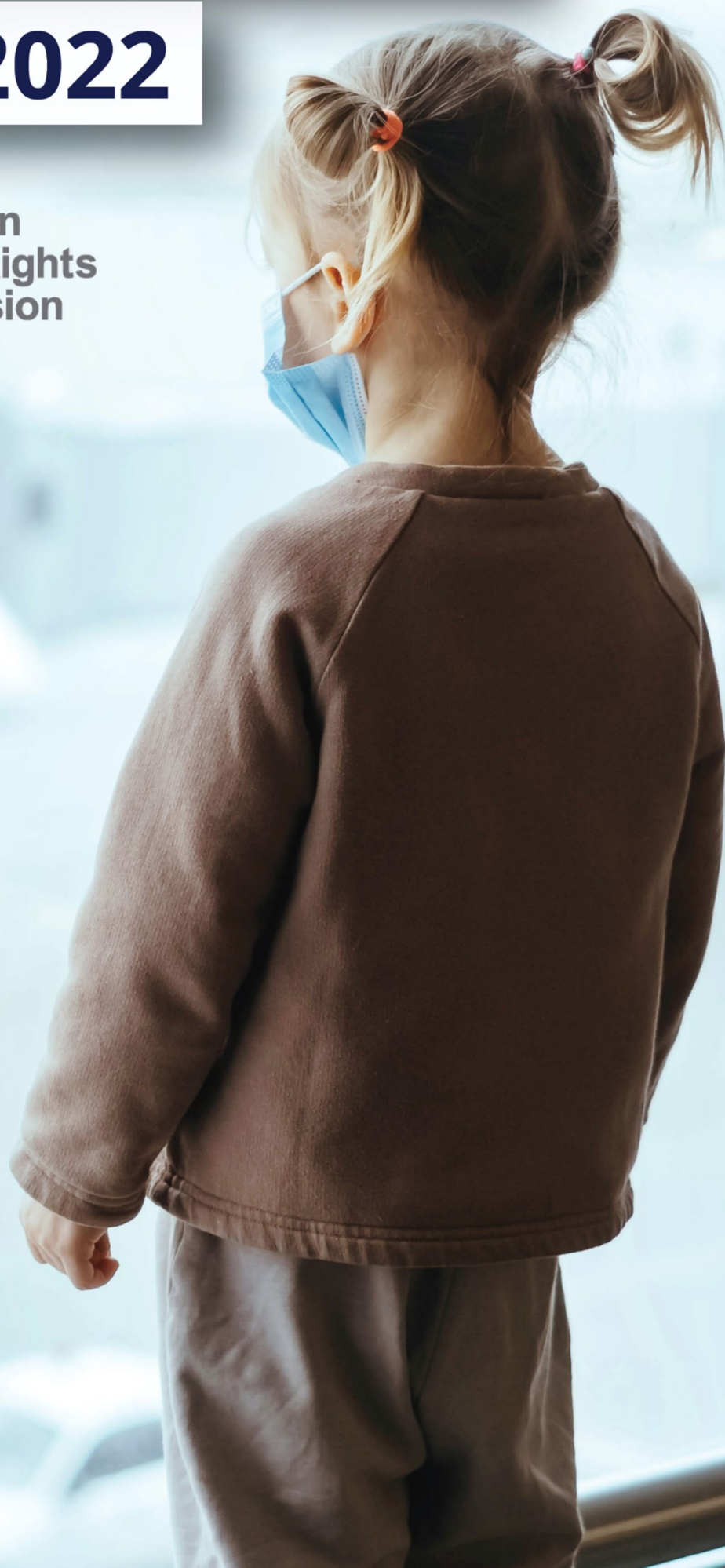


ANNUAL REPORT

2021-2022



**Australian
Human Rights
Commission**



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7 October 2022

The Hon Mark Dreyfus KC MP
Attorney-General
Parliament House
CANBERRA ACT 2600

Dear Attorney-General,

Letter of Accountable Authority

It is my pleasure to present the Annual Report of the Australian Human Rights Commission for the period ending 30 June 2022. The Report has been prepared in accordance with section 45 of the *Australian Human Rights Commission Act 1986* (Cth) and section 46 of the *Public Governance, Performance and Accountability Act 2013* (Cth).

As the Accountable Authority for the Australian Human Rights Commission, I am responsible for preparing and giving this report to you. I can confirm that our performance in 2021–22 is accurately described in the report, is consistent with the Commission's responsibility and duties, and has contributed towards achieving our purpose.

The Annual Report was prepared under my authority and approved by signing of a memorandum.

Yours sincerely,

A handwritten signature in black ink that reads "Rosalind Croucher".

Emeritus Professor Rosalind Croucher AM
President

T: +61 2 9284 9614
E: president.ahrc@humanrights.gov.au

1. About the Commission

Our Purpose

As Australia’s national human rights institution, we work to promote and protect the human rights of everyone in Australia:

- through advising all arms of government and a range of public and private institutions
- contributing to stronger law, policy and practice; delivering an accessible and effective investigation and conciliation service
- engaging inclusively with civil society, communities and the private sector
- raising human rights awareness and providing human rights education; and working with partners to build a stronger culture of respect for human rights.

Strategic Plan 2022

Our purpose is to ensure that Australians have access to effective, independent complaints handling and public inquiry processes on human rights and discrimination matters, and benefit from our human rights education, advocacy, monitoring and compliance activities.

Portfolio Budget Statement

The Australian Human Rights Commission (Commission) is Australia’s national human rights institution. We are established and operate under the *Australian Human Rights Commission Act 1986* (Cth), as well as under federal laws to ensure freedom from discrimination on the basis of age, disability, race, sex, sexual orientation, gender identity or intersex status. The Commission also has specific responsibilities under the *Native Title Act 1993* (Cth) and the *Fair Work Act 2009* (Cth).

We operate as a Corporate Commonwealth Entity under the *Public Governance, Performance and Accountability Act 2013* (Cth). Our operations are determined independently of the government through our President and Commissioners.

Our vision is an Australian society in which human rights are respected, promoted and protected; where every person is free and equal in dignity and rights. Our focus is a Commission that is connected to Australian communities and is a valued national institution having a positive impact on the major human rights priorities facing Australia.

We provide direct services to the Australian community, by supporting access to justice and remedies through our conciliation team, for people to resolve disputes about discrimination and human rights breaches. We find practical solutions to issues of concern, advocate for systemic change, and raise awareness of human rights and fundamental freedoms across the community. We seed and drive systemic and long-term change through collaborations with government, industry, and civil society and communities, to see fundamental rights and freedoms realised. This includes providing human rights analysis to the courts and parliamentary inquiries, conducting research, driving advocacy and campaigns and working with diverse stakeholders to see fundamental rights and freedoms realised.

We work with human rights bodies around the world through our international engagement – multilateral, regional and bilateral – and in Australia monitoring and reporting on human rights abuses by amplifying the voices of people who are affected. This may be through addressing complaints of discrimination, engaging with government on policy issues, setting and advancing the national human rights agenda, engaging regionally and internationally with other national human rights institutions, and building awareness, understanding and respect for human rights in our workplaces and communities.

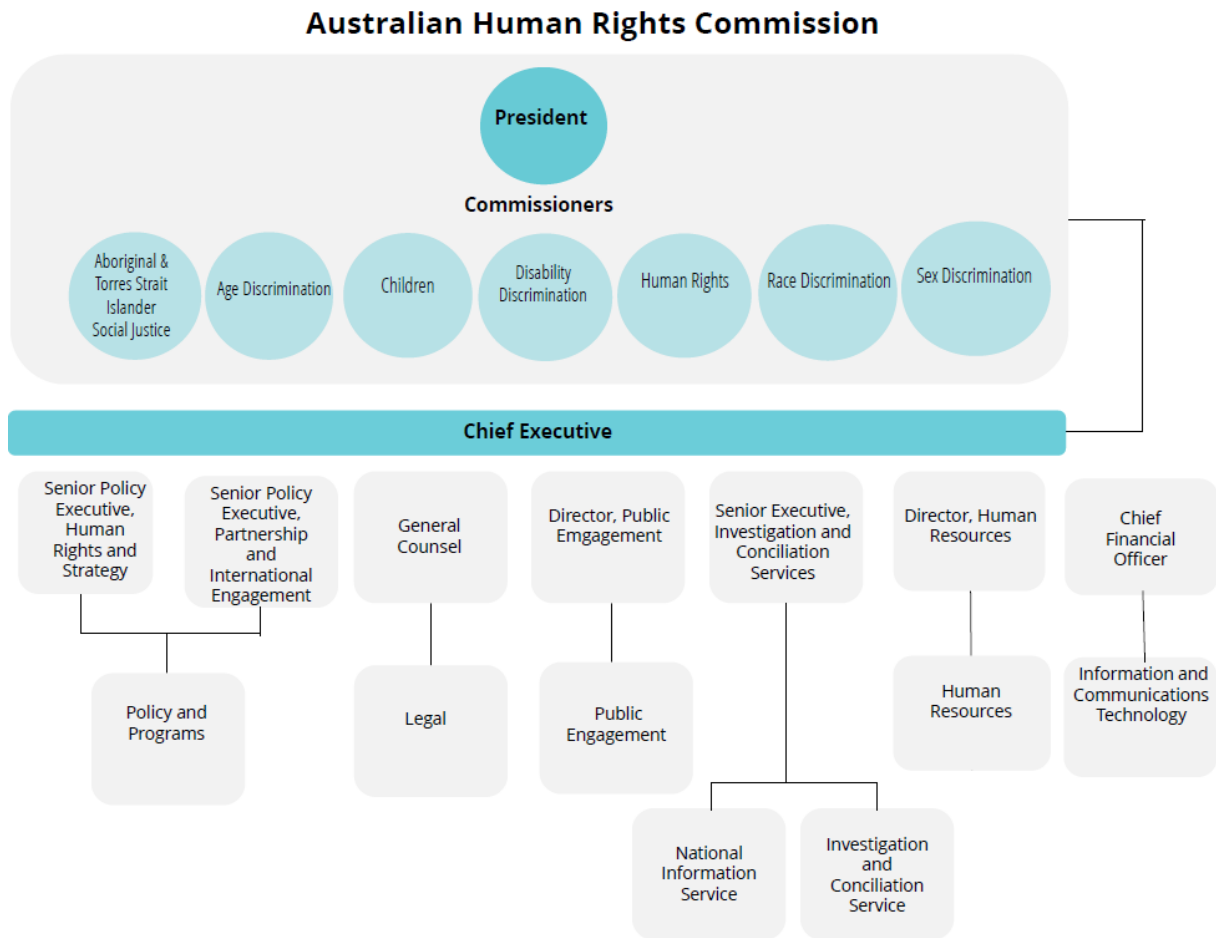
1.2 Achieving our Purpose

Driving real and systemic changes to improve the enjoyment of human rights by all is a complex and long-term endeavour. Our remit is to both support individuals in realising their human rights as well as embedding human rights issues at a national level through collaboration and systemic change.

Our Corporate Plan is the roadmap that guides the Commission's work for the reporting period. It establishes our role as Australia's national human rights institution to promote and protect the human rights of everyone in Australia.

The Plan includes the Commission's performance framework, which links the performance criteria outlined in our 2021–2022 Portfolio Budget Statement to the results in this Annual Report. The Commission's performance measurement framework is detailed in Appendix 1.

2. Organisational Structure



3. Our Legislation and Functions

3.1 Legislation

The Commission exercises functions under the following Acts:

Australian Human Rights Commission Act 1986 (Cth) (AHRC Act)

Establishes the Commission and outlines its powers and functions.

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

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

Commission functions under the AHRC Act include:

- to inquire into, and attempt to conciliate, complaints of unlawful discrimination
- inquire into any act or practice that may be inconsistent with or contrary to any human right, and to give effect to settlement of such matters by way of conciliation where the Commission considers it appropriate to do so
- to deal with complaints made to the Commission under the AHRC Act
- to promote an understanding and acceptance, and the public discussion, of human rights in Australia
- to undertake and coordinate research and educational programs on behalf of the Commonwealth to promote human rights

- to report to the Minister as to the laws that should be made by the Parliament, or action that should be taken by the Commonwealth, on matters relating to human rights
- examine enactments, proposed enactments and or international instruments for determining consistency with human rights and international instruments
- to prepare, and to publish guidelines for the avoidance of acts or practices of a kind in respect of which the Commission has a function
- where the Commission considers it appropriate to do so, with the leave of the court hearing the proceedings and subject to any conditions imposed by the court, to intervene in proceedings that involve human rights issues
- to inquire into, and attempt to conciliate, complaints of unlawful discrimination
- the functions conferred on the Commission by the various Acts concerning discrimination, as set out below.

Racial Discrimination Act 1975 (Cth) (RDA)

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

The main aims of the RDA are to:

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

Commission functions under the RDA include:

- to promote an understanding and acceptance of, and compliance with the RDA
- to develop, conduct and foster research and educational programs for the purposes of combatting racial discrimination and prejudices that lead to racial discrimination, to promote understanding, tolerance, and friendship among racial and ethnic groups, and to propagate the purposes and principles of the relevant Convention

- to prepare, and to publish in such manner as the Commission considers appropriate, guidelines for the avoidance of infringements within the Act
- where the Commission considers it appropriate to do so, with the leave of the court hearing the proceedings, and subject to any conditions imposed by the court, to intervene in proceedings that involve racial discrimination issues
- to inquire into, and make determinations, on matters referred to it by the Race Discrimination Commissioner or the Minister.

Sex Discrimination Act 1984 (Cth) (SDA)

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

The main aims of the SDA are to:

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

Commission functions under the SDA include:

- to promote understanding and acceptance of, and compliance with, the SDA
- to undertake research and educational programs on behalf of the Commonwealth for the purpose of promoting the objects of the SDA
- to examine enactments, and proposed enactments to ensure consistency with the SDA and its objects
- to consider grant appropriate exemptions for compliance with the SDA
- to report to the Minister as to the laws that should be made by the Parliament, or action that should be taken by the Commonwealth, on matters relating to discrimination under the SDA

- to prepare, and to publish in such manner as the Commission considers appropriate, guidelines for the avoidance of discrimination identified under the SDA
- where the Commission considers it appropriate to do so, with the leave of the court hearing the proceedings and subject to any conditions imposed by the court, to intervene in proceedings that involve discrimination issues arising from the SDA.

Disability Discrimination Act 1992 (Cth) (DDA)

The main aims of the DDA are to:

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

Commission functions under the DDA include:

- to promote an understanding and acceptance of, and compliance with, the DDA
- to report to the Minister on matters relating to the development of disability standards
- to monitor the operation of such standards and report to the Minister the results of such monitoring
- to consider and grant exemptions for compliance with the DDA
- to undertake research and educational programs, and other programs, on behalf of the Commonwealth for the purpose of promoting the objects of the DDA
- to examine enactments, or proposed enactments, to determine compliance with the objects of the DDA
- to report to the Minister as to the laws that should be made by the Parliament, or action that should be taken by the Commonwealth, on matters relating to discrimination under the DDA

- to prepare, and to publish in such manner as the Commission considers appropriate, guidelines for the avoidance of discrimination on the ground of disability
- where the Commission considers it appropriate to do so, with the leave of the court hearing the proceedings and subject to any conditions imposed by the court, to intervene in proceedings that involve discrimination on the ground of disability.

Age Discrimination Act 2004 (Cth) (ADA)

The main aims of the ADA are to:

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

Commission functions under the ADA include:

- to promote understanding and acceptance of, and compliance with, the ADA
- to undertake research and educational programs, and other programs, on behalf of the Commonwealth for the purpose of promoting the objects of the ADA
- to consider and grant exemptions for compliance with the ADA
- to examine enactments, or proposed enactments, to determine compliance with the objects of the ADA
- to report to the Minister as to the laws that should be made by the Parliament, or action that should be taken by the Commonwealth, on matters relating to discrimination on the ground of age
- to prepare, and to publish in the manner the Commission considers appropriate, guidelines for avoiding discrimination on the ground of age
- where the Commission thinks it appropriate to do so, with the leave of the court hearing the proceedings and subject to any conditions imposed by

the court, to intervene in proceedings that involve issues of discrimination on the ground of age.

3.2 The Commission

We exercise our functions under this federal legislation by:

- promoting understanding, acceptance, and public discussion of human rights in Australia (including through each specialist Commissioner)
- improving access to justice for all by investigating and conciliating complaints of unlawful discrimination, breaches of human rights, or discrimination in employment
- promoting strengthening of, and compliance with, human rights and federal discrimination law (including through the preparation of guidelines, developing and monitoring disability standards, our intervention function and considering applications for exemptions under relevant discrimination laws)
- undertaking research, educational and other programs for promoting human rights, including by reporting to Parliament on the status of enjoyment of human rights by children and Aboriginal and Torres Strait Islander peoples
- conducting inquiries into acts or practices that may be contrary to human rights, report on laws that Parliament should make, or actions that the Commonwealth should take, to meet Australia's international human rights obligations
- examining laws and proposed laws for consistency with human rights.

The Commission has additional functions arising from the Acts mentioned below, which also place additional responsibilities on each the President, the Aboriginal and Torres Strait Islander Social Justice Commissioner, the National Children's Commissioner, and the Sex Discrimination Commissioner.

(a) President and Accountable Authority

The President is the Commission's sole Accountable Authority under the *Public Governance, Performance and Accountability Rule 2014* (Cth), responsible for its financial and administrative affairs. The President is also responsible for the complaint-handling function of the Commission. See Appendix 3 for Accountable Authority details provided under subsection 17BE(j) of the *Public Governance, Performance and Accountability Rule 2014* (Cth).

(b) Aboriginal and Torres Strait Islander Social Justice Commissioner

Under the *Australian Human Rights Commission Act 1986* (Cth), the Aboriginal and Torres Strait Islander Social Justice Commissioner may report to the Minister on the exercise and enjoyment of human rights of Indigenous peoples and undertakes social justice education and promotional activities.

This Commissioner may report under the *Native Title Act 1993* (Cth) on the operation of the Act and its effect on the exercise and enjoyment of human rights of Indigenous peoples. In addition, the Commissioner reports, when requested by the Minister, on any other matter relating to the rights of Indigenous peoples under this Act.

(c) Sex Discrimination Commissioner

The Sex Discrimination Commissioner has functions under the *Fair Work Act 2009* (Cth) in relation to federal awards and equal pay.

(d) National Children's Commissioner

Under the *Australian Human Rights Commission Act 1986* (Cth), the National Children's Commissioner may report to the Minister on the enjoyment and exercise of human rights by children in Australia.

