total
Disability	596
Sex	172
Victimisation	164
Age	131
Sexual harassment	131
Race	110
Carer Status	106
Employment activity	102
Parental status	83
Physical features	48
Personal association	47

Respondent demographics

Respondent Type	EOA	RRTA	Total
Clubs / incorporated associations	19		19
Commonwealth Government Statutory Authority	2		2
Educational institution	49	1	50
Government business enterprise	9		9
Local Government	24		24
Not-for-profit non-govern. org/non-educational	33	2	35
Other - please specify	14	1	15
Private enterprise	483	1	484
State Government Department	89		89
State Government Statutory Authority	1		1
Trade Union/professional organisation	1		1
Grand Total	724	5	729

Complaints finalised

The Commission finalised 694 complaint files in 2016/17.

The Commission finalised 70 per cent of complaint files within six months of receipt. Of all complaint files finalised 36 per cent were resolved. Finalised files also consist of those withdrawn by complainant or respondent and where dispute resolution was not offered. Where conciliation was attempted 65.5 per cent were resolved. A customer satisfaction rating of 97 per cent was achieved by the Dispute Resolution Unit.

Conciliation in action

The Commission provides an impartial, fast, flexible, and free dispute resolution process to help people resolve discrimination complaints and complaints of sexual harassment, and racial and religious vilification.

Conciliation can provide an important outcome to a person who has been discriminated against. We also use the evidence collected through our dispute resolution process to understand where structural discrimination may exist and this informs our education, policy and broader research work.

Through our dispute resolution services we help parties:

- identify the disputed issues
- develop options
- consider alternatives
- try to reach an agreement

Complaints can be made in any language and the Commission arranges a free language interpreter or a sign language interpreter, if required.

Approximately 2065 people participated in dispute resolution during 2016/17. This includes complainants, primary and individual respondents.

See below for some examples on how the process can bring a result.

What does a conciliation look like? It's free, it's simple, it works.

Parental status discrimination in employment

Peta had a job interview that seemed to be going well, until the interviewer asked her if she had children. She said yes and they asked what she would do if her children were sick and if she would have to take time off work. Peta told them she thought fathers probably wouldn't get asked questions like this. Following the interview, she was told her application was unsuccessful.

Peta called the Commission and made a formal complaint of discrimination on the basis of parental or carer status. A conciliation was arranged between Peta, the employer, and a conciliator to talk about what had happened and to explain how discrimination against parents is against the law.

Peta received an apology from the employer, and gained satisfaction from knowing that they now had a better understanding of discrimination and would not presume that working parents are unreliable.

Sexual harassment in employment

Yasmin was working for a fashion designer and loved the job, but her employer started to act inappropriately. He made comments about the way she looked and a few times gave her long hugs that made her feel uncomfortable. When he told her he wanted to kiss her she felt afraid. She quit her job to get away from him.

Yasmin called the Commission's Enquiry Line and made a complaint on the basis of sexual harassment in employment. We organised a conciliation meeting with her employer.

The employer agreed to enforce a sexual harassment policy and to train all staff. Yasmin also received an apology and \$25,000 compensation.

Race discrimination in goods and services

Joe was having a housewarming party and went to buy a carton of beer from the local bottle shop.

The man behind the counter said he could only have two six-packs, and when Joe asked why, he was told it was a 'new government rule'. Joe questioned that this 'rule' existed and said he thought the man saw that he was Aboriginal and made the decision based on prejudice.

Joe visited the Commission's website and used the online chat service to talk to a staff member about what had happened. The Commission said he could make a formal complaint about race discrimination and organised conciliations between Joe and the bottle shop manager.

The manager agreed to give his employees training so they don't discriminate against people because of their race, and Joe was given \$750 compensation. He said he felt good knowing that he was heard, and that, hopefully, it won't happen to anyone else.

Age discrimination in employment

Jenny was looking for work through a recruitment agency.

When she met with the agency and told them she was 55 years old and had 30 years' experience as an accountant they said she was too old for any jobs because

companies want younger workers. Jenny contacted the Commission and made a complaint on the basis of age discrimination. The Commission contacted the agency and they agreed to negotiate a settlement. Jenny was given a written apology and \$500 compensation. On top of that settlement, the agency committed to giving all staff equal opportunity training so they wouldn't make the same mistake again.

What do people say?

Employers, education and healthcare providers, government authorities and community organisations all access the Commission's dispute resolution service.

Clients

'Fantastic staff, very impressed. A lot of people like me need help but do not know where to go.'

'It would be kinder if resolution could be reached at VEOHRC as it is a much better atmosphere than any court setting.'

Respondents:

'The overall conduct and service given by our conciliator was fantastic.'

'Professional and supportive. Thank you for all the support and assistance to resolve the complaint.'

Systemic discrimination

At the Commission we use our research and information functions to identify systemic and institutional practices that create the environment in which discrimination occurs. We focus on areas of work where we can bring a human rights and equal opportunity focus to issues affecting members of our community.

Disability Access Bench Book

The *Disability Access Bench Book*, developed in partnership with the Judicial College of Victoria (JCV), provides information and guidance for judicial officers on their role in making the Victorian court system accessible for people with disabilities.

The Bench Book was developed following a recommendation to the JCV from the Commission's report, *Beyond doubt: the experiences of people with disabilities reporting crime*. *Beyond doubt* found that the justice system can be inherently discriminatory in the way it treats people with disabilities.

The Bench Book is the first of its kind in Victoria and it provides detailed guidance for judges, magistrates and tribunal members on making adjustments for people with disabilities in courts and tribunals to ensure they can participate on an equal basis with others.

A Supreme Court decision in 2017 shows how the *Disability Access Bench Book* is helping people with disabilities receive effective access to justice. The decision directly refers to the *Disability Access Bench Book* and said that it is an important contribution to helping ensure effective access to justice for people with disabilities. The Bench Book also includes information about the use of intermediaries in court, which will complement the recent proposal to adopt a formal intermediaries scheme in Victoria.

The Bench Book in action

Maria is a person with a learning disability, which has affected her schooling and limited her language skills. Maria is on a disability pension and her mother, Betty, is her carer.

Maria and Betty were charged with offences under the *Victorian Building Act 1993* because they had failed to secure and demolish their house after an arsonist burnt it down. Maria and Betty appeared unrepresented in the Magistrates' Court. They were ordered to pay thousands of dollars in court costs and have the fire-damaged buildings removed or pay huge fines. Their appeal was refused by a County Court judge.

Maria had the legal capacity to be in the County Court hearings, but her ability to participate was limited due to language and communication difficulties. Maria could not make decisions about what to say and what evidence to give without some direction and assistance from the judge.

On appeal, the Supreme Court decided in *Matsoukatidou v Yarra Ranges Council [2017] VSC 61* that Maria and Betty's case should be heard again by a different judge because the judge did not give them the right to a fair hearing, and did not give Maria the right to equal protection against discrimination. It said the judge should have recognised that Maria was a person with a disability and considered whether any adjustment was needed.

Victoria's Charter of Human Rights and Responsibilities requires courts and tribunals to adapt procedures so they do not discriminate against people with a disability.

In conducting the hearing the same way as a hearing for an adult without a disability, Maria was disadvantaged. The Supreme Court's decision referred to the *Disability Access Bench Book*, saying it is an important contribution to helping ensure effective access to justice for people with disabilities.

Signs for Health

For many people who are deaf, hard of hearing or deafblind the experience of hospital treatment can fall far short of the expectations of safety, care and inclusion held by most people. It can amount to discriminatory practice under the Equal Opportunity Act.

The Commission heard from deaf, hard of hearing or deafblind people about waking from emergency surgery and not being told what treatment they had undergone, examples of people being kept under anaesthetic for longer than necessary while an interpreter was sourced and people not being given the option to request an interpreter.

To address this and help hospital staff understand how they can better assist people the Commission developed Signs for Health, an online resource that provides information to patients about their rights to an interpreter; guidelines for staff on providing high-quality service to patients who are deaf, hard of hearing or deafblind; and information about the legal obligations of hospital staff with regard to interpreters.

Signs for Health can be accessed at signsforhealth.com.au

'Three or four years ago I went to a public hospital provider and I was there for a week ... and I never actually had access to an interpreter. I got out of my bed and I looked at the file at the end of my bed. It said: 'Does the patient need an interpreter, yes or no'. Someone had ticked 'no' on my behalf. Someone had actually decided on my behalf I did not need access to an interpreter while I was in hospital. I couldn't believe that decision had been made. And I hope this project and this resource will go some way to increasing the awareness in hospitals.'

– Brent Phillips, General Manager, Community & Language Services, Vicdeaf

Guideline: Trans and gender diverse inclusion in sport

In 2017, we revised our 2015 *Guideline: Transgender people and sport*. The update was prompted by notable changes in policies and practices in the sporting sector, as well as recent shifts in terminology. The Commission consulted with advocates and other relevant organisations to improve the terminology used in the guidelines and make them more accessible for sporting clubs and organisations.

The guidelines recognise issues that have risen with regard to discrimination against trans and gender diverse people in the area of sport. It offers guidance on legal rights and obligations – as well as practical advice on a range of issues – for sporting clubs and participants.

The guidelines can be downloaded from humanrightscommission.vic.gov.au/guidelines.

Guideline: Family violence services and accommodation

In March 2016, the Victorian Royal Commission into Family Violence recommended that the Commission issue a guideline under section 148 of the Equal Opportunity Act to guide service providers in meeting their obligations to act inclusively and avoid discrimination when delivering services to all people who are affected by family violence.

In 2017 we consulted with 55 stakeholder organisations, agencies and departments. We also spoke to the Victorian Government LGBTI Taskforce working groups on Justice and Family Violence, and the Family Violence Diverse Communities and Intersectionality Working Group at the Department of Premier and Cabinet to hear about common experiences of discrimination and what key messages should be included in the guidelines about working with diverse communities.

The guidelines focus on practical ways that organisations can meet their positive duty under the Equal Opportunity Act to prevent and eliminate discrimination. They include case studies, links to toolkits and resources to help service providers understand the law and what they can do to prevent discrimination.

The guidelines also focus on how to improve access to services for a range of communities, including Aboriginal or Torres Strait Islander people, older people, culturally and linguistically diverse people, people from different faith communities, people from LGBTI communities, people from regional and rural communities, people with disabilities, male victims, women in prisons and women working in the sex industry.

They are available online at humanrightscommission.vic.gov.au/guidelines.

Held Back – five years on

In September 2012, the Commission published *Held back: the experiences of students with disabilities in Victorian schools*. The first report of its kind in Australia, *Held Back* examined how well students with disabilities fare in government, Catholic and independent schools across Victoria.

To respond to a number of positive policy initiatives occurring since *Held Back's* release as well as ongoing feedback from some stakeholders that there has been insufficient progress to implement the recommendations, the Commission undertook a policy review of progress on implementation of all recommendations from *Held Back*.

The analysis found that while there has been some progress in key areas, such as through the establishment of the Principal Practice Leader to address the use of restraint and seclusion in schools, additional work and a sustained effort on existing initiatives will be needed to ensure real and enduring change for students with disabilities in schools. The analysis includes a number of observations to inform future work from DET and other education authorities to ensure *Held Back* findings and recommendations are addressed.

The report can be found at humanrightscommission.vic.gov.au/heldbackanalysis.

Independent Reviews

The Commission has significant experience in complex human rights and equal opportunity research, including conducting research into equity and diversity in workplace settings. We conduct this work under section 151 of the Equal Opportunity Act and section 41(c) of the Charter.

Conducting reviews into workplace equity and diversity requires considerable expertise and experience in discrimination, sexual harassment and victimisation laws, and complex human rights research. The Commission engages a multi-disciplinary Review team with extensive experience in human rights and equal opportunity law, policy and human rights research from various backgrounds across government, private and community sectors to undertake this work.

Experience tells us that these processes can be challenging but they often act as a catalyst for change that reaps significant benefits for individuals, organisations and the community. It is an opportunity to have an independent body hold up a mirror and reflect back the experiences and perspectives of the people who make up the organisation under review, with the additional benefit of a human rights and equal opportunity overlay to draw together these experiences.

The Commission undertakes these reviews on the request of an organisation or public authority, and can agree on the terms and conditions of the review with them as appropriate to their situation. Under both Acts, the compliance review function allows the Commission to determine compliance with the law and to work with organisations to help them understand their obligations, provide guidance and improve their policy and practice accordingly.

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

Creating change in the emergency management sector

In 2016-17 the Commission has undertaken significant pieces of work with organisations in the emergency management sector that have recognised the need for change to increase their diversity. Around the world, organisational reviews have uncovered similar issues, and emergency services have responded by recognising that, in order to prioritise both safety and respect, services need to create more equitable and inclusive workplaces.

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

In 2015 Victoria Police approached the Commission to undertake an independent review to examine sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police, as well as the impact the workplace culture of Victoria Police has on women.

During the review, the Commission spoke with hundreds of police employees as well as senior Victoria Police personnel across all areas. We made 20 recommendations, all of which were accepted by Victoria Police. We are now working with the organisation to implement these recommendations.

The advances made by Victoria Police have been numerous. The organisation has set up internal advisory boards and created Safe Space (an external independent support service). It has started baseline reporting against a number of gender equity measures. There have been legislative changes to protect victims through the employment appeals process.

In 2017 Victoria Police announced a 50:50 gender recruitment policy and 200-plus member workforce to be a floating parental leave backfill force to provide support for flexible working arrangements and light duties.