3.3 Responsible Minister

In this period, Senator the Hon Michaelia Cash was the Attorney-General responsible for the Commission to 23 May 2022. The Hon Mark Dreyfus QC MP Attorney-General, assumed office and became Minister in Parliament responsible for the Commission on 1 June 2022.

The Attorney-General has a number of powers under the *Australian Human Rights Commission Act 1986* (Cth).

3.4 Governance

The Commission operates under the *Australian Human Rights Commission Act 1986* (Cth), the *Public Service Act 1999* (Cth) and the *Public Governance, Performance and Accountability Act 2013* (Cth). The implementation of these responsibilities is outlined in the Commission's Governance Framework 2022, showing how the Commission is to be governed and its guiding principles, how it is to implement

its functions, responsibilities and roles, and operating procedures necessary to fulfill the Commission’s purpose and functions.

The Commission (consisting of the President and Commissioners) holds formal Commission meetings for reporting by the Chief Executive four times a year. These meetings facilitate high-level reporting of progress against the Commission’s annual work plan, and the President and Commissioners’ term goals, allow senior management to provide updates from across the Commission’s work, and provide a space for key decisions by the President and Commissioners. Published materials by the Commission are formally approved, as required, through a process in accordance with the *Australian Human Rights Commission Act 1986* (Cth). The Commission obtains appropriate ethics approval for all relevant major activities.

Our risk management framework provides a mechanism for proactively identifying and mitigating risks across the organisation, and for monitoring the operating environment. We are supported by our Audit and Risk Committee as well as our internal auditors who conduct regular audit reviews and other assurance activities for our strategic planning and core business processes.¹

¹ Australian Human Rights Commission, Audit and Risk Committee Charter (2022) <https://humanrights.gov.au/sites/default/files/ahrc_audit_and_risk_committee_charter.pdf>; Australian Human Rights Commission, Operating context: Risk oversight and management (2022) <https://humanrights.gov.au/sites/default/files/operating_environment_analysis_and_risk_oversight_and_management_2022-2023_0.pdf>.

President, Commissioners and Chief Executive over the 2021–2022 period

Our leadership team

Our work is led by a President, seven Commissioners and the Chief Executive



The Hon Dr Kay Patterson AO
Age Discrimination Commissioner



June Oscar AO
Aboriginal and Torres Strait
Islander Social Justice
Commissioner



Dr Ben Gauntlett
Disability Discrimination
Commissioner



Emeritus Professor
Rosalind Croucher AM
President



Anne Hollonds
National Children's
Commissioner



Chin Tan
Race Discrimination
Commissioner



Lorraine Finlay
Human Rights
Commissioner



Kate Jenkins
Sex Discrimination
Commissioner



Leanne Smith
Chief Executive

3.5 Location

The office of the Australian Human Rights Commission is located in Sydney, with three Commissioners having their home bases in Melbourne, one in Canberra, and one in the Kimberley region of Western Australia. The Australian Human Rights Commission conducts its activities nationally – including by maintaining a National Information Service, and conducting consultations, meetings, and events across Australia.

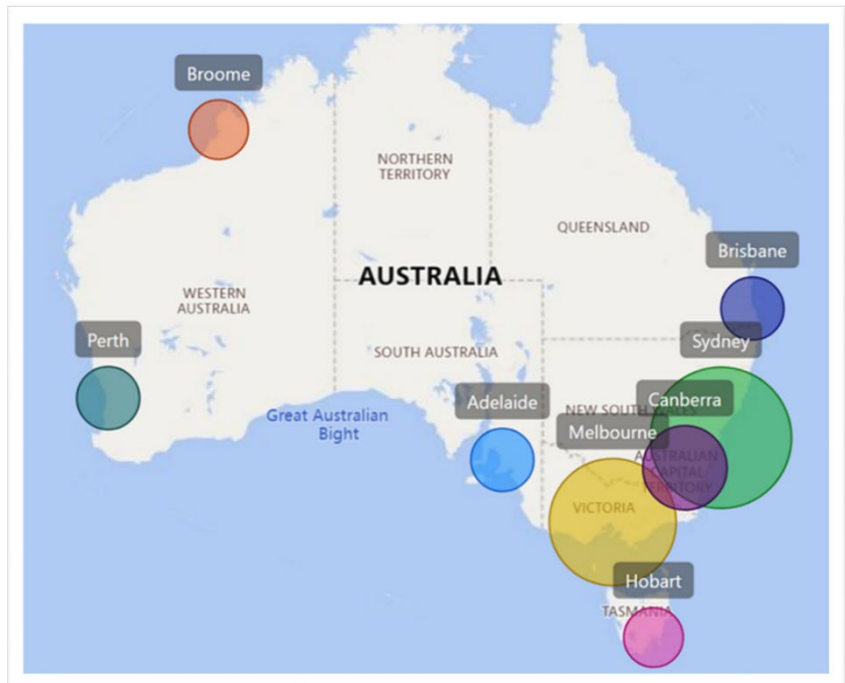
3.6 Achieving a National Reach

Being a small entity with limited resources creates challenges in ensuring national coverage of our work and engaging with communities in rural, regional, and remote areas.

In this reporting period, the Commission has had engagements in across states and territory. However, the COVID-19 pandemic has limited our ability to conduct engagements ‘in person’, especially due to state and territory border closures and lockdowns. This has resulted in more online training, speeches and other engagements than usual.

Our focus on ensuring a national reach with our work will continue, with an emphasis on ensuring that the increased reliance on digital technologies does not impact negatively on the reach and quality of access of vulnerable and marginalised groups across Australia to our work.

Mapping of speeches and events



4. The year in review

4.1 From the President

The 2021–22 financial year has been an extremely challenging one for the Australian Human Rights Commission, as we have sought to secure the institution’s financial sustainability, faced threats to our international standing and institutional integrity, and strived to meet the demands for our investigation and conciliation services, for Australians’ COVID-related issues as well as an increase in discrimination related complaints.

Over the past year, financial pressures that had been building over many years culminated in an unsustainable financial situation which was reported to the Attorney-General, the Minister responsible for the Commission, as a significant issue. Through independent review it became clear that, for some time, the Commission has been structurally underfunded and that we had also been operating beyond our annual funding sources. This meant that we were no longer able to maintain the staffing levels that would enable us to undertake our statutory functions properly. A cash injection of \$16 million was approved by the Government in the MYEFO budget process in December 2021 as an initial step to address the financial sustainability of the Commission.

Alongside this, the Commission undertook substantial changes to strengthen our systems, procedures, and operations over the entire financial year period. We significantly reduced our expenditure, by first freezing recruitment and non-critical expenditure, then by reducing our staffing profile. As a result, the work programs of our Commissioners was heavily reliant on the ability to source short-term funding from external sources. All Commission work areas are operating with reduced capacity that is limiting our ability to deliver our functions.

With the support of a Tripartite Steering Committee, of the Attorney-General’s Department, the Department of Finance and the Commission, the evidence base for the long-term funding needs of the Commission has been prepared for government’s consideration in the October 2022 Federal Budget.

Our institutional integrity has also been under challenge, with the Commission’s ‘A status’ as a national human rights institution (**NHRI**) under threat. In March 2022, the Sub-Committee on Accreditation (**SCA**) of the Global Alliance of National Human Rights Institutions conducted its regular, five yearly review of the Commission’s compliance with the *Paris Principles relating to the status of national*

institutions. These principles set out the necessary conditions for a national human rights institution to be considered robust and credible – a sufficiently broad mandate to protect and promote human rights, the necessary independence from government to hold it to account, and the resources to perform its functions appropriately. National human rights institutions that meet these standards are accredited as ‘A status’ and accorded participation rights in United Nations human rights processes. The existence of an A status NHRI is an international marker of a government's commitment to promoting and protecting human rights, with over 120 nations having such institutions across the globe.

The SCA decided to defer a decision on the accreditation of the Commission until October 2023, rather than re-accrediting our institution, because of concerns about the selection and appointment process of Commissioners, while also noting the resourcing challenges being faced by the Commission. This is the first time that the A status of the Commission has been in doubt.

In addition, the work of the Commission has increased substantially over the course of the past two years because of the COVID-19 pandemic. Overall, we have experienced an unprecedented increase in the number of complaints received, from a pre-COVID five-year average of 15,000 inquiries and 2,000 complaints a year, to 23,200 inquiries and 3,736 complaints in 2021–22, 1,960 of which were complaints under the Disability Discrimination Act.

I must commend the efforts of our staff during this time. They have faced enormous work pressures in addressing the unprecedented increase in complaints and inquiries, they have supported our statutory Commissioners with manifestly inadequate staff and resources, and they have implemented major reforms to our governance and financial management practices. This has been done in a period of great upheaval and an environment of great uncertainty. I acknowledge the significant impact on them and thank them wholeheartedly.

Over the financial year, the Commission has instituted significant reforms to its internal governance and financial management frameworks to ensure rigorous accountability and oversight. We have implemented these reforms with the close involvement, advice and support of our external Audit and Risk Committee, the Attorney-General's Department and the Department of Finance. We have embraced the challenges before us. I am confident that as we end the financial year, we have robust systems in place.

We have, however, said goodbye to many colleagues over the course of the year, many having served the Commission for very long periods. At the end of the year,

we had approximately **30%** fewer staff than at its beginning. Our current staffing is not adequate to meet our statutory obligations properly, and decisions about the Commission's budget taken in 2022–23 will be critical in determining our capacity as an agency, and potentially, our international standing and status. Those decisions will also be essential to ensure that we have independent capacity to support the work of our statutory Commissioners and address the exponential increase in discrimination and human rights complaints received over recent years.

Despite these challenges, we have continued to contribute to the protection and promotion of human rights at the national level over the course of the financial year.

As an example, when the Government needed an independent, robust mechanism to examine the culture of the Australian Parliament as a workplace, it put its trust in the Commission to deliver it. Led by the Sex Discrimination Commissioner, the Commission's *Set the Standard* inquiry and report has launched a process of significant cultural reform of this key institution in our democracy. Related reforms are also being implemented in response to the Commission's earlier *Respect@Work* report, to ensure the scourge of sexual harassment can be more effectively tackled through law and cultural reform initiatives.

It is telling that when the Government needed to ensure public confidence and trust in its response to allegations of abuse within the Parliament, it is the Commission to whom it turned. This trust was built due to previous work, such as the *Respect@Work* report, successive national prevalence studies on sexual harassment, and cultural reform partnerships across key areas such as the Australian Defence Force.

This inquiry was only possible due to a significant, single purpose short-term injection of funding to the Commission. It is a powerful example of what a properly funded Commission can achieve.

In her first full year at the Commission, the National Children's Commissioner focused on systems reform to improve child wellbeing and ensure the 'voices' of children and families inform the design of policy that is meant to help them. Key reports included 'Keeping Kids Safe and Well' and 'Mental health shapes my life: COVID and Kids' Wellbeing'. She convened multidisciplinary roundtables, and contributed to policy development on several national strategies affecting children and young people, especially those living with poverty and disadvantage. The Government announced funding for the National Children's Commissioner to

develop cross-portfolio processes for consultations with children, young people and their families, to inform five national strategies over the next two years, including domestic and family violence, disability, child sexual abuse, and Aboriginal and Torres Strait Islander early years development.

The Race Discrimination Commissioner, also with short-term external funding support, launched the next iteration of the Commission's *Racism. It Stops with Me* campaign, with a compelling community service announcement and associated materials challenging us to see the world through the eyes of others to understand how our ethnicity or racial background affects life experiences. After several years of advocating for the federal government to adopt a national anti-racism framework, the new Government announced funding for this and the *Racism. It Stops with Me* campaign for the next four years. This will provide the Race Discrimination Commissioner with the much-needed capacity to significantly advance partnerships, research, and data to address racism in Australia.

The Disability Discrimination Commissioner advanced a significant new project, *IncludeAbility*, to increase the employment opportunities of persons with disability by developing a website, resources for people with disability and employers, an ambassador advisory group and meeting with the diversity and inclusion practitioners and CEOs of some of Australia's largest employers. The housing needs of people with disability were also considered through a project with Monash University where universal design principles were considered when renovating houses in Melbourne. An exhibition of the house designs was exhibited for Melbourne Design Week and featured in Architecture Australia.

The new Human Rights Commissioner entered into partnerships with key industries to develop guidance materials to meet the human rights challenges associated with the rollout of new technologies and the use of artificial intelligence in decision-making.

These initiatives were also dependent on external funding support from philanthropist organisations and corporate partners.

The Age Discrimination Commissioner continued to deepen relationships across the community sector to promote awareness of elder abuse, as well as the challenges facing older women at risk of homelessness, and to combat ageism and age discrimination in the workplace. For example, the Commission launched the *What's age got to do with it?* research report, which contributed national evidence to the body of research on the existence of ageist attitudes and prejudice in Australian society and provided insights into how ageism operates

within and between generations. Ongoing efforts to raise awareness of elder abuse in the community has also culminated in the release of a new elder abuse awareness video and the promotion of elder abuse awareness resources in 20 languages.

The Aboriginal and Torres Strait Islander Social Justice Commissioner continued with efforts to implement the recommendations of the *Wiyi Yanu U Thangani* (Women's Voices) report. These efforts will culminate in 2022–23 with an online safety summit to contribute to a variety of national action plans and frameworks on violence against women, and a national summit of Indigenous women and girls to lay out the key elements of a new national approach to advancing the rights of Aboriginal and Torres Strait Islander women and girls.

As we look forward, the financial challenges facing the Commission will remain the dominating focus for the foreseeable future. Statutorily appointed Commissioners cannot be expected to 'fund-raise' in order to perform their functions. Our complaint handling section needs sufficient staff to address complaints and inquiries in a reasonable timeframe – before complaints become entrenched and too difficult to resolve. And we must have the base resourcing to maintain core corporate functions in support of these important outcomes.

There are also many exciting opportunities on the horizon. We will see the rollout of new national child engagement practices to feed into federal policy processes, and the initial stage of a national anti-racism framework, as referred to above. Long term work of the Commission encouraging the establishment of national preventive mechanisms to prevent torture, cruel, inhumane and degrading treatment will also culminate with significant external review of Australia's progress to achieve this (by the United Nations Sub-Committee on the Prevention of Torture and a periodic review by the United Nations Committee Against Torture), as Australia faces a deadline in January 2023 to have appropriate oversight mechanisms in place. The Human Rights Commissioner will bring together her Commissioner colleagues from the AHRC and state and territory commissions, state, territory and federal governments, oversight bodies and NGOs, to contribute to a pathway to fully implementing appropriate preventive oversight mechanisms in all Australian jurisdictions by 2023.

Law reform occurs over a long horizon. Work of the Commission today may not be realised for several years – or may even take decades to come to fruition as, for example, the implementation of a recommendation in the *Bringing Them Home* report of 1997 to provide financial compensation to members of the stolen generations, which was finally implemented by the federal Government in 2022.

Achieving the implementation of *Respect@Work* has been a multi-year endeavour and, over this coming financial year, we will see improvements to a range of laws and policies to achieve a more effective response to sexual harassment and the building of a preventative culture to ensure it does not occur in the first place.

The year ahead will also be an exciting one for the Commission's *Free and Equal* project – setting out a national law and policy reform agenda for human rights. In December 2021, we released a Position Paper on federal discrimination law reform, setting out an ambitious agenda to reform these outdated laws. The current and forthcoming reforms to implement the *Respect@Work* report are only the beginning, and in the Position Paper we have laid out the agenda for reforming **all** federal discrimination laws to ensure that they are operating effectively and in a preventive manner. In the forthcoming year, we will finalise the *Free and Equal* project with two final papers: a Position Paper setting out an agenda for the positive framing of human rights, centred on a national Human Rights Act; and a final report setting out the key elements of a revamped national framework on human rights to ensure that we adequately protect and advance human rights in Australia.

The necessity for such reforms is pressing. There are weaknesses in our system of human rights protection that have been exposed during the COVID pandemic, and as we face the impacts of climate change and natural disasters with increasing regularity.

Human rights reform remains a missing piece in ensuring the integrity of government – ensuring that the human impact of decision making by parliament and government is at the core of law, policy and practice. The outcomes of the *Free and Equal* project will provide guidance for law reform for years to come.

In the meantime, the Commission will also look to continue to engage in discussions about the Uluru Statement from the Heart. The Commission has played a significant role in the momentum towards constitutional recognition of Aboriginal and Torres Strait Islander peoples over the past decade. Successive Social Justice Commissioners have led the call for this, with the Commission hosting the independent secretariats to various advisory panels and steering committees on the road to constitutional recognition over this time period. Most recently, the Commission hosted the secretariat that led the consultation process that culminated in the Uluru Statement.

As we move towards referendum, the Commission will seek to encourage respectful and inclusive debate about *The Voice*, including by ensuring that debate is based in fact, history and context.

We will also continue to work with the Government to ensure that the institutional integrity issues facing the Commission are fully addressed. Parliament is currently considering a bill to amend the selection and appointment process of Commissioners. The Government has also committed to developing supporting guidance materials that will further enhance these reforms, and to conduct all future appointments through publicly advertised, merit-based selection processes. There will be three such appointments due before the SCA reconsiders the Commission's 'A status' in October 2023.

All of this points to 2022–23 being a significant period of renewal for the Commission, with our eyes remaining firmly on our mandate of protecting and promoting the human rights of all in Australia.

Emeritus Professor Rosalind Croucher AM

President

5. Annual Performance Statement

5.1 Introductory Statement



As the Accountable Authority for the Australian Human Rights Commission, I present the Commission's 2021–2022 Annual Performance Statement.

The statement has been prepared as required under section 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013 (Cth)*.

In my opinion, this statement accurately presents the performance of the Commission in the reporting period and complies with section 39(2) of the *Public Governance Performance and Accountability Act 2013 (Cth)*.

A handwritten signature in black ink that reads "Rosalind Croucher".

Emeritus Professor Rosalind Croucher AM
President

7 October 2022

5.2 Results

Introduction

The Commission undertakes a wide range of activities in pursuit of our statutory functions. We focus our work on issues that constitute 'protected attributes' under federal discrimination law or for which there is a mandated Special Purpose Commissioner. This includes race, age, disability, sex discrimination, Aboriginal and Torres Strait Islander social justice, children, sexual orientation, gender identity and intersex status, and issues within the responsibilities of the Human Rights Commissioner, including asylum seekers and immigration, national security, and technology issues.

The *Australian Human Rights Commission Act 1986* (Cth) requires us to exercise our functions in a manner that achieves the 'greatest possible benefit to the people of Australia' and 'with regard for the indivisibility and universality of human rights'. Accordingly, we also conduct human rights education, work with partners on cultural workplace reform, intervene in human rights matters before the courts, and promote the role of business in addressing human rights.