In September 2016, the Commission and Victoria Police reached agreement for the Commission to engage in a continuous disclosure model for the remaining period of the three-year action plan.

Under a continuous disclosure model, the Commission has agreed to monitor Victoria Police's progress in implementing the recommendations of the Review in order to support sustained change across the agency.

In 2016/17, the Commission commenced work on the first of the two public audits. This audit will focus on progress made against the recommendations in the first 18 months following the first phase review and will be published in September 2017. This will provide a detailed picture of the implementation work done by Victoria Police to date and provide further guidance on ensuring that the intent of the recommendations is realised.

The role of storytelling

Systemic discrimination can sometimes be a complex topic to describe to people. But, while it can be hard to explain, when you hear the stories of those directly affected it is hard to deny its harm. For that reason, the Commission values the importance of storytelling to understand the issues at the root of systemic problems, as well as a way to explore effective avenues to remedy these issues.

The success of our work over the past two years with Victoria Police has been at least in part because of the stories we were told and able to report in our Phase 1 Review. Following the release of the review, the Commission has heard of the important role of the case studies and quotes – not only on a personal level for those who told their stories, but on a systemic level – as a catalyst for shifting attitudes. A number of senior personnel have spoken of how it was these stories that left a lasting impression on them, and fuelled their commitment to effect cultural change. Some of the participants who confidentially told their stories through the review process have spoken about the importance of having their voices heard and seeing the meaningful change that came from their participation.

Ethical storytelling involves ensuring the person who tells their story remains in control of how their story is used. For all phases of the Independent Review, the Commission is required to obtain ethics approval from the Department of Justice and Regulation Ethics Committee. When the Commission carries out an interview, it provides the participant with clear information about how the information will be recorded, used and stored. Participants are able to withdraw at any time in the process, and are given the opportunity to review the notes in full and make any changes. If direct quotes are used, the Commission checks with the person to ensure the person feels comfortable and that the quote will not identify them.

Independent Equity and Diversity Review into CFA and MFB

In July 2015, the Victorian Government commissioned David O'Byrne to lead the Fire Services Review and make recommendations concerning the resourcing, operations, management and culture of Victoria's Metropolitan Fire Brigade (MFB) and Country Fire Authority (CFA).

In response to the Fire Services Review report, the government advised that the Commission would undertake an Independent Review to examine discrimination, including bullying, and sexual harassment in CFA and MFB.

The Commission is currently undertaking this review and the findings will inform specific recommendations for each organisation that take into account the different experiences of employees and volunteers. The recommendations will also take into account the type of work that people do and function they perform within each organisation.

The review has involved a team of experts working over the course of over a year to research equity and diversity within the CFA and MFB. The Commission sought multiple sources of information to establish a robust base from which to draw findings.

The review team has heard from employees (including those who left after 2010) from both agencies through written submissions, a survey, site visits, confidential interviews and expert interviews. The review will also draw on workforce data and comprehensive research into all aspects of both agencies, the governing legislation and will look at other fire services across the country and internationally.

We aim to report publicly on the findings in 2017 and work with both organisations to implement any recommendations.

Male Champions of Change Program for Emergency Services

In April 2017, Commissioner Kristen Hilton commenced facilitating a new Male Champions of Change group comprising 33 Fire and Emergency Services Commissioners across all states and territories. All members are current members of the Australasian Fire and Emergency Service in Australia and New Zealand. This includes women leaders who will join the group as special advisers.

The group is an initiative of the Male Champions of Change Centre and the Male Champions of Change strategy, convened by Former Federal Sex Discrimination Commissioner, Elizabeth Broderick. The centre works with influential leaders to redefine men's role in taking action on gender equality. It activates peer groups of influential male leaders, supports them to step up beside women, and drives the adoption of actions across private sector and government.



Part 2: Driving change and building good practice

We work with duty holders such as employers, service providers and government to help them to meet their obligations under the law, improve their practice and drive systemic change to eliminate discrimination.

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Education and Engagement

The Education and Engagement branch delivers the Commission's human rights and equal opportunity education and training through open enrolment programs, tailored workshops and organisational consultancy. We work extensively with community, corporate and government stakeholders to develop practical approaches to human rights and equal opportunity best practice.

In 2016/17 the Commission delivered 376 education and training sessions to 5267 participants. This included 20 registered sessions, and more than 350 tailored sessions and speaking engagements delivered to a range of organisations including private sector (15 per cent), government (75 per cent) and community (10 per cent).

More information, including online resources and a link to the training calendar, can be found at humanrightscommission.vic.gov.au/training, or to join our mailing list for calendar and training updates please call us on (03) 9032 3415 or email education@veohrc.vic.gov.au.

Embedding a human rights culture

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

In 2017, the Commission and the Department of Justice and Regulation's Human Rights Unit consulted with a range of departments to determine human rights awareness and capability and delivered tailored education initiatives. Through the Human Rights Culture Project we continue to partner with key departments to build further capacity and engagement with the Charter.

We are progressing further initiatives, including:

- developing customised tools and resources
- conducting capacity building workshops
- building human rights practice into governance, strategy and professional development
- building a strong and engaged human rights network across the Victorian Public Sector

Organisational Design

Through our project work with organisations, we facilitate behaviour shifts and changes in practice to improve human rights and equal opportunity outcomes. This approach incorporates whole-of-organisation or systems-based approaches through

planned, systemic, long-range efforts that concentrate on developing and embedding diverse and inclusive organisational processes and culture.

We have conducted organisational reviews with local councils and public authorities as the first step to developing meaningful and customised diversity and inclusion strategies. Consistent with our proactive measures under the *Equal Opportunity Act 2010*, we will support implementation of action plans that will enable these organisations to achieve their full potential as inclusive workplaces that reflect the communities they serve.

Working with government organisations

The Commission continues to lead Victoria in the provision of human rights and equal opportunity education and training, both to duty holders and rights holders in numerous settings.

This year we worked with state government departments providing public housing, youth justice, policing, identity and relationship registration and key complaints handling bodies. We have worked with a range of local governments, from councillors to local law officers. We provided regular induction programs, introduction and refresher sessions and leadership workshops for senior leaders in councils.

Victorian Public Sector Human Rights Network

The Victorian Public Sector (VPS) Human Rights Network aims to provide information, ideas and networking opportunities to public sector employees who are interested in applying human rights in their work. Membership is targeted at public sector workers with an interest in human rights – state government, statutory agencies, local government – or other organisations delivering public services that have obligations under the Charter. The VPS Human Rights Network currently has more than 500 members. The Commission distributes a regular VPS Human Rights Network update by email to members and we are working to increase membership. In 2017, the Commission commenced work on development of an online hub for the network to facilitate:

- ease of access to human rights resources
- participation in moderated discussion forums
- the sharing and uploading of resources and relevant local stories
- receipt of information on upcoming events
- access and usage of the relevant online education modules.

Online education resources

The Commission recognises that greater human rights education is a way to build a human rights culture within the Victorian public service, and so enhance the effectiveness of Victoria's Charter of Human Rights and Responsibilities.

To deliver education on the Charter to the largest possible audience across the public service, we are developing tailored online education modules for:

- frontline service delivery staff
- managers and team leaders of frontline service delivery staff
- policy and legal staff.

We are also developing an 'Introduction to the Charter' module for all other public service staff.

Consultation and partnerships

Disability Reference Group

The Disability Reference Group (DRG) was established so the Commission could hear directly from people with disabilities about systemic discrimination and human rights issues that impact upon people with disabilities. The group includes people representing a wide variety of experience in the sector, including people with direct experience of disabilities, family and carers of people with disabilities, service providers and advocates.

Members of the DRG are appointed for terms of two years, and in 2016 we thanked the outgoing group for their invaluable contributions and welcomed a new group for the 2016-18 term.

The DRG has identified that significant human rights issues impacting on people with disabilities are raised in areas of: employment, the criminal justice system (closed environments), the National Disability Insurance Scheme (NDIS) and public transport. The DRG will work with the Commission to address systemic discrimination and to promote positive change in areas that are consistent with the Commission's strategic priorities.

Consultation across government and community

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

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

Some of these government and community consultative committees include:

- Aboriginal Justice Forum
- Administrative Law and Human Rights Executive Committee of the Law Institute of Victoria
- Australian Council of Human Rights Agencies
- Department of Education and Training and Victorian Equal Opportunity and Human Rights Commission Consultative Committee
- Disability Law Committee of the Law Institute of Victoria
- Electoral Access Advisory Group, Victorian Electoral Commission
- Equal Workplaces Advisory Council
- Federation of Community Legal Centres, Human Rights Working Group
- Independent Agencies of Older Australians
- Migrant Workers Campaign Steering Group
- Ministerial Taskforce on the prevention of family violence and other forms of violence against women
- Play by the Rules – a partnership with the Australian Sports Commission and other human rights commissions providing free online resources, training programs and campaigns promoting fair, safe and inclusive sport
- Public Transport Victoria and Victorian Equal Opportunity and Human Rights Commission Consultative Committee

- VicHealth Health Equity Taskforce
- VicHealth Leading Thinkers Taskforce
- Victoria Police Human Rights Strategic Advisory Committee
- Victoria Police Portfolio Reference Groups (LGBTI, Disability, Seniors)



Part 3: Making human rights real

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

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Engaging with the community

Public events

A community that values, understands and respects human rights and equal opportunity is a community that is diverse, vibrant and engaged, and represents so much of what the Commission works towards.

Community events are opportunities to express and celebrate what can make Victoria such a unique and wonderful place to live, and they are also opportunities to strengthen relationships and build an even more inclusive society.

The Commission is proud to take part in a wide range of public events to educate and raise awareness about people's rights and explain how we can all play a part in creating a fairer society.

The following pages show a small sample of public events the Commission has used to listen to people's stories and concerns, forge working relationships, and also to offer information about our services and our expertise on issues surrounding human rights and equal opportunity.

Multicultural engagement

In Victoria we come from many different backgrounds, follow many different religions and speak more languages than there are countries in the world. This diversity is what makes our society so vibrant and progressive and the Commission is working to ensure every Victorian is valued and respected for who they are and afforded the same rights as each other. We celebrate this diversity at Victoria's Multicultural Festival at Federation Square each March and engage with people from across Victoria. We are also proud supporters of the Victorian Government's Multicultural Policy Statement and the initiative Recruit Smarter, which aims to target unconscious bias in recruitment processes.

We are currently working with multicultural communities to help us focus our resources in the most effective way. We know that racism is experienced disproportionately by particular communities in Victoria and we know that the harms of racism are significant.

Every day at the Commission we hear about the effects of racial discrimination. Experiences of racism can undermine an individual's sense of self-worth, leave them feeling vulnerable and isolated, and affect their physical and mental health.

We hear from people vilified because of their faith or the colour of their skin on public transport, in the media and online. We hear from people excluded from jobs or rental properties, or denied service in a shop. However, we receive a comparatively low number of complaints about racial or religious discrimination. For many people from a non-Anglo background it is part of the fabric of everyday life. We are working with multicultural communities to change that through the development of a Multicultural Engagement Plan and a strategy to reduce racism.

The development of the plan is required to ensure that complaints and enquiries to the Commission reflect the realities of racism and discrimination in the community and to achieve outcomes for both the individuals and communities affected as well as broader prevention aims. The plan will include an intersectional focus which recognises that there is diversity within diversity.

In partnership with the Victorian Multicultural Commission, we aim to gain a better understanding about the experiences of women, LGBTI communities, young people, older people, people with disabilities and mental health issues and people in rural and regional areas within multicultural communities. We value our strong connections with many communities across Victoria and thank them for their time and commitment to working together to address behaviours that must change.

Working with the LGBTI community

'Misgendering has affected me for days or weeks, because it makes you second guess how you represent yourself. It's never nice.'
– Rory Blundell, Minus 18

The Commission has many connections and valued relationships with stakeholders and community members working to address rights and equality for LGBTI people. As well as the work behind the scenes that we are engaged in, each year we join thousands of Victorians to celebrate Midsumma Festival and the Pride March. It is a highlight on our calendar and 2017 was no exception. We hosted a stall at Carnival Day and engaged with people from around Victoria who turned out to celebrate the strength and diversity of lesbian, gay, bisexual, trans and intersex communities.

This year the Commission developed a gender identity reporting guide to help journalists when reporting on transgender issues. Getting the language right is respectful and easy to achieve. Despite great advances in recent years, misgendering still occurs in the media and can be particularly harmful to trans people. The guide can be found at humanrightscommission.vic.gov.au/respectfulreporting.

We also joined forces with the Victorian Public Service Pride Network for Pride March, a spectacular act of solidarity in a world where many go without rights, dignity and visibility. Marching down Fitzroy Street in St Kilda, it was fantastic to see so many people turn out to cheer and show their support for the Commission's work.

Human Rights Oration

'The best four words you can say to someone with disabilities who is seeking employment are "You start on Monday".'
– Dr Graeme Innes AM

The Human Rights Oration is an annual event to encourage discussion about human rights issues and acknowledge International Human Rights Day.

Former federal Disability Discrimination Commissioner Dr Graeme Innes AM delivered the keynote address in 2016 on the topic of employment for people with disabilities, issuing a challenge to all people present to provide more opportunities in their workplaces.

He noted that: "the right to work has been acknowledged internationally since at least 1944. As part of a recommendation on employment during the global transition from war to peace, the International Labor Organisation (ILO) stated that disabled workers, 'whatever the origin of their disability, should be provided with full

opportunities for rehabilitation, specialized vocational guidance, training and retraining, and employment on useful work”.

However, despite this and other international conventions, including the 2006 UN Convention on the Rights of Persons with Disabilities, many people with disabilities still face large and systemic hurdles while trying to find work.

The address was followed by a panel discussion, with valuable insight from Maryanne Diamond, the General Manager of Media, Communications and Engagement at the National Disability Insurance Agency; musician Neill Duncan of Single Hand Studios; and Juliet Bourke, Lead Partner for Diversity, Inclusion and Leadership at Deloitte Australia. Commissioner Kristen Hilton moderated the discussion.

Full video of the event, audio streaming and a transcript of the keynote address can be found on the Commission’s website at humanrightcommission.vic.gov.au/oration.

Human Rights in a Changing world

As well as the Human Rights Oration each year, the Commission takes part in a range of events with the broader community to acknowledge International Human Rights Day. In 2016, Commissioner Kristen Hilton spoke to a whole-of-Victoria-Government audience on how our changing political landscape has brought a sharp focus to the importance of valuing human rights.

'Each year Human Rights Day is celebrated on 10 December. It’s a day to remind people that human rights are not just a concept but a living, breathing part of our society – and something that relates to all of us by virtue of the fact we are all human.

Even in the face of significant world events, change is felt most acutely when it is personal. And this is true of human rights, too.

They mean most when they are personal, when they are close, when we can see the individual impact that a decision or action has.

Part of what I want to share today is how we need to get better at making human rights resonate not just in this room but in sports clubs in Shepparton, in hospitals in Bendigo, in schools in Morwell, in prisons in Barwon, in workplaces across the state. This is not just the role of the Commission. I believe it is part of your job, as policy influencers, decision makers, educators – employers.'

Kristen Hilton, Victorian Equal Opportunity and Human Rights Commissioner

Full text of the speech can be accessed at [linkedin.com/pulse/human-rights-changing-world-kristen-hilton](https://www.linkedin.com/pulse/human-rights-changing-world-kristen-hilton).

What matters to regional areas

As part of the Commission’s strategic planning process in early 2017 we visited regional areas across Victoria to find out how we can help and remind people that discrimination is against the law and we can all work to address it.

Service providers, police, community organisations and local councils joined us for a series of forums to hear about the priorities and to help guide us in our work. Among other issues, we heard about discrimination in housing, real estate, employment and because people are LGBTI or have a disability. We thank everyone who came and

spoke to us and for their insights into how the Commission can better serve regional areas of Victoria.

The Commission also visited many different areas across the state to hear people's stories to help inform our ongoing work with Victoria Police, as well as in the Independent Equity and Diversity Review into Fire Services. We have found this to be an incredibly valuable foundation for our work, and we are grateful to all who have offered to tell their stories so that we may work towards eliminating discrimination.

Connecting

Media

Over the past year, we have continued to harness the media as a powerful platform to achieve our mission of eliminating discrimination and building a community that respects and promotes human rights and equal opportunity throughout Victoria.

Our contact with the media allows us to amplify our work, ensuring that our campaigns, reports, reviews and interventions reach many more people in communities throughout Victoria. It also allows us to contribute to and change the public discourse on human rights, discrimination and equal opportunity.

Our media releases and public commentary are available on our website at humanrightscommission.vic.gov.au.

Public comment: School uniforms

The Commission regularly provides comments to the media, allowing us to promote and protect human rights and equal opportunity on a large scale, positively shift the public debate and build the profile of the Commission, further cementing the Commission as the leading authority on these issues in Victoria and the place for people to come for help and support.

In March 2017 there was significant media attention around school uniform policies that failed to respect their students' cultural diversity. Namely, two female high school students of South Sudanese descent were asked by their school to remove their braids.

The school justified that this was a blanket policy applied to all students, however Commissioner Kristen Hilton argued this policy was not getting the balance right and could amount to discrimination, saying to the media: "While Victorian law allows schools and educational authorities to set reasonable standards of dress, schools must balance this with their obligations not to discriminate on the basis of race or physical features. Schools are extensions of our society. They should be proud to promote their diversity and celebrate the many cultures that make up our society."

After such issues were brought to the school's attention, the headmaster reversed the ban and allowed the students to keep their braids, while the public conversation continued on the need for all schools not to discriminate and instead respect and embrace their students' diversity.

Social media

Like us. Follow us. Share us. We are tapping into the power of online conversations and value the engagement we can have with the community through social media. As it continues to grow its influence in people's lives, the Commission has worked to build our presence on different platforms and engage daily with our followers to

participate in the conversations taking place. It is immediate and helps us play our part in the work being done to call out injustice and promote our presence as the experts in discrimination and human rights issues in Victoria.

International Transgender Day of Visibility (31 March 2017) is a good example of how we harnessed social media to share our messages, with positive engagement and comment.

We know hearing from someone with lived experience is the most powerful way of sharing messages – so we called on some experts to take part in some short videos sharing advice on the power of visibility and the ways people can access support. We asked five trans people “Why is being visible important?” These are some of the answers we got:

- Jordan Fenton (Victorian Equal Opportunity and Human Rights Commission) (She/her) 'Being visible is important for a lot of reasons ...one of the key ones for me is that you can show ... you are not alone.'
- Aram Hosie (cohealth) (he/him) 'If you see me and get to know me, it's much harder to tell me I shouldn't have the same rights and protections as you.'
- Sam Lilit (Y-gender) (they/them) 'Being visible is the first step to showing people that being trans can include having a good life and doing great things and being fully ourselves.'
- Ti Butler (Radio presenter) (they/them) 'Seeing that there are other trans and gender diverse people out there living happy, healthy lives shows that it is totally OK to be trans or gender diverse.'
- Brenda Appleton (Transgender Victoria) (She/her) 'Being visible is about being out and proud and demonstrating that there is nothing to be fearful about the trans and gender diverse community.'

The videos can be found via the Commission's YouTube channel at youtube.com/user/VEOHRC

We also supported a campaign to encourage Victorian businesses to put up trans flag stickers as a sign that trans and gender diverse people are welcome and that their business is a transphobia-free zone.

Follow us

We are growing fast - in the past year, our Facebook page increased to 6135, which is an increase of 55 per cent. Our Twitter followers grew to 4771 which is a 20 per cent increase from last year.

Find us at:

Facebook facebook.com/veohrc

Twitter@veohrc
@kristenahilton

YouTube youtube.com/veohrc

LinkedIn bit.ly/LI_veohrc

Public complaints campaign- Don't put up with it

The Commission has a free Enquiry Line for people to call and ask questions about issues of discrimination. Each year we take thousands of calls and provide information on our laws.

In early 2017 we launched a campaign on social media to encourage people to call us and tell us about their experiences of discrimination. The slogans 'Discrimination. Don't Put Up With It' and 'Call us. It's simple. It's free. It works.' aim to empower people to understand when unfair treatment crosses the line into discrimination and how to do something about it.

The ads give real examples of discrimination – and resolution – and show how they fit into the definition under the Equal Opportunity Act.

I didn't put up with:

- my boss who tried to kiss me after working late
- the bouncer who wouldn't let me in to the nightclub because of my race
- the teacher who wouldn't take my child on camp because of his disability
- the bus driver who didn't stop for me because I'm in a wheelchair
- my boss who said dads weren't serious about their career if they needed to pick up the kids
- the guy in the shop who told me to take off my hijab or go back to my own country
- the recruitment firm who told me no one wanted to employ people with names like mine
- my boss who said I couldn't apply for the manager's job because I was too gay
- the cafe that wouldn't hire me because I'm a middle-aged man
- my boss who fired me when I got pregnant
- the café that told me to get out because I was breastfeeding
- my boss who put me on night shift when I came back to work after maternity leave.

Human Rights Are ... #2

What are human rights? It can be a deceptively complex question, and that's why in 2016 we asked groups of students what they thought about human rights. Their answers are spot on – and take the complexity out of a simple concept.

Here's what some of the students had to say:

- 'Human rights is something everyone is entitled to.'
- 'Everyone deserves to be treated the same.'
- 'Everyone should be nice to each other.'
- 'Everyone should be equal.'
- 'Respect each other because we don't want each other to get hurt.'

- 'It means people can do what they feel like – as long as it's not anything bad.'
- 'Everyone has the freedom to believe in what they want to ...Santa, the Tooth Fairy ...'

The second video in this series was released in July 2016 and featured students from Fitzroy High School and Melbourne Girls' College. With nearly 10,000 views across Facebook and YouTube, the video served as a reminder of the value placed on human rights in our community, and a conversation starter for young people to think about what rights mean to them.

Campaign for International Day for People with Disability

To raise awareness of the kinds of discrimination faced by people with disabilities, the Commission produced an infographic poster along with a series of short animations that highlighted some facts about discrimination.

- of the total complaints related to disability discrimination to the Commission in 2015/16, almost half (47 per cent) were due to discrimination in employment
- the average weekly income for people with disabilities is less than half the average of people without disabilities
- people with disabilities are almost five times more likely to live in state-supported rental accommodation than people without disabilities.

The poster was distributed at a number of Commission events and is available to download from the Commission's website. The animations also featured as part of the multimedia content at the 2016 Human Right Oration.

Informing

eNews

Our eNews speaks to people who are engaged and interested in human rights and equality. It's a fantastic opportunity to discuss and promote work being done by people throughout Victoria and Australia, as well as keep subscribers abreast of our own news. We take submissions from other organisations and help promote the great work being done in communities focused on social justice, the legal sector and government departments and agencies.

To subscribe visit humanrightscommission.vic.gov.au/enews

Online

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

Total visits to the website in 2016/17 were 582,309, which was 22 per cent more than the previous year.

Anti-Hate – spray back

There is no place for hate. It's a simple message that we continue to share every time we see discrimination playing out in our community.

Our Anti-Hate campaign calls for the community to report instances of racism and discrimination, and to empower people to stand up to such behaviour when they experience it.

This year we handed out materials at the Victorian Multicultural Festival, Pride March and Midsumma and the Commission still regularly supplies members of the public and organisations with Anti-Hate kits to help promote the initiative.

It's a popular resource and we love hearing how people stand up to the haters and stand side-by-side with people facing discrimination.

You can find it at antihate.vic.gov.au.

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

Everyone needs to access businesses, regardless of whether they have a disability or not, which is why we created the Come In, We're Accessible resource. It provides information to businesses – owners, landlords, managers and staff – on how they can improve accessibility to meet their obligations under the Equal Opportunity Act.

The resource also includes a self-assessment tool that enables businesses to find out how accessible they currently are, as well as a suite of fact sheets for staff and resources for customers with disabilities.

Throughout 2016/17 the Commission continued to meet with local councils and businesses across Melbourne to raise awareness about accessibility for people with disabilities.

The resource is available at accessiblebusiness.com.au.



Part 4: Advocating for our laws

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

Part 4: Advocating for our laws

Influencing Case Law

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

The Commission's right to intervene

The Charter and the Equal Opportunity Act provide the Commission with a right to intervene in legal proceedings initiated by other parties.

Under the Charter, the Commission may intervene in any proceeding that involves the application of the Charter. The Victorian Attorney-General also has the power to intervene in proceedings that involve the application of the Charter.

Under the Equal Opportunity Act, the Commission may intervene in proceedings that involve issues of equal opportunity, discrimination, sexual harassment or victimisation, with the permission of the Court or the Victorian Civil and Administrative Tribunal (VCAT). The Equal Opportunity Act requires applicants seeking exemption from the Act to give a copy of the application to the Commission.

The purpose of the Commission's power to intervene is to be an independent advocate in relation to the interpretation and application of the Charter and the Equal Opportunity Act. In its interventions, the Commission aims to promote the protection of human rights and eliminate discrimination, sexual harassment and victimisation to the greatest possible extent.

The Charter and youth justice

Throughout 2016 and 2017 the Commission intervened in several cases relating to youth justice to ensure the rights of children, as protected under the Charter, were considered when decisions were made about their incarceration.

In 2016, a riot caused serious property damage and loss of 60 beds at Melbourne Youth Justice Centre in Parkville, placing significant strain on the youth justice system. In response, and through Orders in Council, the Government established the Grevillea Unit at Barwon Prison as both a remand centre and youth justice centre for use as emergency accommodation and transferred young people to the unit.

In December 2016 the Supreme Court found that the Victorian Government failed to give proper consideration to children's human rights when making the decision to establish the Grevillea unit at Barwon Prison and transfer young people there after damage to the Parkville Youth Justice Centre.

The Supreme Court found in May 2017 that the Victorian Government acted unlawfully under the Charter in the *Certain Children v Minister for Families and Children* (No.2) [2017] VSC 251 case. The Commission intervened in this case to ensure that the children's human rights were considered and protected in the transfer of young people to an adult prison facility.

The Government appealed against the Supreme Court, but this was dismissed by the Court of Appeal, which ordered that the Government remove the children from Barwon and place them in a remand centre or youth justice centre lawfully established under the *Children Youth and Families Act 2005*.

The court found that holding children in a maximum security adult prison, subjecting them to long periods of isolation in adult cells, and failing to consider how this environment heightens their risk of mental health problems is not compatible with our human rights laws.

This is the first time that the Charter has been enforced in this way and sets a strong precedent. It shows that the Charter is a powerful mechanism to ensure Victoria's youth justice framework is underpinned by human rights principles and protects children's best interests.