Our work priorities are set through an annual planning process framed by the four goals in our 2021–2022 Corporate Plan. In addition, the Commission ensures its work helps achieve the outcome articulated in its Portfolio Budget Statement (PBS), being:

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

Performance Measurement

The performance statement in this report identifies how the Commission has met its purpose. These results are reported in relation to our performance measurement framework, published in the 2020–2021 Corporate Plan.¹ In this framework, our purpose and functions are reflected in the organisational goals and outcomes.

The goals and outcomes are pitched to a level where we can reasonably expect to contribute to them:

- within the four-year outlook of each corporate plan
- through the collective contributions of our President and Commissioners across their individual terms
- through our ongoing programs and services, and
- in an operating context that remains stable.

Progress indicators are mapped to each of the outcomes. They are designed to provide reasonable evidence of contribution to the outcome, and include output, process, and outcome measures. They are, in turn, supported by a range of data from monitoring and evaluation strategies implemented across the Commission's programs and services.

Six of the outcomes correspond to the performance criteria in the Commission's Portfolio Budget Statement (PBS), and 11 of the indicators correspond to the performance targets in our PBS. This relationship is indicated in the full framework table, located in Appendix 1, and throughout the following statement. In this way, a clear line of sight is maintained between our PBS, work plan, and results.

The goals and outcomes of the Corporate Plan are reflected in this Annual Performance Statement. In reporting against all the progress indicators, we have focused on case studies, partnerships, and projects to demonstrate our performance.

5.3 Audit and Risk Committee

Under the *Public Governance, Performance and Accountability Rule 2014* (Cth) (PGPA rule) requirement (subsection 17(2)(b)), our Audit and Risk Committee has assessed this performance statement, reviewing the completeness and appropriateness of the performance information, systems and framework, and the completeness and appropriateness of our performance reporting.

Under the PGPA Rule requirement (subsection 17BE(taa)), the following information is provided:

(a) Electronic address of the audit committee charter:

https://humanrights.gov.au/sites/default/files/ahrc_audit_and_risk_committee_charter.pdf

(b) Audit and Risk Committee members in 2021–2022:

- Linda Waugh (Chair)
- Navaka Arachchige
- Clare Bower

(c) Qualifications, knowledge, and experience of committee members:

Linda Waugh is the Chair of the Audit and Risk Committee. She is the Merit Protection Commissioner (Australian Public Service and Parliamentary Services). Ms Waugh has over 20 years' experience working in public sector integrity and oversight bodies in both the Commonwealth and state governments. She has a breadth of experience across complaints and investigations, risk and governance, policy reform and education, systems reviews, and auditing and legislative reviews. Ms Waugh holds a Bachelor of Arts, a Post Graduate Diploma of Psychology, and a Master of Business Administration.

Navaka Arachchige is an independent external member of the Audit and Risk Committee. He is the Chief Financial Officer of the Administrative Appeals Tribunal and has over 15 years of public sector experience in finance and corporate services including governance, audit, risk, and procurement. Mr Arachchige holds membership of the Association of Certified Chartered

Accountants (ACCA) UK and the Chartered Institute of Management Accountants (CIMA) UK. He also holds a Master of Commerce degree specialising in Management Information Systems from the University of NSW.

Clare Bower is an experienced governance, risk and audit professional with more than 20 years' advising and serving Australian and global organisations, including federal and NSW public sector departments, major ASX listed companies, and the not-for-profit sector. Her most recent full-time role was as a senior Partner at Deloitte Australia. She was the Australian leader of Deloitte's Risk Services Public Sector and Not for Profit Industry Group.

Ms Bower completed her graduate studies in accounting, law and tax at the University of Technology Sydney, was certified as an internal auditor in 2001, is an affiliate member of the institute of Chartered Accountants 2002-2015 and is a current member of the Australian Institute of Company Directors.

(d) The Audit and Risk Committee held 5 meetings in 2021-2022 on these dates:

- 17 and 26 August 2021
- 14 October 2021
- 7 December 2021
- 8 March 2022
- 12 May 2022

All Committee members attended all meetings.

(e) Member remuneration:

No Audit and Risk Committee member was remunerated for their service on the committee during this period.

5.4 Commission activity

The following provides a snapshot of the Commission’s monitored activity for 2021–2022.

Public presence	23 Major
	74 Web news
	1358 Media enquiries
	197 Interviews
	17 Opinion pieces
Key speaking engagements	263 Combined President and Commissioner orations, keynotes, and other speeches
Digital engagement	53 YouTube videos
	7,181 YouTube subscribers
	7,732,245 Website visits (> 17.9%)
	12,174,780 Website pageviews (> 12.72%)
	109,358 Facebook followers (Commission only)
	106,344 Twitter followers (Combined Commission/Commissioner)
National Information Service	Assisted 23,200 enquiries from people and organisations seeking information about discrimination and human rights
Investigation and Conciliation Service	Accepted 3,736 complaints about discrimination and breaches of human rights
	Conducted 1,819 Conciliation processes, with 1,128 of these complaints successfully resolved
Reports, research, educational resources, and publications	44 Major Reports, reviews, issues and discussion papers, guidelines, corporate publications, information, and training resources
Human rights education and training	16 Combined virtual (real time or blended/moderated) and face-to-face training workshops with 302 participants
	4 Combined virtual or face-to-face information webinars reaching 90 people
Legal expertise and investigation	38 Submissions to public inquiries, with 91 citations
	2 Interventions in Court proceedings (judgement delivered)
	16 Australian Human Rights Commission Act reports

5.5 Statement Against Commission Goals

The following four goals were set out in the Corporate Plan as part of our monitoring and evaluation framework to demonstrate how our purpose and functions work in practice. They identify the Commission’s overarching goals for the past year, as well as what the Commission was seeking to achieve, and the key indicators that would be used to establish how we meet them.

Appendix 4 to this Report sets out the Commission’s key activities, and below we provide details of these activities and how they addressed the Commission’s goals.

Goal 1: Greater prioritisation and embedding of human rights issues at the national level

Outcome 1.1

The leadership and advocacy of the President and Commissioners on thematic areas or identified human rights issues, improves the enjoyment of human rights by affected groups.

What this looks like

Our research, reporting and advice influences and builds capacity in decision makers and other stakeholders to take action to address the identified human rights issues.

Research, reporting and advice activities of the Commission:

- are viewed as evidenced, persuasive and credible by stakeholders
- increase understanding of the human rights issues and impacts raised
- strengthen stakeholder capacity to promote and advocate for the human rights issues raised.

Instances of programs attracting strategic partnerships that advance the priority human rights issues we have advocated for.

Instances of improved federal and State government policy, practice and legislative change that reflect our advice.

Independent Review into Commonwealth Parliamentary Workplaces

In March 2021, the Commission was asked to undertake an Independent Review of Commonwealth Parliamentary Workplaces (Review) by the federal Government, with the support of the Opposition and crossbench. Led by Sex Discrimination Commissioner Kate Jenkins, the Review examined the culture of Commonwealth parliamentary workplaces with the aim of ensuring that the national Parliament reflects best practice in the prevention of and response to bullying, sexual harassment, and sexual assault.

On 30 November 2021, the Commission launched *Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces*. The Review was informed by the individual contributions of over **1,700** current and former staff and parliamentarians in Commonwealth parliamentary workplaces, as well as by input from **33** organisations and collectives. *Set the Standard* makes **28** recommendations designed to ensure the Australian parliament is a safe and respectful workplace.

The recommendations are complementary and reinforcing in nature, constituting a Framework for Action that requires five shifts with respect to leadership; diversity, equality and inclusion; systems to support performance; standards, reporting and accountability; and safety and wellbeing.

Recommendation 1: Delivery in the Parliament of the Joint Statement of Acknowledgment by the Presiding Officers (POs) on 8 February 2022. This statement, delivered on behalf of the Parliamentary Cross-Party Leadership Taskforce, acknowledged the unacceptable history of workplace bullying, sexual harassment and sexual assault in Commonwealth Parliamentary Workplaces.

Recommendation 17 and 24 Enactment of the *Parliamentary Workplace Reform (Set the Standard Measures No. 1) Act*, passed in Parliament on 15 February 2022, to confirm that the *Fair Work Act 2009*, *Age Discrimination Act 2004* and *Disability Discrimination Act 1992* apply to people engaged under the *Members of Parliament (Staff) Act 1984* and that the *Work Health and Safety Act 2011* applies to parliamentarians in their capacity as employers of staff.

The Government has expressed commitment to implement all recommendations. To date, the following 3 of the 28 recommendations have been fully implemented. The implementation of the remaining 25 recommendations is either in progress, to be commenced once corresponding recommendations are implemented, or to be discussed further.

The Review has paved the way for New South Wales, South Australia and Tasmania to commission their own independent reviews into their respective State parliamentary workplaces.

Wiyi Yani U Thangani (Women's Voices) Project

This year saw the completion of stage two of the *Wiyi Yani Thangani* (Women's Voices) project, overseen by Commissioner June Oscar AO, Social Justice Commissioner. This built on the first stage of the project which involved national engagements with over **2,000** First Nations women and girls in over **50** locations around the country. This culminated in the production of the *Wiyi Yani U Thangani* Report tabled in federal Parliament December 2020, setting out First Nations women and girls' aspirations for structural reform.

This reporting period work focused on implementation and socialising the report with communities, organisations and governments throughout Australia and translating its aspirations into actions and initiatives to create meaningful change. This has involved formalising a national network for action. Other activities include the development of a short, animated film on the project, its themes, and its calls to action 'From dreams, let's make it a reality'.

The project has formalised a national network for action and developed a supporter toolkit for community, private and public sector stakeholders looking to embed *Wiyi Yani U Thangani* into their work.

The Commission has worked with communities and organisations on local implementation of the report and worked with the federal government on the implementation of the report in policy development. Roundtables with community leaders and experts took place to inform the development of the *Wiyi Yani U Thangani* Implementation Framework, which draws on the substantial evidence-base and actions put forward in the *Wiyi Yani U Thangani* Report and provides the conceptual underpinning for the system change work ahead.

The Implementation Framework identifies three overarching structural transitions that are relevant across all systems. These are: a shift from top-down and detached to relational, collaborative, and self-determined decision-making; a shift from uncaring and punitive to caring and enabling systems; a shift from short-term, insecure, and uncoordinated to long-term, secure, and holistic funding.

Wiyi Yani U Thangani thematic focus areas

Thematic area 1: Leadership and decision-making for self-determination

Major Priority 1: First Nations women and girls are strong in identity and empowered leaders in both worlds

Major Priority 2: First Nations women and girls are represented and responded to across all areas of decision-making

Thematic area 2: Language, land, water and cultural rights

Major Priority 3: Cultural rights are secured, practised and lived by First Nations women and girls

Major Priority 4: Access to and autonomy over ancestral country

Major Priority 5: First Nations gender-just climate solutions

Thematic area 3: Societal healing and intergenerational wellbeing

Major Priority 6: Healing-informed, engaged and transformed systems and society

Major Priority 7: Every First Nations child is born into an empowered, healthy, and sustainable community

Thematic area 4: Economic justice & empowerment

Major Priority 8: Control over income and financial resources and engagement in meaningful economies

Major Priority 9: A transformed care economy

The Implementation Framework also lays out four thematic areas with major priorities (as shown in the table *Wiyi Yani U Thangani* thematic focus areas), as well as actions identified under each. This structure provides a focus on the key interconnected drivers of structural equality identified by women and girls, and how to support and invest in these drivers into the future.

The final stage (Stage 3) of the project will be delivered next year building on the previous two stages approach of self-determination and participation in decision-making.

Immigration detention, refugee, and asylum seeker programs

Commissioner Lorraine Finlay leads the Commission's work on human rights issues affecting asylum seekers, refugees and people in immigration detention. This involves monitoring immigration detention facilities, conducting research into and consultation projects on specific issues of concern, and engagement with the federal Parliament regarding changes to Australia's migration laws.

In this reporting period, Commissioner Finlay, in her first year as the Human Rights Commissioner, led a number of immigration detention inspections, including two ad-hoc inspections of Hotel Alternative Places of Detention (APODS) in Melbourne and Brisbane. The aim of both visits was to examine the conditions of detention in Hotel APODs and the broader impacts of detention on people who were or are still detained. In conjunction with the inspection visits, the Commission conducted interviews and received submissions from former detainees and NGOs providing support to APOD detainees.

The need for such an inspection was highlighted by Commissioner Finlay in an opinion piece 'Novak Djokovic drew global attention to Australia's immigration detention regime. Now we need proper scrutiny of all places of detention' published on ABC News Online on 20 January 2022.

Keeping kids safe and well – your voices

The Department of Social Services asked National Children's Commissioner Anne Hollonds, to seek input from children and families across Australia about how to keep them safe and well in their homes and communities for the purpose of informing the first five-year action plan to *Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031*.

The right of children to participate in decisions that affect them is one of the four guiding principles in the Convention on the Rights of the Child. Participation is also a key principle in the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities. Having a genuine voice and being heard is fundamental to claiming all other rights, with participation being both protective and empowering for children.

45 consultations were held, with **400** participants (face-to-face and on-line) with 426 survey respondents. Final report was provided to DSS in February 2022. Positive feedback was received. The report, including a child-friendly version, was launched on 6 April 2022.

A key human rights challenge affecting children in Australia is the fragmentation and failure of our basic systems that are meant to support children and their families, especially those living with poverty and disadvantage. Urgent cross-portfolio reform is needed across health, education, and social services including housing, to ensure that these systems are fit-for-purpose and can help families to keep their children safe and well.

Overall, children and families said they needed:

- 1. Help with housing (60%, n=256)*
 - 2. Mental health services (41%, n=174)*
 - 3. Help with basic needs (33%, n=142)*
-

Transforming Approaches to Protecting Australia's Children

This project was an exploratory rethink of national approaches to child wellbeing funded by the Paul Ramsay Foundation, led by Commissioner Hollonds. Despite widespread efforts, growing evidence, numerous reviews and inquiries and significant investment, we are failing to make progress on child and family wellbeing, especially for those living with poverty and disadvantage. Late interventions and reacting to crises dominate policy settings and services. Nothing speaks more to this than the number of children in the child protection system and out-of-home care, including the disproportionate number of Aboriginal and Torres Strait Islander children. Children are falling further behind, with rising mental health issues and declining educational outcomes.

The project convened new evidence and coalitions of expertise to design long-term strategic work capable of having impact in this complex area of social policy.

This included four individual interviews with key stakeholders and one roundtable with ten key stakeholders.

A draft report was provided to the Paul Ramsay Foundation on 30 May 2022. It found that by numerous measures, Australian children are going backwards – educational outcomes, mental health, housing insecurity, rising disadvantage and child safety concerns. While there are many programs and organisations working to address these issues, they are fragmented, predominantly reactionary rather than preventative, and largely failing to scale despite the growing evidence of what works. There is a need for a much more coordinated and ambitious agenda to improve child wellbeing in Australia.

Outcomes 1.2

Law and policy makers, at all levels, consider and address the human rights impacts we identify through our submissions, inquiries, research, reports and United Nations engagement.

What this looks like

Parliamentary committee inquiry reports adopt the human rights issues raised in our submissions and recommendations.

UN treaty body concluding observations and UPR Recommendations are adopted by Government and implemented.

Arguments presented in our submissions to courts influence outcomes for parties and non-parties in a way that is consistent with human rights.

Respect@Work

In the previous reporting period, Commissioner Kate Jenkins launched the *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (Respect@Work) report on 6 March 2020. Respect@Work examined the nature, prevalence, and drivers of sexual harassment in Australian workplaces, and measures to address and prevent it, finding that sexual harassment is pervasive, occurring in every industry and across every level in Australian workplaces.

On 11 September 2021 the *Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021* (Respect at Work Amendment Act) commenced, giving effect to Respect@Work recommendations 16, 20, 21, 22, 29, and 30.

The Australian Government established the Respect@Work Council (Council) in the previous reporting period (March 2021). In this reporting period, the Council met four times.

The Council is chaired by Commissioner Jenkins and brings together leaders from eight key government regulators and policy makers responsible for sexual harassment policies and complaints, as well as worker and employer representatives. The Council's objective is to improve coordination,

consistency, and clarity across existing legal and regulatory frameworks, to identify ways to promote safer workplaces, and to provide oversight of the implementation of key Respect@Work recommendations. The Council is supported by a Secretariat located within the Attorney-General's Department.

In June 2021, the Morrison Government introduced the Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021, which gives effect to **6** of the **55** Respect@Work recommendations (Recommendations 16, 20, 21, 22, 29, and 30). The Albanese Government, elected on 21 May 2022, has committed to implement all **55** recommendations of the Respect@Work report in full.

The Attorney-General's Department has already provided funding to the Commission to lead the implementation of **10** Respect@Work recommendations (Recommendations 2, 3, 9, 34, 36, 37, 40, 48, 51 and 52).

Key deliverables of Respect@Work include:

- report of the 5th National Survey of Sexual Harassment in Australian Workplaces
- data sharing agreement for key agencies collecting data on workplace sexual harassment matters
- publication of education and training on the nature, drivers, and impacts of sexual harassment for key audiences, as well as publicly available education and training materials on the rights and responsibilities of employers and workers with respect to sexual harassment; an online platform delivering information, education, and resources to support all workplaces to prevent and respond to sexual harassment

I want to thank Sex Discrimination Commissioner Kate Jenkins, members of the Respect@Work Council and all those working to implement the recommendations from Commissioner Jenkins' Respect@Work report.

– The Hon. Mark Dreyfus QC MP
Attorney General 7 July 2022

- resources on support services for individuals and referral pathways for agencies supporting persons harassed.

Final deliverables for recommendations 2, 9, 34, 36, 37, 40, 48, 51 and 52 are due to be completed in late 2022.

Disability Policy and law reform engagement

Disability Discrimination Commissioner Ben Gauntlett has represented the rights and interests of people with disability by participating in a range of forums and committees across government and non-government sectors. This includes engagement in areas such as transport, education and employment to ensure the lived experience of people with disability is recognised and considered and advocating for policy and law reform to ensure compliance with the *Disability Discrimination Act 1992* (Cth) and the Convention on the Rights of Persons with Disabilities (CRPD).

The Disability Discrimination Commissioner occupies the following key committee memberships: Chair of the Australia's Disability Strategy Advisory Council, Chair of the Disability Employment Service Reference Group, Expert Advisor to the NDIA Independent Advisory Council, Member of various COVID-19 government committees.

Supporting and promoting positive ageing

'What's age got to do with it?' is an intergenerational project to identify and explore age-based stereotypes that exist across the lifespan and in specified life arenas in Australia, led by Age Discrimination Commissioner the Hon Dr Kay Patterson AO.