This is a significant remedial outcome upholding Charter rights, and demonstrates the capacity under the Charter to realise and give effect to human rights in practice for Victorians. The Commission intervened in this case to ensure the Court knew what tests to apply when determining whether the Government had acted compatibly with the Charter.

The Commission's role in intervening is also strengthened by this outcome.

'The limitations on the human rights imposed on the detainees was not demonstrably justified in a substantive sense as reasonable in a free and democratic society based on human dignity, equality and freedom.'

– Justice Dixon

'The @VEOHRC's intervention in our legal challenge of Gov's decision to lock kids up in adult prison was crucial t.co/YSiPaDzdmq'

– HumanRightsLawCentre [@rightsagenda](https://twitter.com/rightsagenda)

Key legal interventions: Charter and Equal Opportunity Act

Gembrook Views Estate Pty Ltd v Cardinia City Council (VCAT, Environment and Planning List)

This case involved a developer who sought declarations from the Victorian Civil and Administrative Tribunal (VCAT) that agreements it had made with a council and a planning permit, each restricting ownership and/or occupation of land in Gembrook to people over 55 years of age, amounted to age discrimination under sections 50 and 52 of the Equal Opportunity Act.

The council argued that the conduct was a special measure or was not discriminatory, and that making the declarations sought was outside VCAT's jurisdiction.

This was the first time VCAT's Planning and Environment List had considered the Equal Opportunity Act so the Commission intervened to make submissions regarding definitions of discrimination, the interpretation of sections 50 and 52 of the Equal Opportunity Act, the proper approach to special measures, and the potential for other exceptions to apply to the conduct.

VCAT handed down its decision on 4 May 2017, dismissing the application, holding that there was no jurisdiction to decide the matters raised under the Equal Opportunity Act when this matter was being heard in the Planning and Environment list VCAT.

VCAT did not make findings regarding whether there was a breach of the Equal Opportunity Act but made some interesting observations about the intersection between the planning scheme and the Equal Opportunity Act.

Berry Street Victoria (VCAT, Human Rights List)

This was an exemption application by Berry Street to employ only women in their family violence services. The Commission intervened and filed submissions on 28 February 2017 about the meaning of “women only services”, to clarify whether it included transgender women. The Commission’s submissions sought that VCAT, in granting an exemption, be clear about the type of discrimination being exempted, for example, discrimination on the basis of sex and/or gender identity, if that was relevant. The Commission also made submissions that employing women only front line women’s family violence services is likely to be covered by an exception (section 26 – employment for special needs/welfare services).

VCAT’s orders were made on 6 April 2017 striking the application out on the basis that the section 26 exception applied and no exemption was necessary. VCAT did make clear it was referring to both sex and gender identity in its orders.

Bowls Victoria, Albert Park Bowls Club Inc (VCAT, Human Rights List)

This matter involved an exemption under the Equal Opportunity Act made by Bowls Victoria to allow it to conduct single-sex lawn bowls competitions. Section 71 of the Equal Opportunity Act provides that a person must not discriminate against another person by excluding the other person from participation in a sporting activity.

The Commission filed written submissions regarding the exception at section 72 (1B) permitting single-sex competitive sporting activities where the exclusion or restriction is intended to facilitate participation by people of a particular sex, and it is reasonable to do so having regard to certain specified factors.

The applicants withdrew their application on 13 October 2016 and the matter did not proceed. The Commission is working with Bowls Victoria to develop and disseminate an addendum to our resource on single-sex bowls competitions, to provide guidance to clubs on the operation of the exceptions for single-sex competitions.

Earl Baker (a pseudonym) v DPP [2017] VSCA 58(Court of Appeal)

The Victorian Supreme Court of Appeal handed down its decision in an appeal of criminal proceedings where the accused was alleged to have had sex with the complainant when he was 17 and she was 14. After the accused turned 18, the complainant went to the police and charges were subsequently laid after the accused turned 19 years old.

Baker sought a permanent stay of charges in the County Court, arguing that the delay between offending and when charges were laid meant that he lost the chance for the matter to be heard in the Children’s Court. The County Court dismissed the application. Baker appealed to the Court of Appeal. Arguments made relating to the Charter included that, in failing to commence proceedings against the applicant before he turned 19, Victoria Police acted incompatibly with the applicant’s right to protection in the best interests of the child, pursuant to Charter section 17(2) in breach of Charter section 38(1).

Further, in failing to take into account the applicant’s right to protection under section 17(2) in determining the priority given to the completion of the investigation, Victoria Police breached its obligations under Charter section 38(1) to give proper consideration to the applicant’s right to protection.

The Commission made submissions regarding the scope of the right of a child to the protection of their best interests under section 17(2) and the right to be charged without delay under section 25(2)(c). On 22 March 2017, the Court of Appeal dismissed the appeal, finding that the Director of Public Prosecutions (as the relevant public authority) did not breach the Charter. It ordered the proceeding in the County Court be expedited for Baker to remain eligible for detention in a youth justice centre in the event the County Court made a confinement order.

Charter Interventions

A party to a proceeding in the Supreme Court or County Court must give notice to the Attorney- General and the Commission where the Charter is an issue in the proceedings. The Attorney-General and the Commission have the right to intervene in any court cases in Victoria that raise Charter issues.

Through its interventions, the Commission aims to contribute to building a body of case law that clarifies the Charter’s operation, the meaning of the rights in the Charter, and when limitations on rights can be justified.

Year	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17
Notifications	49	44	55	31	30	17	25	26	29
Interventions	5	7	9	5	6	5	3	4	5

Charter Report 2015

Our annual Charter Report brings the Charter to life and illustrates how making decisions with a human rights lens can change people’s lives. It presents a great opportunity to reflect on the ways this unique piece of legislation impacts the Victorian community.

The Commission's 2015 report on the Charter of Human Rights and Responsibilities was tabled in Parliament on 11 October 2016 and identifies a critical need for greater investment in human rights education and the development of a stronger human rights culture across government.

The report incorporates information received from consultations with state government departments and agencies, local governments, community organisations and courts and tribunals. It focuses on the protection and promotion of four fundamental rights under the Charter: the right to equality, the right to protection of families and children, cultural rights and the right to liberty and security.

The report highlights some compelling examples of human rights leadership, particularly in advancing gender equality, including: Victoria Police commissioning an independent review into sex discrimination and sexual harassment; the Department of Environment, Land, Water and Planning’s commitment to flexible work practices; the establishment of a Gender and Sexuality Commissioner and LGBTI taskforce.

While human rights belong to all Victorians, they are particularly important to the most vulnerable people in our community. And the report shows that protecting human rights not only leads to better outcomes for individuals, it strengthens the Victorian community for everyone.

Submissions

The Commission has a role in commenting on proposed amendments to and the development of law and policy to ensure the principles of equality and human rights are prioritised. In 2016/17 the Commission made submissions to the following inquiries, reviews and committees:

- Submission to the Department of Justice and Regulation's Review of Equality and Fairness in Jury Selection – July 2016
- Submission to the Inquiry into Ride Sourcing Services – August 2016
- Submission to the Inquiry into Freedom of Speech – December 2016
- Submission to Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill – January 2017
- Submission to the Education and Training Reform Regulations 2017 – March 2017
- Submission on the Victoria Police Restorative Engagement and Redress Scheme – May 2017
- Submission on the Human Rights Certificate in relation to Regulation 25 of the Education and Training Reform Regulations 2017 – May 2017
- Submission to the Review of the Defined Benefits Scheme
- Submission on the Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017 – June 2017



Part 5
Financial notes
& statements

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

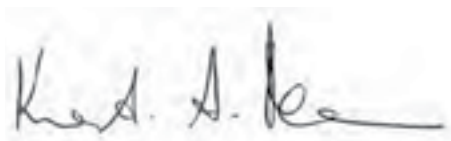
Chairperson, accountable officer, and chief finance and accounting officer's declaration

The attached financial statements for the Victorian Equal Opportunity and Human Rights Commission have been prepared in accordance with Standing Direction 5.2 of the *Financial Management Act 1994*, applicable Financial Reporting Directions, Australian Accounting Standards including Interpretations, and other mandatory professional reporting requirements.

We further state that, in our opinion, the information set out in the comprehensive operating statement, balance sheet, statement of changes in equity, cash flow statement, and accompanying notes forming part of the financial statements, presents fairly the financial transactions during the year ended 30 June 2017 and financial position of the Commission as at 30 June 2017.

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

We authorise the attached financial statements for issue on 11 October 2017



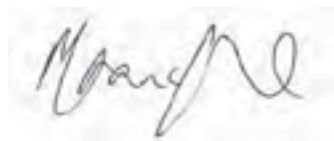
Kristen Hilton
Commissioner
Victorian Equal Opportunity and
Human Rights Commission

11 October 2017



Yamusa Alhassan
Chief Finance and Accounting Officer
Victorian Equal Opportunity and
Human Rights Commission

11 October 2017



Moana Weir
Chairperson of the Board
Victorian Equal Opportunity and
Human Rights Commission

11 October 2017

Independent Auditor's Report

To the Board of the Victorian Equal Opportunity and Human Rights Commission

Opinion	<p>I have audited the financial report of the Victorian Equal Opportunity and Human Rights Commission (the commission) which comprises the:</p> <ul style="list-style-type: none"> • balance sheet as at 30 June 2017 • comprehensive operating statement for the year then ended • statement of changes in equity for the year then ended • cash flow statement for the year then ended • notes to the financial statements, including a summary of significant accounting policies • chairperson, accountable officer and chief finance and accounting officer's declaration. <p>In my opinion the financial report presents fairly, in all material respects, the financial position of the commission as at 30 June 2017 and their financial performance and cash flows for the year then ended in accordance with the financial reporting requirements of Part 7 of the <i>Financial Management Act 1994</i> and applicable Australian Accounting Standards.</p>
Basis for Opinion	<p>I have conducted my audit in accordance with the <i>Audit Act 1994</i> which incorporates the Australian Auditing Standards. My responsibilities under the Act are further described in the <i>Auditor's Responsibilities for the Audit of the Financial Report</i> section of my report.</p> <p>My independence is established by the <i>Constitution Act 1975</i>. My staff and I are independent of the commission in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 <i>Code of Ethics for Professional Accountants</i> (the Code) that are relevant to my audit of the financial report in Australia. My staff and I have also fulfilled our other ethical responsibilities in accordance with the Code.</p> <p>I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.</p>
Board's responsibilities for the financial report	<p>The Board of the commission is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards and the <i>Financial Management Act 1994</i>, and for such internal control as the Board determine is necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error.</p> <p>In preparing the financial report, the Board is responsible for assessing the commission's ability to continue as a going concern, and using the going concern basis of accounting unless it is inappropriate to do so.</p>

Auditor's responsibilities for the audit of the financial report

As required by the *Audit Act 1994*, my responsibility is to express an opinion on the financial report based on the audit. My objectives for the audit are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the commission's internal control
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Board
- conclude on the appropriateness of the Board's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the commission's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the commission to cease to continue as a going concern.
- evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Board regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

MELBOURNE
12 October 2017


Travis Derricott
as delegate for the Auditor-General of Victoria

Victorian Equal Opportunity and Human Rights Commission

Comprehensive Operating Statement for the financial year ended 30 June 2017

	Notes	2017 \$	2016 \$
Continuing operations			
Income from transactions			
Government grants		9,201,051	8,360,828
Other income	2	-	860,245
Total income from transactions		9,201,051	9,221,073
Expenses from transactions			
Employee expenses	3(a)	(6,382,114)	(7,018,197)
Depreciation and amortisation	3(b)	(246,603)	(432,995)
Interest expense	3(c)	(3,441)	(2,822)
Supplies and services ⁽ⁱ⁾	3(d)	(2,187,892)	(1,715,711)
Other operating expenses	3(e)	(356,596)	(262,539)
Total expenses from transactions		(9,176,646)	(9,432,264)
Net result from transactions (net operating balance)		24,405	(211,191)
Other economic flows included in net result			
Other gains/(losses) from other economic flows	4	(11,025)	(15,041)
Total other economic flows included in net result		(11,025)	(15,041)
Net result		13,380	(226,232)
Comprehensive result		13,380	(226,232)

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

Note:

(i) Supplies and services has been separated out from other 'operating expenses' for better disclosure. The comparatives have been changed accordingly.

Victorian Equal Opportunity and Human Rights Commission

Balance Sheet as at 30 June 2017

	Notes	2017 \$	2016 \$
Assets			
Financial assets			
Cash and deposits	20	215,935	440,155
Receivables	5	2,436,376	1,968,951
Total financial assets		2,652,311	2,409,106
Non-financial assets			
Plant and equipment	6	87,187	229,933
Intangible assets	7	426,639	496,771
Total non-financial assets		513,826	726,704
Total assets		3,166,137	3,135,810
Liabilities			
Payables	8	351,213	175,577
Borrowings	9	79,279	66,911
Provisions	10	1,257,290	1,428,347
Total liabilities		1,687,782	1,670,835
Net assets		1,478,355	1,464,977
Equity			
Accumulated surplus/(deficit)		(1,132,143)	(1,145,522)
Contributed capital		2,610,498	2,610,498
Net worth		1,478,355	1,464,977
Commitments for expenditure	16		
Contingent assets and contingent liabilities	17		

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

Victorian Equal Opportunity and Human Rights Commission

**Statement of changes in equity
for the financial year ended 30 June 2017**

	<i>Accumulated (deficit)</i>	<i>Contributed capital</i>	<i>Total</i>
	\$	\$	\$
Balance at 1 July 2015	(919,290)	2,610,498	1,691,209
Net result for the year	(226,232)	-	(226,232)
Balance at 30 June 2016	(1,145,523)	2,610,498	1,464,977
Net result for the year	13,380	-	13,380
Balance at 30 June 2017	(1,132,144)	2,610,498	1,478,355

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

Victorian Equal Opportunity and Human Rights Commission

Cash flow statement

for the financial year ended 30 June 2017

Cash flow statement for the financial year ended 30 June 2017

	Notes	2017 \$	2016 \$
Cash flows from operating activities			
Receipts			
Receipts from Department of Justice and Regulation		8,733,626	7,795,526
Other receipts		-	860,245
Total receipts		8,733,626	8,655,771
Payments			
Payments to suppliers and employees		(8,932,791)	(8,926,132)
Interest and other costs of finance paid		(3,698)	(3,177)
Total payments		(8,936,489)	(8,929,309)
Net cash flows from / (used in) operating activities	20(b)	(202,863)	(273,538)
Cash flows from investing activities			
Purchases of non-financial assets		(33,725)	(51,448)
Sales of non-financial assets		-	20,038
Net cash flows from / (used in) investing activities		(33,725)	(31,410)
Cash flows from financing activities			
Owner contributions by State Government			
Proceeds from borrowings		12,368	13,162
Repayment of borrowings and finance leases			
Net cash flows from / (used in) financing activities		12,368	13,162
Net increase / (decrease) in cash and cash equivalents		(224,220)	(291,786)
Cash and cash equivalents at the beginning of the financial year		440,155	731,942
Cash and cash equivalents at the end of the financial year	20(a)	215,935	440,155

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

Note 1: Summary of significant accounting policies

These annual financial statements represent the audited general purpose financial statements for the Victorian Equal Opportunity and Human Rights Commission (the Commission) for the period ended 30 June 2017. The purpose of the report is to provide users with information about the Commission's stewardship of resources entrusted to it.

(A) Statement of compliance

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

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

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

To gain a better understanding of the terminology used in this report, a glossary of terms can be found in Note 22.

These annual financial statements were authorised for issue by the Commissioner on 11 October 2017.

(B) Basis of accounting preparation and measurement

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

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

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

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

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

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

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

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

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

Note 1: Summary of significant accounting policies (continued)

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

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

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

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

(C) Reporting entity

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

Its principal address is:

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

Objectives and funding

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

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

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

Note 1: Summary of significant accounting policies (continued)

(D) Scope and presentation of financial statements

Comprehensive operating statement

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

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

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

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

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

Balance sheet

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

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

Cash flow statement

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

Statement of changes in equity

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

Rounding

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

(E) Income from transactions

Government grants

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

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

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

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

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

Other income

Other income from third parties are recognised as income in the reporting period in which the Commission gains control over the underlying assets. The income is for collaborative work with external stakeholders with the objective of eliminating inequality and sexual harassment, and promoting equal opportunity and human rights.

Note 1: Summary of significant accounting policies (continued)**(F) Expenses from transactions**

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

Employee expenses

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

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

Superannuation

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

Depreciation

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

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

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

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

Grants and other transfers

Grants and other transfers to third parties (other than contribution to owners) are recognised as an expense in the reporting period in which they are paid or payable. Refer to Note 22 for an explanation of grants and other transfers.

Interest expense

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

Other operating expenses

Other operating expenses generally represent the day to day running costs incurred in normal operations.

Supplies and services

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

Bad and doubtful debts

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

(G) Other economic flows included in the net result

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

Note 1: Summary of significant accounting policies (continued)

Other gains/(losses) from other economic flows

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

(H) Financial Instruments

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

The following refers to financial instruments unless otherwise stated.

Categories of non-derivative financial instruments

Loans and receivables

Loans and receivables are financial instrument assets with fixed and determinable payments that are not quoted on an active market. These assets are initially recognised at fair value plus any directly attributable transaction costs. Subsequent to initial measurement, loans and receivables are measured at amortised cost using the effective interest method, less any impairment.

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

Financial liabilities at amortised cost

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

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

(I) Financial assets

Cash and deposits

Cash and deposits recognised on the balance sheet comprises funds held in trust.

Receivables

Receivables consist of:

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

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

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

Note 1: Summary of significant accounting policies (continued)

Impairment of financial assets

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

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

(J) Non-financial assets

Plant and equipment

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

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

Leasehold improvements

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

Revaluation of non-financial physical assets

Non-financial physical assets are measured at fair value on a cyclical basis, in accordance with the Financial Reporting Directions (FRDs) issued by the Minister for Finance. A full revaluation normally occurs every five years, based on the asset's government purpose classification, but may occur more frequently if fair value assessments indicate material changes in values. Independent valuers are generally used to conduct these scheduled revaluations. Any interim revaluations are determined in accordance with the requirements of the FRDs.

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

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

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

Note 1: Summary of significant accounting policies (continued)

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

Intangible assets

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

(K) Liabilities*Payables consist of:*

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

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

Provisions

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

Employee benefits

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

Wages and salaries, annual leave and sick leave

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

The liability for salaries and wages are recognised in the balance sheet at remuneration rates which are current at the reporting date. As the Commission expects the liabilities to be wholly settled within 12 months of reporting date, they are measured at undiscounted amounts.

The annual leave liability is classified as a current liability and measured at the undiscounted amount expected to be paid, as the Commission does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the reporting period.

No provision has been made for sick leave as all sick leave is non-vesting and it is not considered probable that the average sick leave taken in the future will be greater than the benefits accrued in the future. As sick leave is non-vesting, an expense is recognised in the Statement of Comprehensive Income as it is taken.

Employee benefits on-costs such as payroll tax, workers compensation, and superannuation are not employee benefits. They are disclosed separately as a component of the provision for employee benefits when the employment to which they relate has occurred.

(ii) Long service leave

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

The department adopted a new model to calculate the provision for long service leave in 2016-17. The previous model assumed that long service leave is taken as a lump sum, the new model assumes it is taken a few days at a time. Therefore, the new model apportions more of the unconditional long service leave liability over future years than the old model, based on an assumed pattern of payments.

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

The components of this current LSL liability are measured at:

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

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

Any gain or loss following revaluation of the present value of non-current LSL liability is recognised as a transaction, except to the extent that a gain or loss arises due to changes in bond interest rates for which it is then recognised as an 'other economic flow' (refer to Note 1 (G)).

(iii) Termination benefits

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

(L) Leases

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

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

Finance leases

Commission as lessee

At the commencement of the lease term finance leases are initially recognised as assets and liabilities at amounts equal to the fair value of the leased property or, if lower, the present value of the minimum lease payment, each determined at the inception of the lease. The lease asset is accounted for as a non-financial physical asset. If there is certainty that the Commission will obtain the ownership of the lease asset by the end of the lease term, the asset shall be depreciated over the useful life of the asset. If there is no reasonable certainty that the lessee will obtain ownership by the end of the lease term, the asset shall be fully depreciated over the shorter of the lease term and its useful life.

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

Operating leases

Commission as lessee

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

(M) Equity

Contributions by owners

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

(N) Commitments

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

(O) Contingent assets and contingent liabilities

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

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

Income, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the taxation authority. In this case it is recognised as part of the cost of acquisition of the asset or as part of the expense. DJR manages the GST transactions on behalf of the Commission and the net amount of GST recoverable from or payable to the taxation authority is recognised in the DJR's financial statements.

(Q) Events after the reporting period

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

Note 1: Summary of significant accounting policies (continued)

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

Certain new accounting standards (AAS) have been published that are not mandatory for the 30 June 2017 reporting period. DTF assesses the impact of all these new standards and advises the Commission of their applicability and early adoption where applicable.

Standard / Interpretation	Summary	Applicable for annual reporting periods beginning on	Impact on Commission financial statements
AASB 9 Financial instruments	The key changes include the simplified requirements for the classification and measurement of financial assets, a new hedging accounting model and a revised impairment loss model to recognise impairment losses earlier, as opposed to the current approach that recognises impairment only when incurred.	1 Jan 2018	The assessment has identified that the financial impact of available for sale (AFS) assets will now be reported through other comprehensive income (OCI) and no longer recycled to the profit and loss. While the preliminary assessment has not identified any material impact arising from AASB 9, it will continue to be monitored and assessed.
AASB 16 Leases	The key changes introduced by AASB 16 include the recognition of most operating leases (which are currently not recognised) on balance sheet.	1 Jan 2019	The assessment has indicated that as most operating leases will come on balance sheet, recognition of lease assets and lease liabilities will cause net debt to increase. Depreciation of lease assets and interest on lease liabilities will be recognised in the income statement with marginal impact on the operating surplus. The amounts of cash paid for the principal portion of the lease liability will be presented within financing activities and the amounts paid for the interest portion will be presented within operating activities in the cash flow statement. No change for lessors.
AASB 2010 - 7 Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 and Interpretations 2, 5, 10, 12, 19 & 127]	The requirements for classifying and measuring financial liabilities were added to AASB 9. The existing requirements for the classification of financial liabilities and the ability to use the fair value option have been retained. However, where the fair value option is used for financial liabilities the change in fair value is accounted for as follows: • the change in fair value attributable to changes in credit risk is presented in other comprehensive income (OCI); and • other fair value changes are presented in profit or loss. If this approach creates or enlarges an accounting mismatch in the profit or loss, the effect of the changes in credit risk are also presented in profit or loss.	1 Jan 2018	The assessment has identified that the amendments are likely to result in earlier recognition of impairment losses and at more regular intervals. Changes in own credit risk in respect of liabilities designated at fair value through profit and loss will now be presented within other comprehensive income (OCI). Hedge accounting will be more closely aligned with common risk management practices making it easier to have an effective hedge. For entities with significant lending activities, an overhaul of related systems and processes may be needed.
AASB 2014 - 1 Amendments to Australian Accounting Standards [Part E Financial Instruments]	Amends various AASs to reflect the AASB's decision to defer the mandatory application date of AASB 9 to annual reporting periods beginning on or after 1 January 2018; as a consequence of Chapter 6; and to amend reduced disclosure requirements.	1 Jan 2018	This amending standard will defer the application period of AASB 9 to the 2018-19 reporting period in accordance with the transition requirements.
AASB 2014 - 5 Amendments to Australian Accounting Standards arising from AASB 15	Amends the measurement of trade receivables and the recognition of dividends.	1 January 2017, except amendments to AASB 9 (December 2009) and AASB 9 (December 2010) apply 1 January 2018.	The assessment has indicated that there will be no significant impact for the public sector.
AASB 2014 - 7 Amendments to Australian Accounting Standards arising from AASB 9	Amends various AASs to incorporate the consequential amendments arising from the issuance of AASB 9.	1 Jan 2018	The assessment has indicated that there will be no significant impact for the public sector.

Notes to the Financial Statements continued

30 June 2017

Note 2. Income from transactions

	2017 \$	2016 \$
Victorian male champions of change	-	590,000
Sex discrimination and harassment in Victoria Police	-	270,245
Total other income	-	860,245

Note 3. Expenses from transactions**(a) Employee expenses**

Post employment benefits		
Defined contribution superannuation expense	(458,899)	(538,660)
Defined benefit superannuation expense	(33,759)	(29,955)
Termination Benefits	(163,957)	-
Salary, annual leave and long service leave	(5,391,838)	(6,077,411)
Other on-costs (fringe benefits tax, payroll tax and workcover levy)	(333,661)	(372,171)
Total employee expenses	(6,382,114)	(7,018,197)

(b) Depreciation and amortisation

Plant and equipment	(2,419)	(2,595)
Software	(70,132)	(70,132)
Amortisation expense - leasehold improvements	(152,569)	(343,281)
Amortisation expense - leased motor vehicles	(21,483)	(16,987)
Total depreciation and amortisation	(246,603)	(432,995)

(c) Interest expense

Interest on finance leases	(3,441)	(2,822)
Total interest expense	(3,441)	(2,822)

(d) Supplies and services

Supplies and services		
Travel, personal and entertainment	(55,987)	(73,878)
Printing, stationery and office expenses	(297,486)	(227,476)
Postage, communication and couriers	(151,862)	(105,415)
Contractors, consultants and professional services	(550,273)	(492,027)
Rent, utilities and property services	(797,731)	(658,123)
Information technology	(154,332)	(68,917)
Repairs and maintenance	(58,944)	(24,356)
Training and development	(121,278)	(65,519)
Total supplies and services	(2,187,892)	(1,715,711)

(e) Other operating expenses

Grants paid	(198,326)	(13,077)
Vehicles	(9,185)	3,369
Insurance premiums (non MV)	(3,040)	(3,092)
Honorarium payments	(800)	(116)
Display costs - events/shows	(5,364)	(3,072)
Interpreter/translation services	(10,555)	(22,782)
Police/hospital records search	(462)	(327)
Application/todgement/licensing Fees	(3,110)	(659)
Membership subscriptions to professional bodies	(8,116)	(11,063)
Legal Settlements	(67,324)	-
Purchases of valuation services	(2,244)	-
Purchase of services - CenITex	(25,693)	(27,760)
Operating expense recoup	(20)	(163,306)
Assets given free of charge	-	(199)
Audit services	(22,100)	(20,100)
Bank fees and finance charges	(257)	(355)
Total other operating expenses	(356,596)	(262,539)

Notes to the Financial Statements continued
 30 June 2017
Note 4. Other economic flows included in net result

	2017 \$	2016 \$
Other gains/(losses) from other economic flows		
Net gain/(loss) arising from revaluation of long service leave liability ⁽ⁱ⁾	(11,025)	(15,041)
Total other gains/(losses) from other economic flows	(11,025)	(15,041)

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

Note 5. Receivables

	2017 \$	2016 \$
Current receivables		
Contractual		
Receivables	-	45,563
	-	45,563
Statutory		
Amount owing from Department of Justice and Regulation ⁽ⁱ⁾	2,284,205	1,617,528
	2,284,205	1,617,528
Total current receivables	2,284,205	1,663,091
Non-current receivables		
Statutory		
Amount owing from Department of Justice and Regulation ⁽ⁱ⁾	152,171	305,860
Total non-current receivables	152,171	305,860
Total receivables	2,436,376	1,968,951

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

(a) Ageing analysis of contractual receivables

Please refer to Note 11 for the ageing analysis of contractual receivables.