Informed by the 'What's age got to do with it?' report, Commissioner Patterson and her team have developed a field-based project to develop, deliver and evaluate an educational intervention. This project will examine beliefs and expectations about ageing and older people held by those who provide services to older Australians, and the effect of an educational intervention on these beliefs.

This multiphase project explored what Australians think about age and ageism, including attitudes toward their own and other age groups. The project involved: a national survey of **2,440** young, middle-aged, and older adults; **11** focus groups with **66** participants; desktop analysis of existing Australian and international research.

The final report was launched in September 2021. The key findings of the report found that ageism affects all adults in different ways across all age group. It identified ways forward to reduce ageism and age discrimination, identified policies and laws to reduce ageism and put forward education and intergenerational initiatives and strategies.

Ageism, is that a new word?

"I haven't really heard about [ageism] to be honest. It's not something I come across very often."

"[They] see us as unimportant, irrelevant sometimes – not everybody – but I do get the sense we haven't got a voice with a lot of things."

Focus group participants 'What's age got to do with it?', 2021

Outcomes 1.3

The national human rights reform agenda proposed in the *Free & Equal: An Australian conversation on human rights* report is considered and addressed by the Parliament, government and the non-government sector.

What this looks like

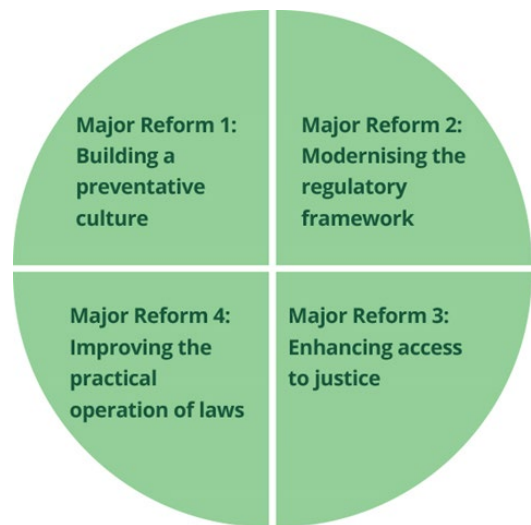
Recommendations and actions in the report are addressed by the Attorney-General and federal Parliament.

Free and Equal

The Commission's Free and Equal project: An Australian Conversation on Human Rights (Free and Equal) project seeks to identify what an effective system of human rights protection for 21st century Australia would look like, and what steps Australia needs to take to get there. The project, headed by President Rosalind Croucher AM will outline the actions necessary for governments to meet their obligations to respect, protect, and fulfil human rights.

Free and Equal is a multi-limbed project that has progressed through several stages. It began with the release of a 2019 Issues Paper describing the human rights landscape and asking general questions about priorities for reform, followed by three technical discussion papers on discrimination law, increasing the positive framing of human rights in Australian legislation, and accountability mechanisms. These papers sparked an inclusive national conversation on human rights reform, held via submissions and a broad series of consultations and events led by the President.

In December 2021 the Commission released *Free and Equal: A reform agenda for federal discrimination laws*. The position paper sets out the Commission’s proposals for reforming federal discrimination law in Australia. The paper is framed around the four ‘outcome pillars’, which were tested through consultations: shifting towards a culture of prevention (building a preventative culture); shifting to a more effective compliance model (modernising the regulatory framework); enhancing access to justice; and improving the practical operation of the laws.



The proposed reforms in the position paper build from the recommendations in the *Respect@Work* report to modernise and streamline all four federal discrimination laws, and the two complaint handling streams set out in the AHRC Act.

President Rosalind Croucher AM engaged in a number of speech opportunities and events to engage audiences on the importance of the introduction of a Human Rights Act at a federal level. This included the Iftar dinner at NSW Parliament House; the Samuel Griffith Society Conference; the Sir Ronald Wilson lecture and the Michael Kirby Justice Oration. These engagements were an opportunity to raise the importance of a Federal Human Rights Act, in alignment with the work being conducted for the Free & Equal project.

A second position paper for the Free and Equal project will be released in late 2022, setting out proposals for the positive protection of human rights, including by setting out a model for the federal Human Rights Act. A final report of the project will also set out a proposed national framework for human rights.

Goal 2: More people, communities and organisations respect and understand human rights

Outcome 2.1

Our education activities increase capability among individuals, communities and organisations to promote and protect human rights and address discrimination.

Participants in education activities benefit through achieving the stated human rights learning and capability objectives.

What this looks like

Most participants in our adult training programs report:

- satisfaction with the quality and relevance of the training
- increased understanding, expertise, reframed attitudes. [PBS target]

Instances of organisations working with the Commission to develop human rights education/ training activities.

Human Rights Education and Training

The Workplace and Community Education team, which sat within the Public Engagement Team during the reporting period, is responsible for making the Commission's work accessible, digestible, fit for purpose and engaging to the broader public and identified target audiences. This involves translating the knowledge created via our policy, complaints and legal functions and communicating them in diverse ways to reach our audiences beyond standard reports, submissions and summaries. Key functions of the team are: development of knowledge translation resources that make human rights accessible to the public and identified target audiences, development and delivery of human rights and anti-discrimination training programs (face-to-face and eLearning) and provision of advice on developing knowledge translation resources for policy projects and products.

During this reporting period the team was significantly impacted by the lockdown and COVID-19 pandemic and a reduction in resources. However, significant work

took place refreshing existing face-to-face training packages as well as developing online content including eLearning modules.

During the 2021–22 reporting period, the Commission developed and refreshed content for contact officer training, appropriate workplace behaviour, upholding the rights of people with disability, understanding workplace sexual harassment and addressing workplace sexual harassment. New content was developed for three new eLearning packages; appropriate workplace behaviour; anti-racism; and understanding workplace sexual harassment.

Our training has received positive feedback from participants and training partner. This includes repeat business from satisfied clients. TAFE NSW who are expanding their contact officer program and has invited us to deliver contact officer training again to another group at their organisation, and Legal Aid NSW was so pleased with the Workplace Sexual Harassment train-the-trainer that they have now signed up to enrol their entire staff in the Commission's anti-racism course.

Our training on workplace sexual harassment at the NSW Department of Communities and Justice has also been expanded, with a new partnership established for the development of an industry-specific workplace sexual harassment eLearning course for managers in the retail and hospitality industries.

This financial year also saw the migration of our eLearning courses to a new Learning Management System (LMS) with improved functionality, to allow for a significant scale-up in the new financial year.

IncludeAbility

IncludeAbility is an initiative coordinated by Commissioner Dr Ben Gauntlett, the Disability Discrimination Commissioner, which seeks to increase meaningful employment opportunities for people with disability, and to close the gap in workforce participation between people with disability and people without disability. This year represented the project's second year, with key milestones being achieved including the Disability action plan guide and associated communications and campaigns.

This reporting period the project launched the IncludeAbility website, including the publication of **21** resources and 4 FAQs videos, for employers and people

with disability. Social Media channels were established on Instagram, Twitter and LinkedIn and a 'Meet the Experts' Video Campaign was launched showcasing the skills, knowledge and experience that Australians with disability bring to their workplaces.

The Disability Action Plan Guide provides a much-needed source of guidance for employers. As a result of the publication of the Guide, a number Australian employers are now developing and registering new Disability Action Plans with the Commission, as required under the Disability Discrimination Act.

National Anti-Racism Framework

This year the Commission progressed the development of a National Anti-Racism Framework with consultations with government, civil society and community partners. The Framework, established under the leadership of Race Discrimination Commissioner Chin Tan, will reflect an agreed national approach to tackling racism and promoting social cohesion by outlining guiding principles and setting national outcomes.

In March 2021, the Commission called for a national anti-racism framework, and released a Concept Paper proposing guiding principles, outcomes and strategies.

Between May 2021 and April 2022, approximately **100** consultations were undertaken with **300**

government departments and agencies, service providers, peak and community organisations, and subject-matter experts, on the scope and vision for a framework.

The Commission partnered with some of those organisations and agencies and had the privilege of facilitating **10** community consultations across the nation.

FECCA supports the development of a national anti-racism framework and has multiple times lobbied for a federal commitment to a national anti-racism framework followed by appropriate resources to ensure a broad-reaching, accessible and evidence-based framework. Racism and discrimination undermine any efforts made to encourage belonging, inclusion and participation.

Submission from Federation of Ethnic Communities' Councils of Australia, NARF Project, May 2021- April 2022.

“The proposed National Anti-Racism Framework (the Framework) represents the types of initiatives that will bring about a proactive commitment to challenging systemic racism and fostering trust and cohesion in our communities”

Submission from Australian Multicultural Foundation, NARF Project,

A Conversation and Consultation Guide was made available to organisations who wished to host their own consultations. At least five organisations used the guide to consult their networks and the community members they work with. Others utilised this Guide to inform their submission.

The Commission invited public submissions from October 2021 through February 2022. To support

this process a submissions guide was released, outlining feedback received through the consultation process to date, and invited further feedback including via in-language submissions, and submissions in any format. To encourage broad access and participation social media messaging calling for submissions was promoted in the top 20 languages and an Easy-read guide to submissions was made available. The Commission received strong feedback from members of the Project’s Multicultural Advisory Group that this aided in making the process more accessible to communities with less English language proficiency.

Supporting website content was also made available for the project and submissions process. The Commission received 171 submissions. This included approximately 60 submissions from individuals.

Outcome 2.2

Our information resources, services, events and campaigns reach, inform and influence users and audiences.

What this looks like

Instances of organisations working with the Commission to develop human rights education/ training activities.

Targeted audiences are reached, are able to and do access our information resources and services, and participate in our events and campaigns. indicated by:

- An average engagement rate of 2% or higher for Commission social media posts about our education and information activities
- High rates of participants finding our events and campaigns engaging and relevant.

Instances of legal information, resources, guidelines and exemption processes helping employers and organisations to comply with Australian discrimination and human rights law.

Racism. It Stops with Me

In 2020, the Race Discrimination Team began a refresh of the *Racism. It Stops With Me* campaign, including a new public awareness campaign and campaign website. The new campaign aims to encourage more Australians to commit to learning about racism and taking action against it. In particular, the campaign encourages those without lived experiences of racism to reflect on the role of racism in shaping society and to work within their sphere of influence to create meaningful change.

In 2021, the Project Team undertook over **40** consultations to inform the development of the public awareness campaign. The Project Team, which sat within the Partnership and International Engagement team during the reporting period, was fortunate to receive a diverse range of input and advice through these consultations, which primarily sought the perspective of those with lived experiences of racism and experience in anti-racism.

Prior to the campaign's launch, meetings were held with government and non-government stakeholders to discuss the importance of a national anti-racism campaign and to encourage uptake and engagement with the campaign. Throughout May-June 2022, the public awareness campaign and website reached their final stage of development and were well received by consultation participants and stakeholders during testing.

This work culminated in a new public awareness campaign and campaign website launched on 12 July 2022. This included a public service announcement in 3-minute, 60-second, 30-second and 2x 15-second formats, a social and digital campaign, a suite of static assets for workplaces and public spaces, an updated campaign website and updated Workplace Cultural Diversity Tool. Further information including the outcomes and feedback on the campaign and resources will be developed during the following reporting period.

Update of International Student Principles

The *Principles for promoting and protecting the human rights of international students* (**International Student Principles**) were updated by the Race Discrimination Team in consultation with international students and peak bodies in the international education sector. The updated principles seek to: provide guidance to all organisations and agencies that provide services to international students; inform the ongoing development of policies and services; and provide international students and their representative bodies with a guide as to how their human rights can be better promoted and protected, and to support their advocacy with governments.

Twenty-eight organisations, including government departments and agencies, peak bodies representing the interests of international students, industry associations, legal service providers, academics and researchers were consulted to provide input into the refresh.

The updated principles and an accompanying factsheet, intended to support international students and their representative bodies in their advocacy for enhanced promotion and protection of human rights, were launched via the Commission website, along with website content, and a rollout of three social media tiles on the Commission's social media channels. These were also provided to stakeholders for their promotion purposes.

Elder abuse awareness program

The Commission continued to promote action to address elder abuse, including by promoting the implementation of recommendations from the 2017 Australian Law Reform Commission's Elder Abuse report. Led by Age Discrimination Commissioner the Hon Dr Kay Patterson AO, the Commission conducted community engagement forums on the links between ageism and elder abuse, with targeted groups such as bank workers and health professionals in metropolitan and regional Australia.

Elder abuse bookmarks and posters were translated into **19** community languages most spoken by older Australians. All **20** language versions (including English) were promoted during World Elder Abuse Awareness Day 2022 on the Commission's website and via social media. A stakeholder media kit containing information about the resources was shared with key stakeholders and

multicultural groups, who were encouraged to spread the word among their communities.

The Commission worked with the National Ethnic and Multicultural Broadcaster's Council (NEMBC) to develop radio community service announcements in 19 languages, which were broadcast on ethnic community radio stations. In-language social media tiles were also developed and shared with the community via a range of channels.

To date, approximately **475,935** elder abuse bookmarks and **6,673** posters have been printed and distributed to raise awareness of elder abuse and the National Elder Abuse phone line 1800 ELDERHelp. These bookmarks and posters continue to be popular and the team continues to receive orders from the community for these resources.

As part of the rollout of the translated elder abuse bookmarks and posters in **19** languages other than English, in-language radio community service announcements in **19** foreign languages were broadcast approximately **66** times on ethnic community radio stations. In-language social media tiles were created and shared with the community via a range of channels, reaching over **40,000** Facebook users and nearly **4,000** Twitter users. Lastly, more than **4,000** emails were sent to NEMBC members, community leaders, and multicultural organisations.

Over **640,000** people saw the Commission's second elder abuse video on social media. The video was broadcast over **39,500** times on radio across **473** stations and **297** times on TV in metro markets, achieving an estimated minimum airtime value of \$578,047. That's a return on investment of over 57:1.

IncludeAbility

IncludeAbility, coordinated by the Disability Discrimination Commissioner Dr Ben Gauntlett, continued to engage with employers and sector partners this reporting period. Key activities included strengthening of the Employer Network, with Five Employer Network meetings, and a successful CEO forum held at the end of 2021. Annual Access and Inclusion Health Checks were completed with all Employer Network members to identify IncludeAbility delivered key events and presentations. Surveys from the five IncludeAbility Employer Network Meetings demonstrated that participants found meetings resulted in: gaining a deeper understanding of the topic; feeling more confident in developing and adopting

practical strategies into their workplace; and were a worthwhile use of employee's time.

Key activities included: a webinar with Employer Network Diversity and Inclusion leads on 'How to Undertake a 5+5 Listen & Learn Activity session'. This was delivered by both the Disability Discrimination and the Sex Discrimination Commissioners, a guest lecture, and four tutorials delivered to students at Sydney University on disability rights, participation and Disability Action Plans. The topics of discussion by students included representation, participation, lived experience, co-design and general inclusion, and an online international panel discussion on ICTs and Employment of people with Disability in May 2022 chaired by Commissioner Gauntlett and included two IncludeAbility Ambassadors, two Employer Network Members and the Social Deck.

Thank you, Ben and team, for pulling us together – delighted to be working together here

Thanks to Ben and the team – looking forward to working together; the video is very powerful.

Thanks so much for bringing us all together...so much to learn from each other and do together. Thanks for your leadership.

Great session – I think there is so much room to do things more, and better.

Inspiring video. Very keen to help distribute this widely. And thanks for an important session

Feedback from participant in the CEO
forum 2021

Close the Gap

This multi-year collaboration is working with Australia's peak Indigenous and non-Indigenous health bodies, NGOs and human rights organisations to achieve health and life expectation equality for Australia's Aboriginal and Torres Strait Islander peoples.

The Aboriginal and Torres Strait Islander Social Justice Commissioner June Oscar AO has performed the role of one of the Campaign's two co-Chairs from 2006 to the present.

This period was marked by the implementation of important and self-determining structural changes to the Campaign, including a reaffirmation of the role of the Indigenous leadership as Campaign decision-makers, a mandatory membership contributions regime, the introduction of a sub-committee

architecture, and the transition of the Secretariat from the Commission to a First Nations-controlled organisation.

Following a decision made at the 18 November 2021 Campaign Steering Committee meeting, a process was initiated to transition the Secretariat from the Commission to the National Association of Aboriginal and Torres Strait Islander Health Workers and Practitioners (NAATSIHWP). This process was successfully completed in early April 2022 following a very successful Close the Gap Day online event where the 2022 Campaign Annual Report 'Transforming Power; Voices for Generational Change' was officially launched.

The Secretariat transition is a cause for celebration and demonstrates the extent to which the First Nations-controlled health sector has developed over the past two decades. The transition also marks another example of an initiative in which the Commission has worked together with First Nations organisations to bring key issues to national attention, provided administrative support as required, and helped to build capacity within the sector to enable key self-determining initiatives.

The Commission will continue to support the Campaign through its support of the Aboriginal and Torres Strait Islander Social Justice Commissioner and through the provision of in-kind support from the Commission's Social Justice policy and Public Engagement teams.

Goal 3: More people, communities and organisations take action to respect protect and promote human rights in their own context.

Outcome 3.1

Our activities increase the capacity of vulnerable groups, communities and their advocates to understand and advocate for their rights.

What this looks like

Participants in education activities benefit through achieving the stated human rights learning and capability objectives.

Our regional technical cooperation activities increase stakeholder capacity to advance national reform in partner states.

Instances of stakeholders in our activities with organisations reporting that our work has contributed to increased understanding of the impact of their systems and operations on human rights.

Instances of stakeholders in our activities with organisations making changes to organisational policy and practice, to respect, protect and promote human rights in their context.

Instances of partners’:

- increased knowledge and application of human rights frameworks, principles, and practices to advance human rights reform,
- practice/policy reform relating to human rights principles, which are reviewed or developed because of technical cooperation activities.

OPCAT Implementation Project

Australia ratified the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in December 2017 and is required to be compliant with its OPCAT obligations by the extended deadline of 20 January 2023. Australia has chosen to adopt a multiple-body monitoring system, with each Australian jurisdiction to designate their own National Preventive Mechanism (NPM), and the Commonwealth Ombudsman designated as the NPM Co-ordinator.

The OPCAT Implementation Project is designed to build on the Commission’s past work supporting OPCAT implementation, and has the dual purpose of assisting the Commonwealth, State and Territory Governments by identifying a clear pathway towards meeting the January 2023 deadline and helping Australia comply with the UN Committee Against Torture’s request for an Action Plan.

During the 2021–22 reporting period the Commission developed the National OPCAT symposium and roadmap project and started working towards its delivery.

Older Australians and employment program

Fostering implementation of key recommendations from the Commission's 2016 Willing to Work Report and promoting the benefits of multigenerational workforces is a continued focus of Age Discrimination Commissioner the Hon Dr Kay Patterson AO this reporting period.