(b) Nature and extent of risk arising from contractual receivables

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

Note 6. Plant and equipment**Classification by 'Public Safety and Environment' Purpose Group - carrying amounts ⁽ⁱ⁾**

	2017 \$	2016 \$
Leasehold improvements:		
Leasehold improvements at fair value	-	152,569
Plant and equipment:		
Plant and equipment at fair value	8,405	10,824
Motor vehicles under lease:		
Motor vehicles under lease at fair value	78,782	66,540
Net carrying amount of plant and equipment	87,187	229,933

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

Notes to the Financial Statements

30 June 2017

Note 6. Plant and equipment (continued)

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

	Leasehold Improvements at fair value		Plant & equipment at fair value		Motor vehicles under lease at fair value		Total	
	\$	\$	\$	\$	\$	\$	\$	\$
	2017	2016	2017	2016	2017	2016	2017	2016
Opening balance	152,569	495,850	10,822	12,496	66,539	53,037	229,933	561,385
Additions	-	-	-	-	33,725	51,448	33,725	51,448
Disposals	-	-	-	-	-	(20,959)	-	(20,959)
Fair value of transfer free of charge	-	-	-	921	-	-	-	921
Depreciation/amortisation expense ⁽ⁱⁱ⁾	(152,569)	(343,281)	(2,419)	(2,595)	(21,483)	(16,987)	(176,471)	(362,863)
Closing Balance	-	152,569	8,402	10,822	78,781	66,539	87,187	229,933

Notes:

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

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

Notes to the Financial Statements continued
 30 June 2017
Note 6. Plant and equipment (continued)

Fair value measurement hierarchy for assets as at 30 June 2017

	Carrying amount as at 30 June 2017	Fair value measurement at end of reporting period using:			Carrying amount as at 30 June 2016	Fair value measurement at end of reporting period using:		
		Level 1 ⁽ⁱ⁾	Level 2 ⁽ⁱ⁾	Level 3 ⁽ⁱ⁾		Level 1 ⁽ⁱ⁾	Level 2 ⁽ⁱ⁾	Level 3 ⁽ⁱ⁾
		\$	\$	\$		\$	\$	\$
Leasehold improvements at fair value:	-			-	152,569			839,131
Total of leasehold improvements at fair value	-			-	152,569			152,569
Plant and equipment at fair value	8,402			8,402	10,822			10,822
Total of plant and equipment at fair value	8,402			8,402	10,822			10,822

Notes:

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

There have been no transfers between levels during the period.

Notes to the Financial Statements continued
 30 June 2017
Note 6. Plant and equipment (continued)**Vehicles**

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

Plant and equipment

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

Leasehold improvements

Leasehold improvements are held at fair value being depreciated cost. As there is no evidence of a reliable market-based fair value (or other relevant fair value indicators) for leasehold improvements (or any such evidence does not indicate a fair value significantly different from depreciated cost), depreciated cost is the fair value for these types of assets. The valuation of leasehold improvements is based on significant unobservable inputs and accordingly is classified as Level 3 assets.

There were no changes in valuation techniques throughout the period to 30 June 2017.

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

Reconciliation of Level 3 fair value for 2017

	<i>Leasehold improvement</i>	<i>Plant and equipment</i>
Opening balance at 1 July 2016	152,569	10,822
Depreciation	(152,569)	(2,419)
Impairment loss	-	-
Subtotal	(152,569)	(2,419)
Gains or losses recognised in other economic flows - other comprehensive income		
Revaluation		
Subtotal	-	-
Closing balance	-	8,402
Unrealised gains/(losses) on non-financial assets		

Reconciliation of Level 3 fair value for 2016

	<i>Leasehold improvement</i>	<i>Plant and equipment</i>
Opening balance at 1 July 2015	495,850	12,496
Transfers in (out) of Level 3	-	921
Depreciation	(343,281)	(2,595)
Impairment loss	-	-
Subtotal	(343,281)	(1,674)
Gains or losses recognised in other economic flows - other comprehensive income		
Revaluation		
Subtotal		
Closing balance	152,569	10,822
Unrealised gains/(losses) on non-financial assets		

Description of significant unobservable inputs to Level 3 valuations for 2017 and 2016

	<i>Valuation technique</i>	<i>Significant unobservable inputs</i>
Plant and equipment	Depreciated replacement cost	cost per unit
		Useful life of plant and equipment
Leasehold improvements	Depreciated replacement cost	cost per unit
		Useful life of leasehold improvements

The significant unobservable inputs have remained unchanged from 2016.

Notes to the Financial Statements continued

30 June 2017

Note 7. Intangible assets

	Computer Software	Computer Software
	2017	2016
	\$	\$
Gross carrying amount		
Opening Balance	701,324	701,324
Additions to work-in-progress	-	-
Closing balance	701,324	701,324
Accumulated depreciation, amortisation and impairment		
Opening balance	204,552	134,420
Amortisation expense ⁽ⁱ⁾	70,132	70,132
Disposals or classified as held for sale	-	-
Closing balance	274,684	204,552
Net book value at end of financial year	426,639	496,772

Notes:

(i) The consumption of intangible produced assets is included in the 'depreciation and amortisation expense' in Note 3 and the comprehensive operating statement.

Significant intangible assets

The Commission has capitalised software development expenditure in respect of its Case Management System. The carrying amount of the capitalised software development expenditure is \$426,639 (2016: 496,772). Its useful life is 10 years and will be fully amortised in 2023. It is designed to capture complaint data to identify trends and areas of systemic discrimination. The system has a training module that manages all training sessions and speaking engagements provided by the Commission. It also manages the Commission's stakeholders and has the ability to generate mail merge letters and emails to all contacts.

Notes to the Financial Statements continued
 30 June 2017
Note 8. Payables

	2017	2016
	\$	\$
Current payables		
Contractual		
Supplies and services ⁽ⁱ⁾	163,933	63,609
Accruals - expenses ⁽ⁱ⁾	71,476	19,919
Accruals - salaries ⁽ⁱ⁾	112,984	89,416
Total contractual payables	348,393	172,944
Statutory		
Accruals - Fringe Benefits Tax ⁽ⁱ⁾	2,820	2,633
Total statutory payables	2,820	2,633
Total payables	351,213	175,577

Note:

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

(a) Maturity analysis of payables

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

(b) Nature and extent of risk arising from payables

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

Note 9. Borrowings

	2017	2016
	\$	\$
Current borrowings		
Finance lease liabilities ⁽ⁱ⁾ (Note 18)	29,301	14,670
Total current borrowings	29,301	14,670
Non-current borrowings		
Finance lease liabilities ⁽ⁱ⁾ (Note 18)	49,978	52,241
Total non-current borrowings	49,978	52,241
Total borrowings	79,279	66,911

Note:

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

(a) Maturity analysis of borrowings

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

(b) Nature and extent of risk arising from borrowings

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

Notes to the Financial Statements continued
 30 June 2017
Note 10. Provisions

	2017	2016
	\$	\$
Current provisions		
Employee Benefits ⁽ⁱ⁾ (Note 10(a)) - annual leave:		
Unconditional and expected to settle within 12 months ⁽ⁱⁱ⁾	295,114	274,407
Unconditional and expected to settle after 12 months ⁽ⁱⁱⁱ⁾	36,161	36,821
Long service leave (Note 10(a)):		
Unconditional and expected to settle within 12 months ⁽ⁱⁱ⁾	67,205	286,997
Unconditional and expected to settle after 12 months ⁽ⁱⁱⁱ⁾	506,708	286,572
	905,188	884,797
Provisions for on-costs (Note 10(a))		
Unconditional and expected to settle within 12 months ⁽ⁱⁱ⁾	85,516	135,942
Unconditional and expected to settle after 12 months ⁽ⁱⁱⁱ⁾	91,045	54,773
	176,561	190,715
Total current provisions	1,081,749	1,075,512
Non-current provisions		
Employee Benefits (Note 10(a))	152,171	305,860
On-costs	23,371	46,975
Total non-current provisions	175,541	352,835
Total provisions ^(iv)	1,257,290	1,428,347

Notes:

- (i) Employee benefits consist of annual leave and long service leave accrued by employees. On-costs such as payroll tax and workers' compensation insurance are not employee benefits and are recognised as a separate provision.
- (ii) The amounts disclosed are nominal amounts.
- (iii) The amounts disclosed are discounted to present values.
- (iv) decrease from previous year due to reduction in staff from organisational restructure.

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

	2017	2016
	\$	\$
Current employee benefits:		
Annual leave	331,276	311,228
Long service leave	573,912	573,569
Non-current employee benefits:		
Long Service leave	152,171	305,860
Total employee benefits	1,057,359	1,190,658
Current on-costs	176,561	190,715
Non-current on-costs	23,371	46,975
Total on-costs	199,931	237,690
Total employee benefits and on-costs	1,257,290	1,428,347

Note:

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

(b) Movement in on-cost provision

	On-costs 2017	On-costs 2016
	\$	\$
Opening balance	237,690	221,793
Additional provisions recognised	105,167	164,628
Reductions arising from payments etc.	(142,926)	(148,731)
Closing balance	199,931	237,690
Current	176,561	190,715
Non-current	23,371	46,975
	199,931	237,690

Notes to the Financial Statements

30 June 2017

Note 11. Financial instruments

(a) Financial risk management objectives and policies

The Commission's principal financial instruments comprise of:

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

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

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

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

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

Categorisation of financial instruments

	Contractual financial liabilities at amortised cost	Contractual financial assets, loans and receivables	Total
2017			
		\$	\$
Contractual financial assets			
Cash and deposits	-	215,935	215,935
Receivables ⁽ⁱ⁾	-	-	-
Total contractual financial assets	-	215,935	215,935
Contractual financial liabilities			
Payables ⁽ⁱⁱ⁾	348,393	-	348,393
Finance lease liabilities	79,279	-	79,279
Total contractual financial liabilities	427,672	-	427,672
2016			
		\$	\$
Contractual financial assets			
Cash and deposits	-	440,155	440,155
Receivables ⁽ⁱ⁾	-	45,563	45,563
Total contractual financial assets	-	485,718	485,718
Contractual financial liabilities			
Payables ⁽ⁱⁱ⁾	172,944	-	172,944
Finance lease liabilities	66,911	-	66,911
Total contractual financial liabilities	239,855	-	239,855

Notes:

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

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

(b) Credit risk

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

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

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

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

Contractual financial assets that are either past due or impaired

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

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

Notes to the Financial Statements continued

30 June 2017

Note 11. Financial instruments (continued)

Ageing analysis of contractual financial assets

2017	Carrying amount	Not past due and not impaired	Past due but not impaired				Impaired financial assets
			Less than 1 month	1 - 3 months	3 months - 1 year	1 - 5 years	
Cash and deposits	\$ 215,935	\$ 215,935					
Receivables ⁽ⁱ⁾	-	-					
Total	215,935	215,935					
2016							
Cash and deposits	440,155	440,155					
Receivables (i)	45,563	45,563					
Total	485,718	485,718					

Note:

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

(c) Liquidity risk

Liquidity risk is the risk that the Commission would be unable to meet its financial obligations as and when they fall due.

The Commission operates under the Government fair payments policy of settling financial obligations within 30 days and in the event of a dispute, make payments within 30 days from the date of resolution.

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

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

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

Maturity analysis of contractual financial liabilities ⁽ⁱ⁾

2017	Carrying amount	Nominal amount	Maturity dates				
			Less than 1 month	1 - 3 months	3 months - 1 year	1 - 5 years	5+ years
Payables: ⁽ⁱⁱ⁾							
Supplies and services	348,393	348,393	348,393	-	-	-	-
Interest bearing liabilities:							
Lease liabilities	79,279	82,126	-	-	31,430	50,696	-
Total	427,672	430,519	348,393	-	31,430	50,696	-
2016							
Payables: ⁽ⁱⁱ⁾							
Supplies and services	172,944	172,944	172,944	-	-	-	-
Interest bearing liabilities:							
Lease liabilities	66,911	71,343	1,429	2,859	12,865	54,189	-
Total	239,855	244,287	174,373	2,859	12,865	54,189	-

Notes:

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

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

Notes to the Financial Statements continued

30 June 2017

Note 11. Financial instruments (continued)

(d) Market risk

The Commission's exposure to market risk is primarily through interest rate risk. The exposure to interest rate risk is insignificant and arises primarily through the Commission's interest bearing liabilities (4 motor vehicles leased through VicFleet).

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

Interest rate exposure of financial instruments

	Weighted average effective interest rate	Carrying amount	Interest rate exposure		
			Fixed interest rate	Variable interest rate	Non- interest bearing
2017	%	\$	\$	\$	\$
Financial Assets					
Cash and deposits		215,935			215,935
Receivables: ⁽ⁱ⁾					
Sale of goods and services		-			-
Total financial assets		215,935			215,935
Financial Liabilities					
Payables ⁽ⁱ⁾ :					
Supplies and services		348,393	-	-	348,393
Lease liabilities	3.90%	79,279	79,279	-	-
Total financial liabilities		427,672	79,279	-	348,393
2016					
Financial Assets					
Cash and deposits		440,155			440,155
Receivables: (i)					
Sale of goods and services		45,563			45,563
Total financial assets		485,718			485,718
Financial Liabilities					
Payables (i):					
Supplies and services		172,944	-	-	172,944
Lease liabilities	4.16%	66,911	66,911	-	-
Total financial liabilities		239,855	66,911	-	172,944

Note:

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

(e) Fair value

The fair values and net fair values of financial instrument assets and liabilities are determined as follows:

Level 1 - the fair value of financial instrument with standard terms and conditions and traded in active liquid markets are determined with reference to quoted market prices;

Level 2 - the fair value is determined using inputs other than quoted prices that are observable for the financial asset or liability, either directly or indirectly; and

Level 3 - the fair value is determined in accordance with generally accepted pricing models based on discounted cash flow analysis using unobservable market inputs.

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

All financial assets and liabilities are at Level 1 fair value hierarchy.

Notes to the Financial Statements continued

30 June 2017

Note 12. Responsible persons

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

Names

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

Attorney-General	The Hon. Martin Pakula, MP	1 July 2016 - 30 June 2017
Acting Attorney-General	The Hon. Natalie Hutchins, MP	1 July 2016 - 5 July 2016
	The Hon. Jill Hennessy, MP	6 July 2016 - 10 July 2016
	The Hon. Lisa Neville, MP	2 September 2016 - 13 September 2016
	The Hon. Steve Herbert, MP	16 September 2016 - 25 September 2016
	The Hon. Gayle Tierney, MP	17 December 2016 - 20 December 2016
	The Hon. Lisa Neville, MP	21 December 2016 - 24 December 2016
	The Hon. Jill Hennessy, MP	25 December 2016 - 29 December 2016
	The Hon. Gayle Tierney, MP	30 December 2016 - 8 January 2017
	The Hon. Lisa Neville, MP	23 January 2017 - 29 January 2017
	The Hon. Lisa Neville, MP	24 February 2017 - 1 March 2017
Secretary to the Department of Justice and Regulation	Greg Wilson	1 July 2016 - 30 June 2017
Acting Secretary to the Department of Justice and Regulation	Donald Speagle	16 January 2017 - 1 February 2017

The persons who held positions as Accountable Officer and Board Members in the Commission are as follows:

Commissioner	Ms Kristen Hilton	1 July 2016 - 30 June 2017
Board Member, Chair from 23 August 2016	Ms Moana Weir	1 July 2016 - 30 June 2017
Board Member	Ms Jennifer Huppert	11 October 2016 - 30 June 2017
Board Member	Ms Laurinda Gardner	4 April 2017 - 30 June 2017
Board Member	Mr Faddy Zouky	4 April 2017 - 30 June 2017
Board Member	Mr Josef Szwarz	1 July 2016 - 9 January 2017
Board Member, Chair	Mr John Searle	1 July 2016 - 22 August 2016
Board Member	Ms Colleen Pearce	1 July 2016 - 9 February 2017
Board Member	Mr Abeselom Nega	1 July 2016 - 30 June 2017
Board Member	Mr Timothy Goodwin	1 July 2016 - 30 June 2017
Board Member	Ms Megan Boston	1 July 2016 - 30 June 2017

Remuneration

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

Income Band	Total Remuneration	
	2017	2016
\$0 – \$9,999	10	6
\$10,000 – \$19,999		1
\$20,000 – \$29,999		2
\$30,000 – \$39,999		
\$40,000 – \$49,999		
\$70,000 – \$79,999		
\$90,000 – \$99,999		
\$100,000 - \$109,999		
\$160,000 – \$169,999		1
\$200,000 – \$209,999		
\$250,000 – \$259,999		1
\$270,000 – \$279,999	1	
\$330,000 – \$339,999		
Total numbers	11	11
Total amount	294,853	499,241

Remuneration received or receivable by Ministers is reported in the financial statements of the Department of Premier and Cabinet. For information regarding related party transactions of ministers, the register of member's interests is publicly available from:

www.parliament.vic.gov.au/publications/register-of-interests

Notes to the Financial Statements continued

30 June 2017

Note 13. Remuneration of executives

The number of executive officers, other than ministers and accountable officers, and their total remuneration during the reporting period are shown in the table below. Total annualised employee equivalents provides a measure of full time equivalent executive officers over the reporting period.

Remuneration comprises employee benefits in all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered, and is disclosed in the following categories.

Short-term employee benefits include amounts such as wages, salaries, annual leave or sick leave that are usually paid or payable on a regular basis, as well as non-monetary benefits such as allowances and free or subsidised goods or services.

Post-employment benefits include pensions and other retirement benefits paid or payable on a discrete basis when employment has ceased.

Other long-term benefits include long service leave, other long service benefits or deferred compensation.

Termination benefits include termination of employment payments, such as severance packages.

Remuneration of executive officers
(also disclosed in Note 14)

	2017	2016 ^(a)
	\$	\$
Short-term employee benefits	188,753	
Post-employment benefits	17,816	
Other long-term benefits	11,670	
Total remuneration ^{(a) (b)}	218,239	
Total number of executives	1	1
Total annualised employee equivalents ^(c)	1	1

Notes:

(a) No comparatives have been reported because remuneration in the prior year was determined in line with the basis and definition under FRD 21B. Remuneration previously excluded non-monetary benefits and comprised any money, consideration or benefit received or receivable, excluding reimbursement of out-of-pocket expenses, including any amount received or receivable from a related party transaction. Refer to the prior year's financial statements for executive remuneration for the 2015-16 reporting period.

(b) The total number of executive officers includes persons who meet the definition of Key Management Personnel (KMP) of the entity under AASB 124 Related Party Disclosures and are reported within the related parties note disclosure (Note 14).

(c) Annualised employee equivalent is based on the time fraction worked over the reporting period.

Notes to the Financial Statements continued

30 June 2017

Note 14. Related parties

The Commission is an independent statutory authority of the State of Victoria.

Related parties of the Commission include:

- all cabinet ministers and their close family members;
- all departments and public sector entities that are controlled and consolidated into the whole of state consolidated financial statements; and
- all key management personnel and their close family members and personal business interests (controlled entities, joint ventures and entities they have significant influences over)

All related party transactions have been entered into on an arm's length basis.

Key management personnel of the Commission include:

- the Attorney-General
- the Acting Attorney-General
- the Commissioner
- the Executive Officer
- Ms Moana Weir - Board Member (Chair 23 August 2016 - 30 June 2017)
- Ms Colleen Pearce - Board Member
- Mr Josef Szwarc - Board Member
- Mr Abeselom Nega - Board and Audit Committee Member
- Ms Megan Boston - Board and Audit Committee Member (Chair)
- Ms Jennifer Huppert - Board Member
- Ms Laurinda Gardner - Board Member
- Mr Timothy Goodwin - Board Member
- Mr Faddy Zouky - Board Member
- Mr John Searle - Board Member (Chair 1 July 2016 - 22 August 2016)

The compensation detailed below excludes the salaries and benefits the Portfolio Minister receives. The Minister's remuneration and allowances is set by the *Parliamentary Salaries and Superannuation Act 1968* and is reported within the Department of Parliamentary Services' Financial Report

Compensation of KMPs

	2017
	\$
Short-term employee benefits	463,990
Post-employment benefits	38,928
Other long-term benefits	16,345
Total ^(a)	519,263

Notes:

(a) KMPs are also reported in the disclosure of remuneration of executive officers (Note 13).

Transactions and balances with key management personnel and other related parties

Outside of normal citizen type transactions, there were no related party transactions that involved key management personnel, their close family members and their personal business interests. The Commission receives income from Government as shown in the Comprehensive Operating Statement. The Commission makes payments such as payroll tax, superannuation contributions and work cover to government related entities as shown in note 3(a), audit fees to the Victorian Auditor-General's Office (VAGO) as shown in note 15 and software licences to Centre for IT Excellence (CenITex) as shown in note 3(d).

Other transactions

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

Note 15. Remuneration of auditors

	2017	2016
	\$	\$
Victorian Auditor - General's Office		
Audit of the financial statements	22,100	20,100
	22,100	20,100

Notes to the Financial Statements continued
 30 June 2017
Note 16. Commitments for expenditure**(a) Capital expenditure**

There are no capital expenditure commitments as at 30 June 2017 (2016:\$Nil)

(b) Lease commitments

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

Note 17. Contingent assets and contingent liabilities

There are no contingent liabilities or contingent assets as at 30 June 2017 (2016:\$Nil).

Note 18. Leases**Leasing arrangements**

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

Finance lease liabilities

	Minimum future lease payments ⁽ⁱ⁾		Present value of minimum future lease payments	
	2017	2016	2017	2016
	\$	\$	\$	\$
Not longer than 1 year	31,430	17,153	29,301	14,670
Longer than 1 year and not longer than 5 years	50,696	54,189	49,978	52,241
Minimum future lease payments	82,126	71,343	79,279	66,911
less: Future finance charges	(2,847)	(4,432)	-	-
Present value of minimum lease payments	79,279	66,911	79,279	66,911
Included in the financial statements as:				
Current interest bearing liabilities (Note 9)			29,301	14,670
Non-current interest bearing liabilities (Note 9)			49,978	52,241
			79,279	66,911

The weighted average interest rate implicit in the leases is 3.90% (2016:4.16%)

Notes:

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

Leasing arrangements

Operating leases relate to buildings.

	2017	2016
	\$	\$
Non-cancellable operating leases		
Not longer than 1 year	642,263	652,833
Longer than 1 year and not longer than 5 years	928,333	1,668,283
	1,570,596	2,321,116

Note 19. Superannuation

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

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

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

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

Fund	Paid contribution for the year	Paid contribution for the year	Contribution outstanding at year end	Contribution outstanding at year end
	2017	2016	2017	2016
	\$	\$	\$	\$
⁽ⁱ⁾ Defined benefit plans:				
State Superannuation Fund - revised and new	33,313	29,458	446	497
Defined contribution plans:				
Victorian Superannuation Fund - Accumulation	248,914	284,683	4,761	3,351
Other	201,500	247,339	3,724	3,287
Total	483,727	561,480	8,931	7,135

Notes:

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

Notes to the Financial Statements continued

30 June 2017

Note 20. Cash flow information

	2017 \$	2016 \$
(a) Reconciliation of cash and cash deposits		
Total cash and cash deposits disclosed in the balance sheet	215,935	440,155
Balance as per cash flow statement	215,935	440,155

(b) Reconciliation of net result for the period.

	2017 \$	2016 \$
Net result for the period	13,380	(226,232)
Non-cash movements:		
Depreciation and amortisation	246,603	432,995
Movements in assets and liabilities		
(Increase)/decrease in receivables	(467,425)	(565,302)
Increase/(decrease) in payables	175,636	2,113
Increase/(decrease) in provisions	(171,057)	82,888
Net cash flows from/(used in) operating activities	(202,863)	(273,538)

Notes to the Financial Statements continued

30 June 2017

Note 21. Trust account balances

The trust account was created for the purpose of engaging in specific collaborative work with the Commission's external stakeholders with the objective of eliminating inequality and promoting equal opportunity and human rights.

Payments from the trust fund during 2016/17 amounted to \$223,720 (2015/16:\$1,152,031).