Following joint reports released in 2014, 2018 and 2021, the Commission has once again partnered with the Australian Human Resources Institute on the next older worker survey. The periodic survey provides a snapshot of the current employment climate for older workers and tracks changes in employers' perceptions about the ageing workforce. The report on the findings is expected in the first half of 2023.

In this reporting period, Commissioner Patterson provided advice on the Department of Employment and Workplace Relations' Mature Age Hub, an online resource for employers and older workers, and participated in research commissioned by the department, which explored employment barriers faced by older workers. She was also consulted by the Australian National University and Deloitte Access Economics on reports relating to Australia's ageing workforce.

Mental health impacts of COVID-19 pandemic on at-risk children and young people

This project, led by the National Children's Commissioner Anne Hollonds explored children's experiences of the COVID-19 pandemic on their mental health and wellbeing. It was conducted in collaboration with the National Mental Health Commission.

Children as a group have been subject to multiple restrictions as a result of the pandemic – their ability to move around their communities, spend time with friends and extended family members, and their ability to attend school have all been constrained at different times since early 2020. They also experienced the

Dr Patterson's office provided valuable insights on mature age employment and ageing workforce to the project team at Australian National University on the 'Working Well Working Wisely: How Do We Make Longer Working Lives Feasible and Fair?'. The project's goal is to develop interventions that can capitalise on older Australians' skills and expertise, boost their economic participation, while minimising later health and aged-care costs.

Department of Employment and Workplace Relations

broader impacts of the pandemic on their families – fear of either themselves or relatives getting ill, periods of isolation, lack of information and misinformation, as well as economic impacts such as loss of employment of family members. This project explores how these factors and others have affected their mental health and wellbeing based on their self-reported experiences, and those of their caregivers.

Children, and parents/guardians and grandparents across Australia were invited by the National Children’s Commissioner to respond to an online survey. **4,559** children aged 9–17 years, and 2,796 parents/guardians and grandparents provided survey responses. Two roundtables were held with key mental health stakeholders.

The report, including a child-friendly version, was launched on 25 September 2022, after the reporting period.

Of the **4,559** children who participated in the survey, **41%** reported that the pandemic had a negative impact on their wellbeing, and at the time of the survey in early 2022, around one in five children reported that they were feeling more down, scared or worried than they used to.

The COVID-19 and kids wellbeing surveys highlighted the importance of listening to children and ensuring their wellbeing is a priority for policy making. The pandemic, and the response to the pandemic, had significant impacts on the lives of children. Yet children and their families were not involved in guiding or giving real-time feedback on government responses.

The survey findings also demonstrate that systems reform at a national level is needed to effectively support the mental health and wellbeing of children. An important starting point for this is the resourcing and implementation of the inter-governmental *National Children’s Mental Health and Wellbeing Strategy*.

Spectator Racism in Sport Guidelines

The Spectator Racism Project began in response to incidents of spectator racism at Australian professional sporting matches. In April 2021, the Race Discrimination Commissioner Chin Tan convened a roundtable of Australian professional sporting bodies and anti-racism organisations to discuss the ongoing issue of spectator racism in sports. This led to the development of a set of guidelines intended to provide practical guidance for sporting organisations on how to prepare for and respond to incidents of racism when they occur. Three

rounds of feedback were collected from roundtable participants, with a final version published in November 2021.

In addition to the Guidelines, **nine** resources were developed to support their implementation, including templates, guiding principles and assets for social media. At 30 June 2022, the Guidelines had been formally endorsed by **24** sporting and anti-racism organisations. The project was driven by a growing awareness of the importance of anti-racism across the Australian sporting sector. Organisations demonstrated a commitment to addressing spectator racism as well as racism within sporting organisations at the interpersonal and institutional level. In signing the Guidelines, organisations acknowledged the need for a long-term commitment to anti-racism across all levels of their organisation.

Outcome 3.2

Our activities increase the capacity of Governments, organisations, other groups and services to understand and address the human rights impact of their actions, particularly when working with vulnerable groups and communities.

Our regional technical cooperation activities increase stakeholder capacity to advance national reform in partner states.

What this looks like

Our activities with stakeholder organisations lead to systemic and sustained action, including changes to organisational policy and practice, to respect, protect and promote human rights in their context.

Instances of stakeholders in our activities with organisations reporting that our work has contributed to increased understanding of the impact of their systems and operations on human rights.

Instances of stakeholders in our activities with organisations making changes to organisational policy and practice, to respect, protect and promote human rights in their context.

Human Rights & Technology program

This work, coordinated by Human Rights Commissioner Lorraine Finlay since her appointment in November 2021 and before that, the then Human Rights Commissioner, Ed Santow, supports the implementation of the recommendations made in the Final Report of the Human Rights and Technology project (published in May 2021) and seeks to highlight the importance of ensuring that technology is developed and used in a way that is responsible, ethical, and conscious of human rights impacts.

There are two key projects that have been progressed during the 2021/22 financial year. The Commission has partnered with NAB to develop a Human Rights Impact Assessment (**HRIA**) banking tool that will be available to be used by financial institutions. It is expected that the HRIA banking tool will be finalised and launched towards the end of this year. The Commission has also partnered with the Actuaries Institute to develop anti-discrimination guidelines for actuaries with respect to the use of artificial intelligence (**AI**) in insurance practice. In the developing these guidelines the Commission conducted a survey of members of the Actuaries Institute in May 2022 that received **150** responses.

Following this, the Commission facilitated an insights session with members to discuss the survey results and project in greater depth. It is expected that the guidelines will be finalised and launched towards the end of this year.

The Commission has also strengthened our work in human rights and technology through participating in international and domestic alliances and committees. This includes becoming a founding member of the Digital Rights NHRI Alliance, participating in the IT-043 AI Technical Committee (which is a Standards Australia committee) and Responsible AI Think Tank, and coordinating a submission to the Prime Minister and Cabinet (PM&C) Digital Technology Taskforce Issues Paper.

Australian Federal Police (AFP)-Commission Partnership 2021-2026

Following the commencement of the 5-year Partnership in May 2021, under the leadership of Sex Discrimination Commissioner Kate Jenkins, the partnership assisted the AFP in its next steps along its journey to deepening its positive workplace culture. Jointly with the AFP, the team delivered a review of the AFP's 10-year Diversity and Inclusion Strategy and a quantitative Gender Pay Gap and Equity Report which was considered by a senior AFP Committee in late 2021.

The Partnership has been requested to now develop portfolio-level quantitative and qualitative reports to look at why the pay gap and equity differences occur within the AFP. The Partnership team has also provided best practice advice on areas of inclusion and diversity in key areas the AFP has been working on. Commission personnel offer specialised advice and guidance, and work in an integrated manner with the internal AFP team.

Accessible Housing Project

Building on the 2021 report, *Adaptable housing for people with disability in Australia*, the Commission, through Disability Discrimination Commissioner Dr Ben Gauntlett, continued its partnership with the Faculty of Monash Art, Design & Architecture (**MADA**) to exhibit the research outcomes of the Housing Modifications Research Project.

This reporting period the project supported research led teaching units for MADA students relating to human rights in the context of housing, universal and accessible design. A RetroFit Kit exhibition was held in March 2022 where MADA students showcased a true scale adaption of a house built for Commissioner Gauntlett. One of the key outcomes of the project was the introduction of mandatory minimum accessibility standards through the National Building Construction Code, an effective means for increasing the availability of housing which meets the needs of all Australians².

Child Rights Impact Assessment Tool

In collaboration with UNICEF Australia, the Children’s Rights team, led by National Children’s Commissioner Anne Hollonds, developed a Child Rights Impact Assessment (**CRIA**) tool for policymakers and legislators to use when assessing the potential impacts of policies and legislation on the rights and wellbeing of children.

² Pictures of the model house and exhibition opening can be found here: <https://humanrights.gov.au/our-work/disability-rights/publications/retrofit-kit-exhibition-2022>.

A CRIA is a way to embed child rights and interests in decision-making at the policy and law development stage. A CRIA is used to systematically assess the impact on children of laws, policies, budgetary allocations, or administrative decisions as measured against the UN Convention on the Rights of the Child and domestic human rights/child wellbeing frameworks.

Interviews were conducted with a variety of stakeholders and potential users of the tool. This included six state and territory children's commissioners and their staff, six policy makers, experts on children and two policy from NGOs and a Member of Parliament. The Victorian Commission for Children and Young People also sought and provided feedback from two members of their youth advisory group.

A report and assessment tool from the project will be released publicly in late 2022.

A CRIA is a starting point for decision-makers to apply a child rights lens to their work. If applied comprehensively, the application of a CRIA can strengthen policy and legislation, reducing unintended negative impacts on the wellbeing of children. This includes both direct and indirect impacts.

Workplace Cultural Diversity Tool

The Workplace Cultural Diversity Tool provides a free, online, confidential self-assessment tool supporting organisations to understand and strengthen their approach to cultural diversity and inclusion in the workplace. First launched in 2014, the Tool was updated in 2022 to reflect best practice approaches to cultural diversity and workplace anti-racism.

Hosted on the *Racism. It Stops With Me* website, the Tool guides users through 52 questions across ten Good Practice Areas unpacking a range of key competency areas. Once completed, users are recommended resources via a comprehensive resource library to help them improve in areas where they have underperformed. The Tool also allows users to save their results and track their progress over time, encouraging regular self-assessment.

The Tool includes **23** good practice case studies from a diverse range of organisations demonstrating a commitment to cultural diversity and inclusion. It was developed in close consultation with an Expert Advisory Group, consisting of seven members all with significant experience in workplace cultural diversity and

anti-racism. Three formal meetings were held, with additional correspondence with specific members on relevant issues.

The Tool was launched in July 2022 and further feedback and outcome of the tool will be reported next financial year.

Australia-Lao PDR Human Rights Technical Cooperation Program (HRTCP)

The long-term goal of the program was to contribute to enhancing the promotion and protection of human rights in the Lao Peoples Democratic Republic (**PDR**). It provides practical and technical support to the Government of the Lao PDR (**GoL**) officials to meet United Nations reporting obligations and enhances whole-of-government engagement on the Convention on the Rights of Persons with Disabilities. It also seeks to enhance dialogue between the GoL and Australia on human rights, by sharing experiences between Australia and the Lao PDR and providing education and capacity building opportunities for Lao Government officials and staff and students from the National University of Laos (**NUoL**).

This is the fifth and final year of the HRTCP and it saw the successful implementation of a series of activities. Although COVID-19 continued to present significant challenges to implementation during the 2021–22 year, the HRTCP benefited from adopting of new ways of working and remaining flexible.

Case Study 1 Disability Rights Workshop for Government of Lao PDR Officials

This two-day workshop was attended by approximately **64** GoL officials, the majority of whom were the human rights focal points in their own agencies. The objective was to build the knowledge and technical capacity of the human rights focal points to represent the rights and interests of people with disability (**PWD**).

The two-day program exposed the participants to various topics including core CRPD principles, progress and challenges in promoting and protecting the rights of PWD in Laos, the role of DPOs in advancing the rights of PWD, and the implementation of the *Covenant on the Rights for People with Disability (CRPD)* in Australia.

Participants gained new knowledge, increased awareness and improved capacity to advocate for PWD in policy and practice within their agencies. Participants also gained a greater understanding of the CRPD and its guiding principles. They exchanged information and knowledge regarding progress, achievements and challenges in incorporating the rights of PWD in the development of policies and service delivery at a national level.

The activities implemented during this period have been successful evidenced by the positive feedback from the implementing partner and activity participants. Key outcomes have including increased engagement between civil society organisations (CSOs) and the GoL (through DTL at the MoFA) in the context of UN reporting, increased knowledge of human rights law, principles and mechanism among DTL and CSOs utilisation of Australian knowledge and expertise, enhanced trust, dialogue and cooperation between the Commission and DTL and demonstrated ability of the HRTCP to adapt positively to changing and challenging operating context.

Vietnam Human Rights Fund

In August 2018, the Commission and the Department of Foreign Affairs and Trade (DFAT) agreed on the design and implementation of a new program called the Vietnam Human Rights Fund (VHRF) from 2018-2021. The program, coordinated by the Commission aimed to advance human rights education and responsible

Case Study 2 Training workshop for business school academics on human rights

This capacity development workshop was conducted in Ho Chi Minh City (HCMC) on 13-15 April 2022 and attended by **22** academics (**45%** women) from universities in HCMC.

The training focused on the key international frameworks including the Sustainable Development Goals, the United Nations (UN) Guiding Principles and the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises. The training also exposed participants to Vietnamese and international best practices and key resources and training materials.

Pre- and Post-workshop surveys were completed by **20** participants. Analysis of survey responses demonstrated the following:

100% of respondents agreed the content of the training was interesting and useful.

100% of participants confirmed that their understanding of human rights and responsible business conduct had increased after taking the training.

70% stated that the content of the training would assist their work in the future and **25%** thought that the content was somewhat likely to assist their work in the future.

90% affirmed that they were very likely to share information from this training with colleagues.

100% of the participants wanted to attend similar training courses, seminars and workshops.

business conduct across various settings in Vietnam. There have been two key components to the program, human rights education and responsible business conduct, implemented in partnership with the Ho Chi Minh National Academy of Politics (**the Academy**) and the Vietnam Chamber of Commerce and Industry (**VCCI**).

In this reporting period, the Commission conducted **five** workshops with Master Trainers in human rights and three consultations with Vietnamese experts to seek their input to lesson plans on human rights education for preschool, primary and secondary school. The project finalised the *Tourism Sector Guidance on Responsible Business Conduct in English and Vietnamese*, delivered **two** training workshops for business school academics on human rights and responsible business conduct and developed an e-Learning courses on responsible business conduct and human rights for university students and academics and a video on responsible business conduct in Vietnam.

Goal 4: Effective access to justice and remedy for people and communities whose rights are breached.

Outcome 4.1

We deliver a fair and effective investigation and conciliation of complaints service.

What this looks like

Our investigation and conciliation of complaints and dispute resolution meet performance indicators on timeliness, efficiency, and service user satisfaction.

Our investigation and conciliation of complaints and dispute resolution processes have systemic and educational outcomes.

85% of complaints are finalised in under 12 months. **40%** of complaints are resolved by conciliation. **85%** of parties to complaints are satisfied with the service they receive.

Instances where the terms on which investigation and conciliation disputes are resolved include systemic outcomes that accord with the objectives of the law.

Instances where participation in the investigation and conciliation process results in increased understanding of rights and responsibilities in the law.

Results

In 2021–22, **two** of the three progress indicators were achieved. However, only **35%** of complaints were resolved by conciliation which is **5%** below the progress indicator and lower than the average percentage of complaints resolved over the previous 10 years.

In 2021–22, **24%** of conciliated complaints included outcomes with benefits for people beyond the individual complainant. Examples include: the implementation of anti-discrimination policies and training within workplaces; changes to the built environment to increase accessibility; adjustments in the way services are provided to all customers and changes to policies that may have had unintended consequences for a particular group of people.

It was a pleasure to talk with you on Friday and I was so grateful for your time and for your genuine professionalism. Sometimes where people have disabilities like myself, it can often feel demeaning and humiliating talking to government representatives. I thank you sincerely for your patience and professionalism. I would hope that you would please pass my compliments towards your handling of my matter and your exceptional communication skills.

Feedback from Complainant

Commission voluntary survey data indicates that in relation to conciliated complaints, **77%** of survey participants indicated that involvement in the

Thank you for working with us to be able to close out this matter

I really appreciate your help and it has been a worthwhile exercise for our business, going through the investigation.

Thanks so much for your incredible patience and support through what has been quite a stressful episode.

Feedback from Respondent

Commission’s complaint process had assisted them to better understand their rights and responsibilities under federal human rights and anti-discrimination laws.

The Commission’s National Information Service (NIS) and Investigation and Conciliation Service (ICS) both contribute significantly to the Commission’s key functions as Australia’s National Human Rights Institution, by

providing education about human rights and responsibilities and by providing an accessible, fair and impartial complaint-handling process.

The unprecedented number of complaints received by the Commission in 2020–21 increased even further in 2021–22 as COVID-19 continued to have a significant impact on both complaint volume and complaint subject matter. Most notably, an exceptionally high number of complaints received under the *Disability Discrimination Act* relating to mask wearing requirements (and to a lesser degree, vaccine mandates). A direct consequence of the unparalleled number of complaints received (and complaint subject matter) has been an increase in complaint handling timeframes and a decrease in the percentage of complaints that have been resolved through conciliation.



Notwithstanding a decrease in the percentage of resolved complaints, more than **2,400** complainants and respondents were able to resolve their disputes through the Commission’s complaint handling processes. In addition, the Commission’s National Information Service (**NIS**) assisted more than **23,000** people across Australia by providing information about the discrimination laws and rights and responsibilities during a time of significant societal upheaval.

Reviewing the complaints and inquiries received by the Commission since the start of the pandemic, it is notable that there has never been such a marked correlation between an external ‘event’ and the concerns that the Australian public have been raising with the Commission. For example, as government policy settings have changed there has been a notable downturn in mask and vaccination related complaints and an increase in concerns about employment related issues as individuals and organisations adapt to the changing health and societal landscape.

It is also notable that although COVID-19 related complaints were very significant, they were 'in addition to', rather than 'instead of', complaints relating to non-COVID-19 issues. Notably, complaints under the *Sex Discrimination Act* were at a 15 year high, as increased public awareness regarding unsafe, gendered workplace practices led to the Commission's skills and experience being called upon by individuals and organisations.

Case Study 3

The complainant was employed as a trade assistant with the respondent commercial bricklaying company. She alleged co-workers sexually harassed her by making comments of a sexual nature including about performing sexual acts on her. The complainant said the comments ceased after she made an informal internal complaint but then further conduct of a sexual nature occurred. The complainant alleged the company had no policies or procedures in place to prevent or respond to sexual harassment in the workplace. The complainant felt unable to return to work.

On being notified of the complaint, the company indicated a willingness to try to resolve the complaint by conciliation.

The complaint was resolved with an agreement that the company pay the complainant \$10,000. The company also undertook to:

- implement regular training for managers and supervisors on sexual harassment and relevant policies and procedures
- implement regular training for all staff on sexual harassment and discrimination
- develop and implement an internal complaints policy and process
- retain a law firm to review the company's policies, procedures and training on sexual harassment, bullying and discrimination.

5.6 Performance Analysis – how we are meeting our goals

The Commission has recorded important achievements in relation to our goals in the past year. However, the financial challenges faced by the Commission over the past year have significantly impacted on our performance in meeting our strategic goals and outcomes.

This is the case across all areas of our activities and functions.

For some work areas, such as our legal section, we have had to prioritise tasks that are mandatory under legislation – such as the processing of FOI requests – or otherwise necessary – such as responding to external litigation. We have reduced work on discretionary tasks such as engaging with Parliament through submissions and public inquiries and required extended timeframes for completing other work.

We have also conducted more limited outreach in the community, particularly in regional and remote parts of Australia, in the past year. This is due to lack of resourcing as well as necessary limitations due to the COVID-19 pandemic.

Statistically, the impact of the Commission’s funding situation is particularly clear in relation to the handling of discrimination and human rights complaints, where the Commission is now facing significant backlogs in handling complaints as well as longer timeframe for the opening of complaints. This is to be expected in a situation where the Commission has reduced resourcing at a time when complaints and inquiries have doubled since 2020, due to issues arising from the COVID-19 pandemic and other social and political matters such as awareness of sex discrimination and harassment in the workplace.

Complaint handling is a complex task, and the disputes that are at the centre of many complaints can ‘ossify’ and become more difficult to resolve when extended timeframes apply. It is anticipated that it will take multiple years for the Commission to eliminate the backlog in complaints, and only if appropriate resourcing levels are forthcoming.

A lack of resourcing has also meant that Commissioners have been restricted to conducting activities and projects for which external funding support has been obtained. This is not a sustainable option, and it raises concerns about the Commission’s ability to robustly hold government to account for its human rights performance if we can only do this when someone else decides to fund our work.

It has also meant that our training and education work, such a critical component of our functions, have been limited to fee for service delivery arrangements.

External engagement has identified a strong community desire for the Commission to develop educational materials for the community at large, and our inability to do this at the present has been noted and lamented.

External funding has, however, enabled us to complete important work to advance our strategic goals – such as the landmark Commonwealth Parliamentary Review – and also to forge important partnerships with security agencies, such as the Australian Defence Force, Australian Border Force and Australian Federal Police.

Goal 1

Outcomes 1.1, 1.2, 1.3 (PBS criterion)

Performance expectation	To what extent did we meet it?
<p>For outcome 1.1 The leadership and advocacy of the President and Commissioners on thematic areas or identified human rights issues, improves the enjoyment of human rights by affected groups</p> <p>Our research, reporting, and advice influences decision makers and other stakeholders to take action to address the identified human rights issues.</p>	<p>The Commission has progressed significant work to address human rights issues at a National level</p> <p>This includes:</p> <ul style="list-style-type: none"> - <i>Set the Standards: Report on the independent review into parliamentary workplaces.</i> The Government has expressed commitment to implement all 28 recommendations, with 3 recommendations fully implemented in this reporting period. - Wiyi Yani U Thangani (Women’s Voices) completed stage two of the project. This included a national network for action and support toolkit for private and public stakeholders to embed the Wiyi Yani Thangani into their work. The Implementation Framework identifies structural transitions needed to complete the system change work ahead. - Immigration inspections took place at hotel APODs, and interview and submissions took

place which will be reported against in the next period.

- Keeping kids safe and well – your voices project held 45 consultations to inform the first five-year action plan to *Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031*

For outcome 1.2 Law and policy makers, at all levels, consider and address the human rights impacts we identify through our submissions, Inquiries, research, reports and United Nations engagement. [PBS criterion]

Parliamentary committee inquiry reports adopt the human rights issues raised in our submissions and recommendations.

UN treaty body concluding observations and other recommendations are adopted by Government and implemented.

Arguments presented in our submissions to courts influence outcomes for parties and non-parties in a way that is consistent with human rights.

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Citation analysis of Parliamentary committee inquiry reports show a high proportion reference our work indicating our submission have contributed to human rights issues being considered. There were 38 submission this reporting period with 91 citations registered.

The Commission has strict criteria for when it seeks leave of the court to intervene in legal proceedings. We only seek leave when it is appropriate to do so – accordingly, the number of interventions conducted is not a measure of the success of this work. A more reliable indicator is first, the acceptance by the courts of our request to intervene and, second, the extent to which our advice is used. This reporting period there were two interventions to court proceedings (judgement delivered).

This reporting period there were 16 Australian Human Rights Act Reports tabled in the federal Parliament.

For outcome 1.3 The national human rights reform agenda proposed in the Free & Equal: An Australian conversation on human rights report is considered and addressed by the Parliament, government

In December 2021 the Commission released Free and Equal: A reform agenda for federal discrimination laws. The position paper sets out the Commission's proposals for reforming federal discrimination law in Australia.

and the non-government sector.

This was followed by a number of engagements across government, legal and civil society stakeholders to raise the importance of a Federal Human Rights Act, in alignment with the work being conducted for the Free & Equal project.

Goal 2

Outcomes 2.1, 2.2 (both are PBS criterion)

Performance expectation	To what extent did we meet it?
<p>For outcome 2.1 Our education activities increase capability among individuals, communities and organisations to promote and protect human rights and address discrimination. [PBS criterion]</p> <p>Participants in education activities benefit through achieving the stated human rights learning and capability objectives.</p>	<p>16 Combined virtual (real time or blended/moderated) and face-to-face training workshops took place this reporting period with 302 participants.</p> <p>A review of feedback surveys showed that over two thirds of participants either agree or tend to agree that the training is of a good quality and provides useful information. The survey results demonstrated an increase of knowledge from pre and post training self-assessments.</p>
<p>For outcome 2.2 Our information resources, services, events and campaigns reach, inform and influence users and audiences. [PBS criterion]</p> <p>Target audiences benefit from our information resources, services, campaigns, and events.</p>	<p>The Commission launched or developed 44 major reports, reviews, issues and discussion papers, guidelines, corporate publications, information, and training resources this reporting period. This includes resources developed for the below campaigns:</p> <ul style="list-style-type: none"> - Racism. It Stops with Me - Elder abuse awareness program - IncludeAbility - International Student principles <p>The Commission has documented reach of resources, number of stakeholder and feedback from participants of events to assess impact. The</p>

Commission developed evaluation report of major campaign including media coverage (including social media) web analysis and key metrics. These were reviewed with the majority of key metrics achieved.

Goal 3

Outcomes 3.1, 3.2 (both are PBS criterion)

Performance expectation	To what extent did we meet it?
<p>For outcome 3.1 Our activities increase the capacity of vulnerable groups, communities and their advocates to understand and advocate for their rights. [PBS criterion]</p> <p>Participants and stakeholders, in our consultations, research and education, and informing activities experience participation, empowerment and benefit.</p>	<p>The Commission delivered various education and advocacy projects that give voice to people at risk of human rights abuses this reporting period.</p> <p>This included:</p> <ul style="list-style-type: none"> - Highlighting the mental health impacts of COVID-19 pandemic on at-risk children and young people - Older Australians and employment program - OPCAT implementation planning - Developing spectator racism in sport guidelines
<p>For outcome 3.2 Our activities with stakeholder organisations lead to systemic and sustained action, including changes to organisational policy and practice, to protect and promote human rights in their context.</p> <p>Our activities with Australian business increase their capability to identify, prevent, and address modern slavery in</p>	<p>The Commission continued to work with a range of stakeholders and partnerships to address complex systemic issues across thematic areas.</p> <p>This included developing sector tools and resources:</p> <ul style="list-style-type: none"> - Human Rights Assessment Tool in partnership with National Australia Bank - Developing anti-discrimination guidelines for actuaries in partnership with the Actuaries Institute - Child Rights Impact Assessment Tool in collaboration with UNICEF

their operations and supply chains.

- Relaunching an updated workforce diversity tool

Our regional technical cooperation activities increase stakeholder capacity to advance national reform in partner states.

The Commission also worked in partnership with government agencies both in Australia and the Asia-Pacific region to uplift knowledge and practice.

This included:

- Working with security group services, including the AFP, to develop positive workplace cultures
- Providing technical support and training as part of our Australian-Lao PRD Human Rights Technical Cooperation Programs
- Delivering the Vietnam Human Rights Fund to advance human rights education and responsible business conduct across Vietnam

Goal 4

Outcomes 4.1 (PBS criterion)

Performance expectation	To what extent did we meet it?
<p>For outcome 4.1</p> <p>Our investigation and conciliation of complaints and dispute resolution meet performance indicators on timeliness, efficiency, and service user satisfaction.</p> <p>85% of complaints finalised in under 12 months</p> <p>40% of complaints resolved by conciliation</p> <p>85% of parties to complaints are satisfied with the service they receive</p>	<p>This reporting period:</p> <p>98% of complaints were finalised in under 12 months (above target)</p> <p>35% of complaints were successfully resolved by conciliation (below target)</p> <p>89% of participants reported they were satisfied with the service provided (above target).</p> <p>While this mean that only two out of the three performance measures were met this reporting period, it is important to note that while the percent of complaints resolved by conciliation is down, the overall total number of complaints and</p>

successfully conciliated complaints is higher than previous reporting period.

This period:

- 3,736 complaints were received (20% increase to previous year)
 - 3,338 complaints were finalised (27% increase to previous year)
 - 1,819 went to conciliation (20% higher to previous year)
 - 1,128 were successfully resolved (7% increased to previous year)
-

6. Financial Statements

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Independent Audit Report



INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

Opinion

In my opinion, the financial statements of the Australian Human Rights Commission (the Commission) for the year ended 30 June 2022:

- (a) comply with Australian Accounting Standards – Simplified Disclosures and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Commission as at 30 June 2022 and its financial performance and cash flows for the year then ended.

The financial statements of the Commission, which I have audited, comprise the following as at 30 June 2022 and for the year then ended:

- Statement by the Accountable Authority, Chief Executive and Chief Finance Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement;
- Notes to the financial statements, comprising a summary of significant accounting policies and other explanatory information.

Basis for opinion

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Commission in accordance with the relevant ethical requirements for financial statement audits conducted by the Auditor-General and his delegates. These include the relevant independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) to the extent that they are not in conflict with the *Auditor-General Act 1997*. I have also fulfilled my other responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Accountable Authority's responsibility for the financial statements

As the Accountable Authority of the Commission, the President is responsible under the *Public Governance, Performance and Accountability Act 2013* (the Act) for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards – Simplified Disclosures and the rules made under the Act. The President is also responsible for such internal control as the President determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the President is responsible for assessing the ability of the Commission to continue as a going concern, taking into account whether the Commission's operations will cease as a result of an administrative restructure or for any other reason. The President is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

Auditor's responsibilities for the audit of the financial statements

My objective is to obtain reasonable assurance about whether the financial statements as a whole are 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 National Audit Office 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 the financial statements.

As part of an audit in accordance with the Australian National Audit Office 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 statements, 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 my 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 Accountable Authority;
- conclude on the appropriateness of the Accountable Authority'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 statements 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; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Accountable Authority 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.

Australian National Audit Office



Sally Bond

Executive Director

Delegate of the Auditor-General

Canberra

10 October 2022

Statement by the Accountable Authority, Chief Executive and Chief Finance Officer



STATEMENT BY THE ACCOUNTABLE AUTHORITY, CHIEF EXECUTIVE AND CHIEF FINANCE OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2022 comply with subsection 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

In our opinion, at the date of this statement, there are reasonable grounds to believe that the Australian Human Rights Commission will be able to pay its debts as and when they fall due. These grounds include the Commission's commitment to operate within the budget approved by Government.

Handwritten signature of Rosalind Croucher in black ink.

Emeritus Professor Rosalind Croucher AM
President and Accountable Authority
7 October 2022

Handwritten signature of Leanne Smith in black ink.

Leanne Smith
Chief Executive
7 October 2022

Handwritten signature of Maria Moore in black ink.

Maria Moore
Chief Finance Officer
7 October 2022

Statement of Comprehensive Income

for the year ended 30 June 2022

	Notes	2022 \$'000	Restated ¹ 2021 \$'000	Original Budget \$'000
NET COST OF SERVICES				
Expenses				
Employee benefits	1.1A	21,478	20,345	17,301
Suppliers	1.1B	4,573	6,732	3,450
Depreciation and amortisation	2.2A	3,690	4,251	2,699
Finance costs	1.1C	12	15	19
Write-down and impairment of other assets	1.1D	8	-	-
Other expenses	1.1E	-	349	-
Total expenses		29,761	31,692	23,469
Own-source income				
Own-source revenue				
Rendering of Services	1.2A	7,054	7,126	4,272
Interest	1.2B	5	7	20
Other revenue	1.2C	46	980	-
Total own-source revenue		7,105	8,113	4,292
Gains				
Other gains	1.2D	36	-	46
Total gains		36	-	46
Total own-source income		7,141	8,113	4,338
Net cost of services		(22,620)	(23,579)	(19,131)
Revenue from Government	1.2E	21,646	16,515	19,026
Deficit attributable to the Australian Government		(974)	(7,064)	(105)

Statement of Comprehensive Income (continued)

		Restated ¹	Original
	2022	2021	Budget
Notes	\$'000	\$'000	\$'000
OTHER COMPREHENSIVE INCOME			
Items not subject to subsequent reclassification to net cost of services			
Changes in asset revaluation reserve	2.2A	147	1,815
		-	-
Total comprehensive loss		(827)	(5,249)
		(105)	(105)

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

¹ Refer to the Overview note.

Budget Variances Commentary

The rendering of services revenue variance to Budget is due new partnership agreements entered into since the Budget was set. The increase in revenue from Government is related to new Budget measures announced after the 2021-22 Budget. The increase in revenue has funded increased employee and supplier expenses related to the delivery of those activities.

Depreciation and amortisation expense increased due to the negotiation of a new lease for property right of use assets.

Detailed commentary on the operating loss is included in the Overview *Going Concern Basis of Accounting*.

Statement of Financial Position

as at 30 June 2022

		2022	Restate d ¹ 2021	Original Budget
	Notes	\$'000	\$'000	\$'000
ASSETS				
Financial assets				
Cash and cash equivalents	2.1A	15,958	3,356	3,558
Trade and other receivables	2.1B	798	1,498	1,602
Total financial assets		16,756	4,854	5,160
Non-financial assets²				
Property subject to operating leases	2.2A	5,001	-	4,993
Infrastructure, Plant and Equipment	2.2A	1,766	1,893	798
Intangibles	2.2A	459	557	551
Other non-financial assets	2.2B	613	531	346
Total non-financial assets		7,839	2,981	6,688
Total assets		24,595	7,835	11,848
LIABILITIES				
Payables				
Suppliers	2.3A	865	1,767	957
Other payables	2.3B	6,388	8,937	4,210
Total payables		7,253	10,704	5,167
Interest bearing liabilities				
Leases	2.4A	5,104	-	5,098
Total interest bearing liabilities		5,104	-	5,098
Provisions				
Employee provisions	4.1A	4,228	4,905	4,138
Other provisions	2.5A	561	-	-
Total provisions		4,789	4,905	4,138
Total liabilities		17,146	15,609	14,403
Net assets		7,449	(7,774)	(2,555)

Statement of Financial Position (continued)

	Notes	2022 \$'000	Restated ¹ 2021 \$'000	Original Budget \$'000
EQUITY				
Contributed equity		18,561	2,511	2,511
Reserves		2,599	2,452	637
Accumulated losses		<u>(13,711)</u>	<u>(12,737)</u>	<u>(5,703)</u>
Total equity		<u>7,449</u>	<u>(7,774)</u>	<u>(2,555)</u>

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

¹ Refer to the Overview note.

² Right-of-use assets are included in the property subject to operating leases line item.

Budget Variances Commentary

ASSETS

Total assets as at 30 June 2022 are higher than budget due to the \$16 million equity injection received from Government, revenue received in advance for projects to be delivered in 2022-23 and an increase in the carrying value of plant and equipment following a revaluation as at 30 June 2022.

LIABILITIES

Total liabilities as at 30 June 2022 are higher than budget due to the receipt of revenue in advance for new partnership agreements, separation and redundancy provision and allowance for make good provision for the Commission's new property lease.

EQUITY

Total equity at 30 June 2022 is positive due to the equity injection received in April 2022 which was not included in the original 2021-22 Budget.

Statement of Changes in Equity

for the year ended 30 June 2022

	Notes	2022 \$'000	Restated ¹ 2021 \$'000	Original Budget \$'000
CONTRIBUTED EQUITY				
Opening balance				
Balance carried forward from previous period		2,511	2,511	2,511
Contributions by owners				
Equity injection		16,050	-	-
Closing balance as at 30 June 2022		18,561	2,511	2,511
ACCUMULATED LOSSES				
Opening balance				
Balance carried forward from previous period		(12,737)	(5,673)	(5,598)
Comprehensive income/(loss)				
Deficit for the year		(974)	(7,064)	(105)
Closing balance as at 30 June 2022		(13,711)	(12,737)	(5,703)
ASSET REVALUATION RESERVE				
Opening balance				
Balance carried forward from previous period		2,452	637	637
Comprehensive income				
Other comprehensive income		147	1,815	-
Closing balance as at 30 June 2022		2,599	2,452	637
TOTAL EQUITY				
Opening balance				
Balance carried forward from previous period		(7,774)	(2,525)	(2,450)
Comprehensive income				
Deficit for the period		(974)	(7,064)	(105)
Other comprehensive income		147	1,815	-
Total comprehensive income		(827)	(5,249)	(105)
Contributions by owners				
Equity injection		16,050	-	-
Total transactions with owners		16,050	-	-
Closing balance as at 30 June 2022		7,449	(7,774)	(2,555)

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

Statement of Changes in Equity (continued)

Accounting Policy

Equity Injections

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

Budget Variances Commentary

Total Equity as at 30 June 2022 is higher than budget due to \$16 million equity injection received from Government.

As a corporate Commonwealth entity and in accordance with Budget Process Operating Rules the Commission budgets for a break-even operating result unless otherwise agreed with the Department of Finance.

During the reporting period a combination of factors as outlined in the commentary on the Statement of Comprehensive Income resulted in an operating deficit. Further details are provided in the Overview *Going Concern Basis of Accounting* note.