	2017				2016			
	Opening balance as at 1 July 2016	Total receipts	Total payment	Closing balance as at 30 June 2017	Opening balance as at 1 July 2015	Total receipts	Total payment	Closing balance as at 30 June 2016
Controlled trust fund	\$	\$	\$	\$	\$	\$	\$	\$
For collaborative work with external stakeholders	439,655	-	(223,720)	215,935	731,442	860,245	(1,152,031)	439,655
Total controlled trust	439,655	-	(223,720)	215,935	731,442	860,245	(1,152,031)	439,655

Notes to the Financial Statements *continued*

30 June 2017

Note 22. Glossary of terms and style conventions**Amortisation**

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

Borrowings

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

Comprehensive result

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

Commitments

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

Depreciation

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

Employee benefits expenses

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

Financial asset

A financial asset is any asset that is:

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

Financial instrument

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

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

Financial liability

A financial liability is any liability that is:

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

Financial statements

A complete set of financial statements comprises:

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

Grants and other transfers

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

Notes to the Financial Statements continued

30 June 2017

Note 22 (continued)

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

Intangible assets

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

Interest expense

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

Net result

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

Net result from transactions/net operating balance

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

Net worth

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

Non-financial assets

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

Other economic flows included in net result

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

Payables

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

Receivables

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

Supplies and services

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

Transactions

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

Style conventions

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

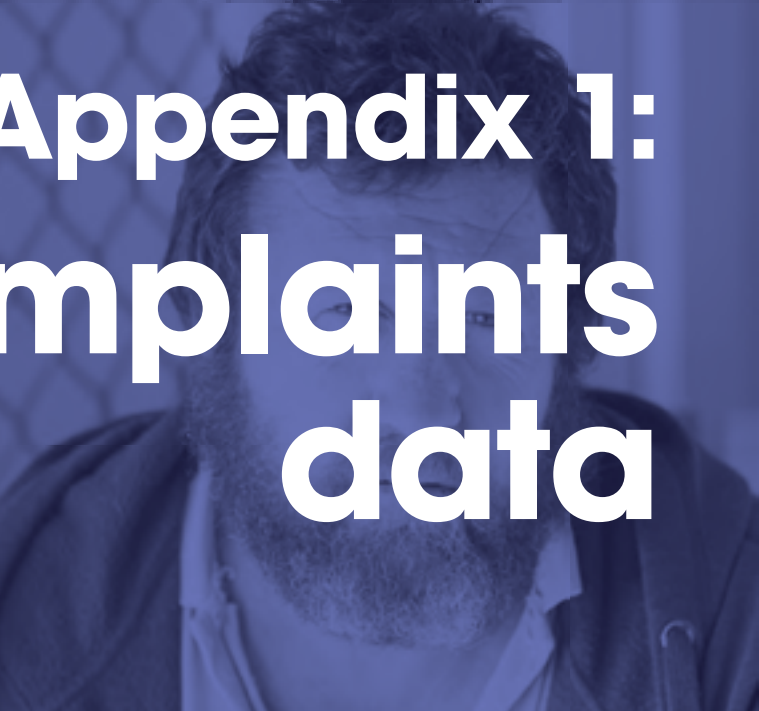
The notation used in the tables is as follows:

..	zero, or rounded to zero
(xxx.x)	negative numbers
200x	year period
200x-0x	year period

Disclosure index

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

Legislation	Requirement	Page Reference
Ministerial Directions & Financial Reporting Directions		
<i>Report of operations</i>		
Charter and purpose		
FRD 22H	Manner of establishment and the relevant Ministers	12
FRD 22H	Objectives, functions, powers and duties	12-13
FRD 22H	Nature and range of services provided	15
Management and structure		
FRD 22H	Organisational structure	14
Financial and other information		
FRD 10A	Disclosure index	86
FRD 22H	Occupational health and safety policy	-
FRD 22H	Application and operation of <i>Freedom of Information Act 1982</i>	92
FRD 22H	Compliance with building and maintenance provisions of <i>Building Act 1993</i>	95
FRD 22H	Application and operation of the <i>Protected Disclosure Act 2012</i>	94
FRD 24C	Reporting of office-based environmental impacts	95
FRD 29B	Workforce data disclosures	96
Compliance attestation and declaration		
SD 3.7.1	Attestation for compliance with Ministerial Standing Direction	92
SD 5.2.3	Declaration in report of operations	5
<i>Financial statements</i>		
Declaration		
SD 5.2.2	Declaration in financial statements	51
Other requirements under Standing Directions 5.2		
SD 5.2 .1 (a)	Compliance with Australian Accounting Standards and other authoritative pronouncements	51
SD 5.2 .1 (a)	Compliance with Ministerial Directions	51
Other disclosures as required by FRDs in notes to the financial statements		
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FRD 103F	Non-Financial Physical Assets	68
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	<i>Freedom of Information Act 1982</i>	92
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	<i>Building Act 1993</i>	95
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	<i>Victorian Equal Opportunity and Human Rights Commission Annual Report 2016/17</i>	86



Appendix 1: Complaints data



Complaints under the Equal Opportunity Act and Racial and Religious Tolerance Act by area and attribute for 2014/15, 2015/16, 2016/17

Attribute	Area											
	Accomm			Clubs			Education			Employment		
	14/15	15/16	16/17	14/15	15/16	16/17	14/15	15/16	16/17	14/15	15/16	16/17
Age	15	7	4			2	2	4	2	90	83	82
Authorising and assisting									4			
Breastfeeding								3		1	5	3
Carer status	7	12	7		1		5	3		99	62	76
Disability	79	38	69	1	2	2	53	47	68	355	258	289
Discriminatory information request												
Employment activity										188	114	102
Expunged homosexual Conviction												
Gender identity	1	1						2		9	1	10
Industrial activity										20	17	16
Lawful sexual activity	2									3	1	11
Marital status	4	6	2				1			21	10	10
Parental status	4	11	4		1		5	4	3	93	66	60
Personal association	5	4	15			1	3	1	1	23	9	7
Physical features	7						3	11	2	100	62	31
Political belief or activity										2	3	2
Pregnancy	1		1				1	3		35	33	38
Race	18	16	4			1	15	20	12	174	100	56
Racial vilification												
Religious belief or activity	3	1					5	16	4	39	22	22
Religious vilification												
Sex	2	7	4				4	8	5	184	130	121
Sexual harassment	1	3	1				1	1	3	170	138	116
Sexual orientation	3	1					1	3		61	25	22
Victimisation												
Total	152	107	111	1	4	6	99	126	104	1667	1139	1074

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

Area											
Goods/Services			Local Gov't			No area required*			Sport		
14/15	15/16	16/17	14/15	15/16	16/17	14/15	15/16	16/17	14/15	15/16	16/17
36	29	37							2		4
						33	22	14			
		7									
12	15	23								1	
262	197	163							2	2	5
						12	5	5			
5	6	7									
1	5	3									
5	8	5									
9	9	16								1	
41	22	23									
17	39	15									
4	5		1	2							
6	2	1									
98	60	36							2		1
						45	9	3			
31	15	11	1						2		
						37	4	5			
31	49	40							14	1	2
10	28	11									
9	12	10	1								
						329	192	164			
577	501	408	3	2	0	456	232	191	22	5	12

Total		
14/15	15/16	16/17
145	123	131
33	22	18
1	8	10
123	94	106
752	544	596
12	5	5
188	114	102
15	10	17
20	17	16
6	6	14
31	24	17
111	92	83
72	36	47
127	112	48
7	10	2
43	38	40
307	196	110
45	9	3
81	54	37
37	4	5
235	195	172
182	170	131
75	41	32
329	192	164
2977	2116	1906

Issues raised from enquiries for 2014/15, 2015/16, and 2016/17

Issue	2014/15	2015/16	2016/17	3 Year Total
Age	500	402	411	1313
Authorising and assisting	63	30	47	140
Breastfeeding	30	27	31	88
Carer status	377	308	321	1006
Charter of Human Rights	264	157	242	663
Child protection	28	14	34	76
Court	86	70	72	228
Criminal record	62	39	42	143
Disability	2178	1808	1749	5735
Discriminatory advertisement	7	3	15	25
Discriminatory information request	88	56	73	217
Education	46	13	35	94
Employment activity	387	273	279	939
Employment law	404	266	298	968
Equal Opportunity Act – information provided	*	*	1060	1060
Expunged homosexual conviction	*	*	2	2
Family Court	28	28	23	79
Gender identity	72	59	81	212
Government – federal	52	39	58	149
Government – local	19	8	18	45
Government – state	20	12	29	61
Homelessness	9	4	12	25
Indigenous	20	2	15	37
Industrial activity	72	60	50	182
Information provided	2779	3359	1308	7446
Involuntary patient	42	30	34	106
Lawful sexual activity	26	30	55	111
Marital status	99	76	104	279
Media	37	6	12	55
No jurisdiction	1369	1045	1483	3897
Parental status	358	289	261	908
Personal association	144	99	105	348
Physical features	271	243	184	698
Police	74	78	109	261
Political belief or activity	38	59	29	126
Pregnancy	159	140	110	409
Prisons	40	28	66	134
Privacy	27	17	21	65
Publications – Commission	171	81	72	324
Race	850	608	473	1931
Racial vilification	129	66	54	249
Religious belief or activity	233	181	146	560
Religious vilification	93	28	27	148
Racial and Religious Tolerance Act – information provided	*	*	36	36
Sex	590	472	559	1621
Sexual harassment	542	437	371	1350
Sexual orientation	155	139	98	392
Tenancy	204	204	125	533
Training requests	82	42	61	185
Transport	2	0	1	3
Victimisation	518	382	300	1200
WorkCover	33	6	9	48
Total	13877	11823	11210	36910



Appendix 2:
Compliance
reporting

Attestation of compliance with the Ministerial Standing Direction 3.7.1 – Risk Management Framework and Processes

I, Moana Weir, Chairperson of the Victorian Equal Opportunity and Human Rights Commission, certify that the Commission has complied with the *Ministerial Standing Direction 3.7.1 – Risk Management Framework and Processes*.



Moana Weir
Chairperson
Victorian Equal Opportunity and Human Rights Commission
13 October 2017

Audit and Risk Management Committee report

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

The Audit and Risk Management Committee consists of four board members and two independent representatives. 2016/17 members were: Megan Boston (Chair), John Searle (until August 2016), Moana Weir (from September 2016), Abeselom Nega and Laurinda Gardner. Independent representatives: Jeff Floyd and Sue Madden. External audits of the Commission are undertaken by the Victorian Auditor-General's Office.

Application and operation of the Freedom of Information Act 1982

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

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

The Commission maintains a filing system in paper form and on an electronic document management system. Files stored by the Commission can be broadly categorised as personnel files, procedure and policy, project files, operational and administrative responsibilities, and general correspondence files. Certain documents

are destroyed or transferred to the Public Records Office in accordance with the *Public Records Act 1973*.

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

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

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

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

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

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

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

Lodging an FOI Request with the Commission

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

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

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

All FOI requests are subject to an application fee. For the period 1 July 2016 to 30 June 2017, the fee was \$27.20. The application fee may be waived in cases where payment would cause an applicant financial hardship. Where an applicant seeks a waiver of this fee, the request should indicate the grounds on which a waiver is being sought (for example, low income or holder of Commonwealth Health Care Card).

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

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

FOI Requests for the period 1 July 2016 to 30 June 2017

The Commission received four formal FOI requests and finalised five formal FOI requests (one of which was received in the previous financial year).

The Commission received one further request under the FOI Act which did not proceed as the applicant did not clarify the terms of the FOI request as required by section 17(2) of the FOI Act.

The Commission received and finalised five administrative requests for information. It received two further administrative requests, one which has not yet been finalised, and one which has not proceeded because the applicant has not clarified what documents they are seeking.

There were no requests for consultation under the FOI Act.

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

Compliance with the Protected Disclosure Act 2012 (Vic)

The *Protected Disclosure Act 2012* encourages and assists people in making disclosures of improper conduct by public officers and public bodies. The Act provides protection to people who make disclosures in accordance with the Act and establishes a system for the matters disclosed to be investigated and rectifying action to be taken. The Commission does not tolerate improper conduct by employees, nor the taking of reprisals against those who come forward to disclose such conduct. We are committed to ensuring transparency and accountability in administrative and management practices. We support the making of disclosures that reveal:

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

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

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

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

Further information

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

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

Compliance with the Carers Recognition Act 2012

The Commission has taken all practical measures to comply with its obligations under the *Carers Recognition Act 2012*. These include:

- promoting the principles of the Act to people in care relationships who receive our services, and to the wider community, by distributing printed information about the Act on our website for the benefit of members of the public; by continuing to educate the community about the rights of carers under the Equal Opportunity Act through our social media campaigns, project initiatives and training workshops; by providing a publicly available Enquiry Line for members of the public to make complaints about discrimination, including on the basis of their status as carer, as well as the opportunity to participate in dispute resolution at the Commission
- ensuring our staff have an awareness and understanding of the care relationship principles set out in the Act by developing and implementing a staff awareness strategy about the principles and objects of the Act and what they mean for staff; by offering a presentation at a general staff meeting about the objects and principles of the Act; by forwarding an email to all staff following the presentation to reiterate the principles of the Act; by posting information on the internal staff intranet and by placing informative posters in communal staff areas; by nominating and alerting all staff to a contact person within the Commission who can provide further information about the Act
- considering the carer relationships principles set out in the Act when setting policies and providing services by continuing employment policies that include flexible working arrangements and leave provisions that comply with the principles of the Act; by offering a dispute resolution service that is flexible and takes account of the specific needs of parties involved in conciliation including those in care relationships. The Commission received 111 complaints for dispute resolution relating specifically to carer status as an attribute under the Equal Opportunity Act.

Compliance with building and maintenance provisions of the Building Act 1993

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

Environmentally sustainable workplace

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

Workforce data trends

	Ongoing		Fixed Term		Casual		Total	
	Number (Headcount)	FTE	Number (Headcount)	FTE	Number (Headcount)	FTE	Number (Headcount)	FTE
June 2017	43	38.9	19	17.3	0	0	62	56.2

Active staff in last pay period June 2017

	Ongoing		Fixed term and Casual	
	Headcount	FTE	Headcount	FTE
Gender				
Male	10	9.3	5	4.8
Female	33	29.6	14	12.5
Age				
Under 25	0	0	1	0.8
25–34	10	9.7	8	7.6
35–44	18	15.8	5	4.7
45–54	13	11.4	5	4.2
55–64	1	1	0	0
Over 64	1	1	0	0
Classification				
Executive Officers 3	1	1	0	0
Principal Solicitor	1	1	0	0
Senior Solicitor	1	1	1	1
Solicitor 3	1	0.6	0	0
VPS Grade 2	2	2	0	0
VPS Grade 3	3	3	4	3.8
VPS Grade 4	9	7	3	3
VPS Grade 5	17	15.3	8	7.3
VPS Grade 6	7	7	3	2.2
TOTAL	43	38.9	19	17.3



Victorian Equal Opportunity
& Human Rights Commission