Cash Flow Statement

for the year ended 30 June 2022

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
OPERATING ACTIVITIES				
Cash received				
Receipts from Government		21,646	16,515	19,026
Sale of goods and rendering of services		6,181	11,915	4,726
Interest		-	7	20
GST received		325	276	150
Total cash received		28,152	28,713	23,922
Cash used				
Employees		(22,056)	(21,020)	(17,301)
Suppliers		(5,884)	(3,749)	(3,554)
Interest payments on lease liabilities		(12)	(15)	(19)
GST paid		(950)	-	-
Total cash used		(28,902)	(24,784)	(20,874)
Net cash from/(used by) operating activities		(750)	3,929	3,048
INVESTING ACTIVITIES				
Cash received				
Proceeds from sales of property, plant and equipment		14	-	-
Total cash received		14	-	-
Cash used				
Purchase of property, plant and equipment		(63)	(6)	(326)
Purchase of intangibles		(251)	(91)	-
Total cash used		(314)	(97)	(326)
Net cash used by investing activities		(300)	(97)	(326)
FINANCING ACTIVITIES				
Cash received				
Contributed equity		16,050	-	-
Total cash received		16,050	-	-
Cash used				
Principal payments of lease liabilities		(2,398)	(3,051)	(2,391)
Total cash used		(2,398)	(3,051)	(2,391)
Net cash from/(used by) financing activities		13,652	(3,051)	(2,391)
Net increase in cash held		12,602	781	331
Cash and cash equivalents at the beginning of the reporting period		3,356	2,575	3,227

Cash Flow Statement (continued)

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
Cash and cash equivalents at the beginning of the reporting period		3,356	2,575	3,227
Cash and cash equivalents at the end of the reporting period	2.1A	15,958	3,356	3,558

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

Budget Variances Commentary

The most significant Cash Flow variances to Budget relate to the contributed equity injection received as well as cash received and used for operating activities.

The Cash Flow Statement shows higher than expected receipts for new Budget measures as well as from rendering of services for the supply of domestic and international human rights technical assistance programs. The increase in cash receipts had a corresponding increase in cash used for operating activities.

Further details regarding the \$16 million equity injection are provided in the Overview *Going Concern Basis of Accounting* note.

Overview

Objectives of the Entity

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

The Commission is structured to meet the following outcome:

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

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

The Commission activities contributing toward these outcomes are classified as departmental. Departmental activities involve the use of assets, liabilities, income and expenses controlled or incurred by the entity in its own right.

The Basis of Preparation

The financial statements are general purpose - simplified disclosure financial statements and are required by section 42 of the *Public Governance, Performance and Accountability Act 2013*.

The financial statements have been prepared in accordance with:

- a) Public Governance, Performance and Accountability (Financial Reporting) Rule 2015 (FRR); and
- b) Australian Accounting Standards and Interpretations – including simplified disclosures for Tier 2 Entities under AASB 1060 issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

Overview (continued)

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

Going Concern Basis of Accounting

The financial statements have been prepared on a going concern basis under the Australian Accounting Standards which assumes that the Commission will realise assets and settle liabilities in the ordinary course of business, and amounts have been recognised on this basis.

The Commission is a national independent statutory body established under the *Australian Human Rights Commission Act 1986*. It would require legislative change to either cease or wind-up operations.

In 2021-22 the Attorney-General's Department established a tripartite steering committee, in conjunction with the Commission and the Department of Finance to support the development of options and the implementation of strategies to transition the Commission to a sustainable financial footing. To this end the financial management of the organisation has been significantly strengthened. A Director, Corporate Services role with oversight of Finance, Human resources and ICT has been created and a new CFO appointed. The budget management process has been improved by the establishment of budget reporting standards and thresholds for budget variances and commentary. New financial reporting processes have been implemented and budget monitoring mechanisms have been enhanced with the establishment of a Budget Steering Committee to regularly review financial statements and budget variance reports and take appropriate corrective action, where required.

Overview (continued)

In 2021-22 the Commission received an equity injection of \$16.050 million to return the Commission to a financially sustainable footing. As at 30 June 2022 the Commission's full time equivalent staffing level for core activities was 92 (June 2021: 121). The equity injection was used to replenish the cash reserves in relation to previous overspends, to meet the redundancy commitments of the organisation and support the Commission's operations to 30 June 2022. As agreed at the tripartite steering committee the Commission will continue to draw on the equity injection to fund the Commission at the current resourcing level pending the Government's consideration in 2022-23 of the appropriate level of ongoing resourcing for the Commission. The Commission has prepared cashflow forecasts which indicate that at current resourcing levels it will have sufficient cash to fund its operations for at least 19 months from the date of signing these financial statements. If no additional funding is secured the Commission will further reduce staffing to a level that is commensurate with available funding.

Prior period error

In 2021-22, the Commission refunded \$2.3 million of unspent project funds received for the supply of domestic and international human rights technical assistance programs. The funds were recognised as revenue in accordance with AASB 1004 *Contributions* which was the accounting standard that applied when the funds were received in 2016-17 and 2017-18. The balance of 'Other payables' as at 30 June 2021 omitted in error the liability for the refund owing at the conclusion of the contract as required under the current accounting standard AASB 15 *Revenue from Contracts with Customers*.

	2021	Adjustment	2021 restated
	\$'000		\$'000
Statement of Comprehensive Income (extract)			
Expenses			
Suppliers	4,394	2,338	6,732
Total expenses	29,354	2,338	31,692
Net cost of services	(21,241)	(2,338)	(23,579)
Deficit attributable to the Australian Government	(4,726)	(2,338)	(7,064)
Total comprehensive loss	(2,911)	(2,338)	(5,249)

Overview (continued)

	2021	Adjustment	2021 restated
	\$'000		\$'000
Statement of financial position			
(extract)			
LIABILITIES			
Payables			
Other payables	6,599	2,338	8,937
Total payables	8,366	2,338	10,704
Total liabilities	13,271	2,338	15,609
Net liabilities	(5,436)	(2,338)	(7,774)
TOTAL EQUITY			
Accumulated losses	(10,399)	(2,338)	(12,737)
Total equity	(5,436)	(2,338)	(7,774)
Statement of changes in equity			
(extract)			
ACCUMULATED LOSSES			
Comprehensive income			
Deficit for the period	(4,726)	(2,338)	(7,064)
Closing balance as at 30 June	(10,399)	(2,338)	(12,737)
TOTAL EQUITY			
Comprehensive income			
Deficit for the period	(4,726)	(2,338)	(7,064)
Total comprehensive income	(2,911)	(2,338)	(5,249)
Closing balance as at 30 June	(5,436)	(2,338)	(7,774)

New Accounting Standards

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

The following new standard which was issued prior to the signing of the statement by the Accountable Authority, Chief Executive and the Chief Finance Officer, is applicable to the current reporting period and had no material effect on the Commission's financial statements:

Overview (continued)

Standard/ Interpretation	Nature of change in accounting policy, transitional provisions, and adjustment to financial statements
AASB 1060 General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 Entities	AASB 1060 applies to annual reporting periods beginning on or after 1 July 2021 and replaces the reduced disclosure requirements (RDR) framework. The application of AASB 1060 involves some reduction in disclosure compared to the RDR with no impact on the reported financial position, financial performance and cash flows of the Commission.

Taxation

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

Events After the Reporting Period

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

Financial Performance

This section analyses the financial performance of the Australian Human Rights Commission for the year ended 2022

1.1 Expenses

	2022 \$'000	2021 \$'000
1.1A: Employee benefits		
Wages and salaries	16,612	15,807
Superannuation		
Defined contribution plans	2,001	1,835
Defined benefit plans	655	631
Leave and other entitlements	1,039	1,788
Separation and redundancies	937	116
Other employee expenses	234	168
Total employee benefits	21,478	20,345

Accounting Policy

Accounting policies for employee related expenses is contained in the People and relationships section.

1.1B: Suppliers

Goods and services supplied or rendered

Insurance	46	51
Office consumables	23	55
Official travel	179	173
Postage and freight	10	17
Printing and publications	251	212
Professional services and fees	1,724	1,656
Property related outgoings	841	1,020
Reference materials, subscriptions and licenses	864	734
Staff training	117	33
Telecommunications	104	111
Other ¹	245	2,514
Total goods and services supplied or rendered	4,404	6,576
Goods supplied	274	267
Services rendered	4,130	6,309
Total goods and services supplied or rendered	4,404	6,576

1.1 Expenses (continued)

	2022 \$'000	2021 \$'000
Other suppliers		
Workers compensation expenses	33	30
Low value leases	136	126
Total other suppliers	169	156
Total suppliers	4,573	6,732

The Commission has short-term lease commitments of \$0.116m as at 30 June 2022.

¹ Comparatives for other supplier expenses have been increased by \$2.338m as a result of the restatement of a prior year balance. Refer to Overview note.

Accounting Policy

Short-term leases and leases of low-value assets

The Commission has elected not to recognise right-of-use assets and lease liabilities for short-term leases of assets that have a lease term of 12 months or less and leases of low-value assets (less than \$10,000). The Commission recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

1.1C: Finance costs

Interest on lease liabilities	12	15
Total finance costs	12	15

The above lease disclosures should be read in conjunction with the accompanying notes 1.1B, 1.2C, 1.2D, 2.2 and 2.4A.

Accounting Policy

All borrowing costs are expensed as incurred.

1.1D: Write-down and impairment of other assets

Impairment of property, plant and equipment	8	-
Total write-down and impairment of other assets	8	-

1.1E: Other expenses

Reconciled data migration balances	-	9
Reconciled shared service arrangement MOU balances	-	340
Total other expenses	-	349

Own-source revenue and gains

	2022 \$'000	2021 \$'000
Own-Source Revenue		
<u>1.2A: Rendering of Services</u>		
Rendering of services	7,054	7,126
Total revenue from contracts with customers	7,054	7,126
Major product / service line:		
Service delivery	7,054	7,126
	7,054	7,126
Type of customer:		
Australian Government entities (related parties)	5,860	6,265
State and Territory Governments	8	6
Non-government entities	1,186	855
	7,054	7,126
Timing of transfer of goods and services:		
Over time	6,266	6,641
Point in time	788	485
	7,054	7,126

Accounting Policy

Revenue from the rendering of services is recognised when performance of specific service obligations, that are required and enforceable under a contract or agreement made between the Commission and the customer, sufficiently allow the Commission to determine when they have been satisfied.

The principal activities from which the Commission generates its revenue include, service fees and direct cost recoveries from the supply of domestic and international human rights technical assistance programs, development of education resources and delivery of training services, provision of shared corporate services and accommodation, and interest earned on short-term bank deposits.

Own-source revenue and gains (continued)

Accounting Policy (continued)

The Commission predominantly provides services to its customers under agreed terms and conditions contained in contracts or agreements made between the two parties. The nature, timing of satisfaction of performance obligations, and any significant payment terms are specified in the agreed terms and conditions, milestones and payment schedules.

The transaction price is the total amount of consideration to which the Commission expects to be entitled in exchange for transferring promised services to a customer. The consideration promised in a contract with a customer may include fixed amounts, variable amounts, or both. No consideration from contracts is excluded in the transaction price. In the event that a change is required to any of the terms and conditions contained in a contract or agreement, including transaction price, a Contract Variation is agreed between the parties. The Commission has a right to consideration from a customer in an amount that corresponds directly with the value to the customer of the Commission's performance completed to date under the original contract or subsequent variations to the contract.

Where performance obligations are satisfied over time, revenue is recognised monthly in arrears following a review of costs incurred for the delivery of service obligations for the project(s) and activities related to the customer contract. Costs incurred are primarily recurring in nature, and the customer simultaneously receives and effectively gains control of the services as the Commission performs its obligations.

Revenue for performance obligations satisfied at a point in time is recognised in accordance with specified milestones for the performance of obligations in the contract, for example "acceptance of a final report by the customer". Customer contracts with performance obligations satisfied at a point in time are short-term and include agreed dates for completion of milestones and transferral of any deliverable(s), this also indicates when a customer obtains control of outputs from the promised services. Milestone completion is confirmed with relevant contract manager prior to revenue recognition.

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

Own-source revenue and gains (continued)

	2022 \$'000	2021 \$'000
1.2B: Interest		
Deposits	5	7
Total interest	5	7

Accounting Policy

Interest revenue is recognised using the effective interest method.

1.2C: Other revenue

Operating Lease		
Sub lease rental income	-	934
Resources received free of charge		
Remuneration of auditors	46	46
Total other revenue	46	980

Accounting Policy

Resources Received Free of Charge

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

Gains

1.2D: Other gains

Other - Sale of Assets	14	-
Other	22	-
Total other gains	36	-

Accounting Policy

Other Gains

Gains on the reduction of prior year provisions are recognised at their nominal value as gains, when, and only when, the original provision for services has been determined to no longer be required.

Sale of Assets

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

Own-source revenue and gains (continued)

	2022 \$'000	2021 \$'000
1.2E: Revenue from Government		
Attorney General's Department		
Corporate Commonwealth entity payment item	21,646	16,515
Total revenue from Government	21,646	16,515

In 2021-22 Revenue from Government includes one off funding of \$3.490m to conduct an independent review into Commonwealth Parliamentary Workplaces and additional support measures; \$1.234m additional funding for new statutory functions (ongoing measure) and \$0.412m for the Ageing and Aged Care measure (terminating in 2022-23).

Accounting Policy

Revenue from Government

Funding received from the Attorney-General's Department (received by the Commission as a corporate Commonwealth entity) is recognised as Revenue from Government unless the funding is in the nature of an equity injection or a loan.

Financial Position

This section analyses the Australian Human Rights Commission assets used to conduct its operations and the operating liabilities incurred as a result. Employee related information is disclosed in the People and Relationships section.

2.1 Financial Assets

	2022 \$'000	2021 \$'000
2.1A: Cash and cash equivalents		
Cash on hand and at bank	15,958	3,356
Total cash and cash equivalents	15,958	3,356

Accounting Policy

Cash is recognised at its nominal amount. Cash and cash equivalents includes:

a) cash on hand;

b) demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value. At the reporting date the Commission did not hold any term deposits with a maturity greater than three months.

2.1B: Trade and other receivables

Goods and services receivables

Goods and services	698	1,498
Total goods and services receivables	698	1,498

Other receivables

Interest	5	-
GST Receivable from the Australian Taxation Office	95	-
Total other receivables	100	-
Total trade and other receivables (gross)	798	1,498

Less impairment loss allowance

	-	-
Total trade and other receivables (net)	798	1,498

Trade and other receivables (net) expected to be recovered

No more than 12 months	798	1,498
Total trade and other receivables (net)	798	1,498

Accounting Policy

Receivables

Receivables are measured at amortised cost using the effective interest method less impairment.

2.2 Non-Financial Assets

2.2A: Reconciliation of the Opening and Closing Balances of Property subject to operating leases, Infrastructure, Plant and Equipment and Intangibles

Reconciliation of the opening and closing balances of Property subject to operating leases, Infrastructure, Plant and Equipment and Intangibles for 2022

	Property subject to operating leases \$'000	Lease Improvements \$'000	Computer, Plant and Equipment \$'000	Computer, Plant and Equipment - Work in Progress \$'000	Intangible s \$'000	Intangibles - Work in Progress \$'000	Total \$'000
As at 1 July 2021							
Gross book value	5,951	1,791	102	-	2,443	55	10,342
Accumulated depreciation, amortisation and impairment	(5,951)	-	-	-	(1,941)	-	(7,892)
Total as at 1 July 2021	-	1,791	102	-	502	55	2,450
Adjusted total as at 1 July 2021	-	1,791	102	-	502	55	2,450
Additions							
Right-of-use assets	7,502	-	-	-	-	-	7,502
Purchase	-	511	-	63	82	169	825
Work in progress transfer	-	-	-	-	55	(55)	-
Revaluations and impairments recognised in other comprehensive income	-	92	55	-	-	-	147

Impairments recognised in net cost of services	-	-	-	-	(8)	-	(8)
Depreciation and amortisation	-	(767)	(81)	-	(341)	-	(1,189)
Depreciation on right-of-use assets	(2,501)	-	-	-	-	-	(2,501)
Total as at 30 June 2022	5,001	1,627	76	63	290	169	7,226
Total as at 30 June 2022 represented by							
Gross book value	7,502	1,797	76	63	2,572	169	12,179
Accumulated depreciation, amortisation and impairment	(2,501)	(170)	-	-	(2,282)	-	(4,953)
Total as at 30 June 2022	5,001	1,627	76	63	290	169	7,226
Carrying amount of right-of-use assets	5,001						

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

No infrastructure, plant and equipment and intangibles are expected to be sold or disposed of within the next 12 months.

Revaluations of non-financial assets and intangible assets

All revaluations were conducted in accordance with the revaluation policy stated at Note 2.2. On 30 June 2022, an independent valuer conducted the revaluations.

Reconciliation of the opening and closing balances of Property subject to operating leases, Infrastructure, Plant and Equipment and Intangibles for 2021

	Property subject to operating leases \$'000	Lease Improvements \$'000	Lease Improvements - Work in Progress \$'000	Computer, Plant and Equipment \$'000	Intangibles \$'000	Intangibles - Work in Progress \$'000	Total \$'000
As at 1 July 2020							
Gross book value	5,951	852	5	149	2,407	-	9,364
Accumulated depreciation, amortisation and impairment	(2,975)	-	-	-	(1,595)	-	(4,570)
Total as at 1 July 2020	2,975	852	5	149	812	-	4,794
Additions							
Purchase	-	-	1	-	36	55	92
Work in progress transfer	-	6	(6)	-	-	-	-
Revaluations and impairments recognised in other comprehensive income	-	1,775	-	41	-	-	1,816
Depreciation and amortisation	-	(842)	-	(88)	(346)	-	(1,276)
Depreciation on right-of-use assets	(2,975)	-	-	-	-	-	(2,975)
Total as at 30 June 2021	-	1,791	-	102	502	55	2,450
Total as at 30 June 2021 represented by							
Gross book value	5,951	1,791	-	102	2,443	55	10,342
Accumulated depreciation, amortisation and impairment	(5,951)	-	-	-	(1,941)	-	(7,892)
Total as at 30 June 2021	-	1,791	-	102	502	55	2,450

2.2 Non-Financial Assets (continued)

Accounting Policy

Assets are recorded at cost on acquisition except as stated below.

The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate.

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

Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the statement of financial position, except for purchases costing less than \$5,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

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

Lease Right of Use (ROU) Assets

Leased ROU assets are capitalised at the commencement date of the lease and comprise of the initial lease liability amount, initial direct costs incurred when entering into the lease less any lease incentives received. These assets are accounted for by Commonwealth lessees as separate asset classes to corresponding assets owned outright, but included in the same column as where the corresponding underlying assets would be presented if they were owned.

On initial adoption of AASB 16 the Commission has adjusted the ROU assets at the date of initial application by the amount of any provision for onerous leases recognised immediately before the date of initial application. Following initial application, an impairment review is undertaken for any right of use lease asset that shows indicators of impairment and an impairment loss is recognised against any right of use lease asset that is impaired. Lease ROU assets continue to be measured at cost after initial recognition in Commonwealth agency, GGS and Whole of Government financial statements.

2.2 Non-Financial Assets (continued)

Accounting Policy (continued)

Revaluations

Following initial recognition at cost, property, plant and equipment (excluding ROU assets) are carried at fair value (or an amount not materially different from fair value) less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets did not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depended upon the volatility of movements in market values for the relevant assets.

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

Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reversed a previous revaluation increment for that class.

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

Depreciation

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

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

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

	2022	2021
Leasehold improvement	Lease term	Lease term
Computer, plant & equipment	4 to 10 years	4 to 10 years

The depreciation rates for ROU assets are based on the commencement date to the earlier of the end of the useful life of the ROU asset or the end of the lease term.

2.2 Non-Financial Assets (continued)

Accounting Policy (continued)

Impairment

All assets were assessed for impairment at 30 June 2022.

Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

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

Derecognition

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

Intangibles

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

Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the Commission's software are 2 to 5 years (2021: 2 to 5 years).

All software assets were assessed for indications of impairment as at 30 June 2022.

Accounting Judgements and Estimates

The fair value of infrastructure, plant and equipment has been taken to be the market value of similar assets as determined by an independent valuer.

2.2 Non-Financial Assets (continued)

	2022 \$'000	2021 \$'000
2.2B: Other non-financial assets		
Prepayments	613	531
Total other non-financial assets	613	531
Other non-financial assets expected to be recovered		
No more than 12 months	573	500
More than 12 months	40	31
Total other non-financial assets	613	531

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

2.3 Payables

	2022 \$'000	2021 \$'000
2.3A: Suppliers		
Trade creditors and accruals	865	1,767
Total suppliers	865	1,767
Suppliers expected to be settled		
No more than 12 months	865	1,767
Total suppliers	865	1,767
2.3B: Other payables		
Salaries and wages	313	251
Superannuation	78	173
Other employee expenses	133	1
Revenue received in advance	4,893	6,168
Refund liability	971	2,338
GST payable to the Australian Tax Office	-	6
Total other payables	6,388	8,937
Other payables to be settled		
No more than 12 months	6,388	8,937
Total other payables	6,388	8,937

2.4 Interest Bearing Liabilities

	2022 \$'000	2021 \$'000
6.11.4A: Leases		
Lease liabilities	5,104	-
Total leases	5,104	-
Maturity analysis - contractual undiscounted cash flows		
Within 1 year	2,507	-
Between 1 to 5 years	2,607	-
Total leases	5,114	-

Total cash outflow for leases for the year ended 30 June 2022 was \$2.398m (2021: \$3.051m).

Accounting Policy

Lease Right of Use (ROU) Assets

Leased ROU assets are capitalised at the commencement date of the lease and comprise of the initial lease liability amount, initial direct costs incurred when entering into the lease less any lease incentives received. These assets are accounted for by Commonwealth lessees as separate asset classes to corresponding assets owned outright, but included in the same column as where the corresponding underlying assets would be presented if they were owned.

2.5 Other Provisions

2.5A: Other provisions

	Provision for legal costs \$'000	Provision for restoration ¹ \$'000	Total \$'000
As at 1 July 2021	-	-	-
Additional provisions made	50	511	561
Total as at 30 June 2022	50	511	561

1. Make good provision for leasehold improvements for property lease which expires 30 June 2024.

Funding

This section identifies the Australian Human Rights Commission funding structure.

3.1 Corporate Commonwealth Entity Payment

3.1A: Annual Corporate Commonwealth Entity Payment ('Recoverable GST exclusive')

Annual Corporate Commonwealth Entity Payment for 2022

The Commission's funding is received through a grant from the Attorney-General's Department.

Refer to Note 1.2E.

People and Relationships

This section describes a range of employment and post employment benefits provided to our people and our relationships with other key people.

4.1 Employee Provisions

	2022 \$'000	2021 \$'000
4.1A: Employee provisions		
Leave	3,892	4,848
Separations and redundancies	336	57
Total employee provisions	4,228	4,905
Employee provisions expected to be settled		
No more than 12 months	2,414	2,315
More than 12 months	1,814	2,590
Total employee provisions	4,228	4,905

Accounting policy

Liabilities for short-term employee benefits and termination benefits expected within twelve months of the end of reporting period are measured at their nominal amounts.

Leave

The liability for employee benefits includes provision for annual leave and long service leave.

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

The liability for long service leave has been determined by reference to the work of an actuary performed for the Department of Finance (DoF) and summarised in the Standard Parameters for use in 2021–22 Financial Statements published on the DoF website. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Separation and Redundancy

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

People and Relationships (continued)

Superannuation

The Commission's staff are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS), or the PSS accumulation plan (PSSap), or other superannuation funds held outside the Australian Government. The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported in the Department of Finance's administered schedules and notes. The Commission makes employer contributions to the employees' defined benefit superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. The Commission accounts for the contributions as if they were contributions to defined contribution plans.

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

Accounting Judgements and Estimates

The long service leave has been estimated in accordance with the FRR taking into account expected salary growth, attrition and future discounting using the government bond rate.

4.2 Key Management Personnel Remuneration

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the Commission. The Commission has determined the key management personnel to be the President, Commissioners and Chief Executive.

	2022	2021
	\$'000	\$'000
Short term employee benefits	3,083	3,203
Post-employment benefits	250	242
Other long-term employee benefits	14	56
Total key management personnel remuneration expenses ¹	3,347	3,501

People and Relationships (continued)

The total number of key management personnel that are included in the above table are 12 (2021: 9).

1. The above key management personnel remuneration excludes the remuneration and other benefits of the Portfolio Minister. The Portfolio Minister's remuneration and other benefits are set by the Remuneration Tribunal and are not paid by the Commission. Other long-term employee benefits results from the movement in accrued leave balances for the period.

4.3 Related Party Disclosures

Related party relationships:

The Commission is an Australian Government controlled entity. Related parties to this entity are Key Management Personnel including the Portfolio Minister and Executive, and other Australian Government entities.

Transactions with related parties:

Given the breadth of Government activities, related parties may transact with the government sector in the same capacity as ordinary citizens. Such transactions include the payment or refund of taxes, receipt of a Medicare rebate or higher education loans. These transactions have not been separately disclosed in this note.

Significant transactions with related parties can include:

- the payments of grants or loans;
- purchases of goods and services;
- asset purchases, sales transfers or leases;
- debts forgiven; and
- guarantees.

Giving consideration to relationships with related entities, and transactions entered into during the reporting period by the Commission, it has been determined that there are no related party transactions to be separately disclosed.

Managing uncertainties

5.1: Contingent assets and liabilities

Quantifiable Contingencies

At the time signing these financial statements, the Commission had no quantifiable contingent liabilities.

Unquantifiable Contingencies

At the time of signing these financial statements the Commission :

- was a respondent to four judicial review applications in the Federal Court in relation to administrative decisions of the Commission. In each of these proceedings, the Commission has filed a submitting notice, the applicant is unrepresented and the Commonwealth Attorney-General is appearing as a contradictor. Two of the Federal Court proceedings involve related applications for leave to appeal against interlocutory decisions. It is not usual for any costs order to be made against the Commission in any of the kinds of proceedings described in this paragraph and therefore we do not expect there to be any financial impact on the Commission as a result of these proceedings.
- was a respondent to an application in the Federal Circuit and Family Court of Australia. In the Commission's view, these proceedings have not been properly commenced and the Commission has filed submissions to have the proceedings dismissed. We do not expect there to be any financial impact on the Commission as a result of these proceedings.
- was a respondent to an application in the Federal Court in relation to the handling of a complaint. In the Commission's view this application is misconceived. Save for the legal costs the Commission incurs in defending this application we do not expect there to be any financial impact on the Commission as a result of these proceedings.

Accounting Policy

Contingent liabilities and contingent assets are not recognised in the statement of financial position but are reported in the notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured.

Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

5.2 Financial Instruments

	2022	2021
	\$'000	\$'000
5.2A: Categories of financial instruments		
Financial assets at amortised cost		
Cash on hand and at bank	15,958	3,356
Trade and other receivables	698	1,498
Total financial assets at amortised cost	16,656	4,854
Financial Liabilities		
Financial liabilities measured at amortised cost		
Trade creditors and accruals	865	1,767
Total financial liabilities measured at amortised cost	865	1,767

Accounting Policy

Financial assets

In accordance with AASB 9 Financial Instruments, the entity classifies its financial assets in the following categories:

- (a) financial assets at fair value through profit or loss;
- (b) financial assets at fair value through other comprehensive income; and
- (c) financial assets measured at amortised cost.

The classification depends on both the entity's business model for managing the financial assets and contractual cash flow characteristics at the time of initial recognition. Financial assets are recognised when the entity becomes a party to the contract and, as a consequence, has a legal right to receive or a legal obligation to pay cash and derecognised when the contractual rights to the cash flows from the financial asset expire or are transferred upon trade date.

Comparatives have not been restated on initial application.

Financial Assets at Amortised Cost

Financial assets included in this category need to meet two criteria:

1. the financial asset is held in order to collect the contractual cash flows; and
2. the cash flows are solely payments of principal and interest (SPPI) on the principal outstanding amount.

Amortised cost is determined using the effective interest method.

Effective Interest Method

Income is recognised on an effective interest rate basis for financial assets that are recognised at amortised cost.

Impairment of Financial Assets

Financial assets are assessed for impairment at the end of each reporting period based on Expected Credit Losses, using the general approach which measures the loss allowance based on an amount equal to *lifetime expected credit losses* where risk has significantly increased, or an amount equal to *12-month expected credit losses* if risk has not increased.

The simplified approach for trade, contract and lease receivables is used. This approach always measures the loss allowance as the amount equal to the lifetime expected credit losses.

A write-off constitutes a derecognition event where the write-off directly reduces the gross carrying amount of the financial asset.

Financial liabilities

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or other financial liabilities. Financial liabilities are recognised and derecognised upon 'trade date'.

Financial Liabilities at Amortised Cost

Financial liabilities, including borrowings, are initially measured at fair value, net of transaction costs. These liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective interest basis.

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

	2022	2021
	\$'000	\$'000

5.2B: Net gains or losses on financial assets

Financial assets at amortised cost

Interest revenue	<u>5</u>	<u>7</u>
Net gains on financial assets at amortised cost	<u>5</u>	<u>7</u>

5.3 Fair Value Measurement

The following tables provide an analysis of assets and liabilities that are measured at fair value. The remaining assets and liabilities disclosed in the statement of financial position do not apply the fair value hierarchy.

The different levels of the fair value hierarchy are defined below.

Level 1: Quoted prices (unadjusted) in active markets for identical assets or liabilities that the AHRC can access at measurement date.

Level 2: Inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3: Unobservable inputs for the asset or liability.

Accounting Policy

The Commission considers the fair value hierarchy levels at the end of the reporting period. There were no transfers in or out of any levels during the reporting period.

5.3A: Fair value measurement

	Fair value measurements at the end of the reporting period		Category (Level 1, 2 or 3)	Valuation Technique(s) and Inputs Used
	2022 \$'000	2021 \$'000		
Non-financial assets				
Infrastructure, plant and equipment	1,766	1,893	2	Market approach. Market replacement cost less estimate of written down value of asset used.

1. There were no non-financial assets where the highest and best use differed from its current use during the reporting period.

2. The remaining assets and liabilities reported by the Commission are not measured at fair value in the Statement of Financial Position.

Other information

6.1 Current/non-current distinction for assets and liabilities

6.1A: Current/non-current distinction for assets and liabilities

	2022 \$'000	2021 \$'000
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	15,958	3,356
Trade and other receivables	798	1,498
Prepayments	573	500
Total no more than 12 months	17,329	5,354
More than 12 months		
Property subject to operating leases	5,001	-
Leasehold improvements	1,627	1,791
Computer, plant and equipment	139	102
Intangibles	459	557
Prepayments	40	31
Total more than 12 months	7,266	2,481
Total assets	24,595	7,835
Liabilities expected to be settled in:		
No more than 12 months		
Suppliers	865	1,767
Other payables	6,388	8,937
Employee provisions	2,414	2,315
Total no more than 12 months	9,667	13,019
More than 12 months		
Leases	5,104	-
Employee provisions	1,814	2,590
Other provisions	561	-
Total more than 12 months	7,479	2,590
Total liabilities	17,146	15,609

7. Executive Remuneration

7.1 Introduction

This section contains information about the remuneration of the Australian Human Rights Commission (the Commission) Key Management Personnel, Senior Executive Service (SES) and other highly paid staff.

7.2 Remuneration Policies and Practices

Remuneration for the President and Commissioners is set by the Remuneration Tribunal. The Remuneration Tribunal also determines increases to remuneration and allowances.

The Commission's remuneration for SES and other highly paid staff is determined by the President under section 24(1) of the *Public Service Act 1999* (Cth). When determining SES and other highly paid staff remuneration, the President has regard to the Australian Public Service Remuneration report and comparable agencies.

SES determinations set out salary on commencement and provide for increments of salary, in line with percentage increases awarded to the Commissioners by the Remuneration Tribunal.

7.3 Key Management Personnel

The Commission has determined that our key management personnel (KMP) are the President, Commissioners and Chief Executive. The KMP and their terms are:

Name	Position Title	Term as KMP
Rosalind Croucher	President	Full Year
Ben Gauntlett	Disability Discrimination Commissioner	Full Term
Anne Hollonds	National Children's Commissioner	Full Year
Kate Jenkins	Sex Discrimination Commissioner	Full Year
June Oscar	Aboriginal and Torres Strait Islander Social Justice Commissioner	Full Year
Kay Patterson	Age Discrimination Commissioner	Full Year
Lorraine Finlay	Human Rights Commissioner	Part Year - Term Commenced 22 November 2021
Edward Santow	Human Rights Commissioner	Part Year - Term ended 28 July 2021
Chin Tan	Race Discrimination Commissioner	Full Year
Leanne Smith	Chief Executive	Part Year Commenced November 2021
Julie O'Brien	Interim Chief Executive	Part Year 1 July to 21 November 2021
Padma Raman	Chief Executive	Part Year resigned 9 July 2021

Details for KMP remuneration for the period ended 30 June 2022 are in note 4.2 of the financial statements. Disaggregated information is shown in the table below and is prepared in accordance with the Public Governance, Performance and Accountability Rule 2014 (PGPA Rule) and Commonwealth entities' executive remuneration reporting guide for annual reports (RMG 138) updated 24 May 2022.

Individual KMP Remuneration

Name	Position title	Short-term benefits			Post-employment benefits	Other long-term benefits		Termination benefits	Total remuneration
		Base salary	Bonuses	Other benefits and allowances	Superannuation contributions	Long service leave	Other long-term benefits		
Rosalind Croucher	President	424,808	-	-	23,568	-13,861	-	-	434,515
June Oscar	Aboriginal and Torres Strait Islander Social Justice Commissioner	332,836	-	41,603	23,568	3,436	-	-	401,443
Kay Patterson	Age Discrimination Commissioner	349,676	-	-	23,568	3,676	-	-	376,920
Ben Gauntlett	Disability Discrimination Commissioner	348,880	-	-	28,952	5,203	-	-	383,035
Edward Santow	Human Rights Commissioner (ceased 29 Jul 21)	34,106	-	-	2,719	-	-	-	36,825
Anne Hollonds	National Children's Commissioner	361,302	-	-	23,568	5,011	-	-	389,881
Chin Tan	Race Discrimination Commissioner	330,219	-	35,496	36,295	4,290	-	-	406,300
Kate Jenkins	Sex Discrimination Commissioner	306,248	-	20,294	23,568	3,394	-	-	353,504
Lorraine Finlay	Human Rights Commissioner (commenced 22 Nov 21)	212,646	-	-	14,503	2,002	-	-	229,151
Leanne Smith	Chief Executive (commenced 22 Nov 21)	162,538	-	-	30,514	1,568	-	-	194,620
Julie O'Brien	A/g Chief Executive (1 Jul to 21 Nov 21)	122,009	-	-	15,242	-923	-	-	136,328
Padma Raman	Chief Executive (ceased 9 Jul 21)	941	-	-	3,788	-	-	-	4,729
		\$ 2,986,209	\$ -	\$ 97,393	\$ 249,853	\$ 13,796	\$ -	\$ -	\$ 3,347,251

Senior Executive Service Remuneration

The Commission has three Senior Executive Service Officers: the Chief Executive, who is included in the KMP disclosures and therefore included in the KMP table and not, Senior Executive – Investigation and Conciliation Service, and Senior Policy Executive – Human Rights and Scrutiny. The table below provides average annual reportable remuneration for SES officers, excluding the Chief Executive whose remuneration is including in the previous table.

Average annual reportable remuneration paid to SES Staff in 2022		Short-term benefits			Post-employment benefits	Other long-term benefits		Termination benefits	Total remuneration
Total reportable remuneration	Number of Staff	Base salary	Bonuses	Other benefits and allowances	Superannuation contributions	Long service leave	Other long-term benefits		
\$245,001-\$270,000	2	223,666			35,419	(7,240)			\$ 251,845
Total number of SES staff	2								

Other Highly Paid Staff Remuneration

The Commission has one staff member that meets the definition for other highly paid staff. The table below contains average annual remuneration for other highly paid staff, which in this instance relates to one staff member only.

Average annual reportable remuneration paid to Other Highly Paid Staff in 2022		Short-term benefits			Post-employment benefits	Other long-term benefits		Termination benefits	Total remuneration
Total reportable remuneration	Number of Staff	Base salary	Bonuses	Other benefits and allowances	Superannuation contributions	Long service leave	Other long-term benefits		
\$245,001-\$270,000	1	223,944			35,346	1,663			\$ 260,952
Total number of other highly paid staff	1								

8. Other Requirements

8.1 Environment Statement

The Commission uses energy saving methods in its operations and it endeavours to make the best use of resources while reducing its environmental impact through appropriate recycling schemes.

In 2021–2022 we continued to mitigate the effects of our impact on the environment by:

- maintaining our commitment to an Electronic Document Record Management System (EDRMS), facilitating digital recordkeeping
- using Microsoft Teams facilities to reduce air and road travel
- building on the establishment of our paperless record management system for the Investigation and Conciliation Service
- continuing to facilitate the management of paperless corporate operations through the continued use of and implementation of any enhancements available for our enterprise resource management system
- powering down all non-essential electronic equipment (including multi-use devices and non-essential air conditioning units) during the Christmas to New Year, and other sustained office shutdown periods, including during the COVID-19 pandemic
- encouraging utilisation of facilities and other workspace initiatives made available under our building lease, which support the Commission’s commitment to environmental sustainability
- providing opportunities for staff to ride and walk to work and to participate in our building’s sustainable waste management system which promotes recycling.

Human rights principles are fundamentally embedded within the principles of ecologically sustainable development. Looking forward, the Commission will seek to strengthen the metrics of our environment impact and increase our focus on human rights principles and the environment.

8.2 Workplace Health and Safety

Under *Work Health and Safety Act 2011* (Cth) requirements, the following information is provided for this reporting period:

(a) initiatives taken during the year to ensure the health, safety and welfare of workers who carry out work for the entity

The Commission has been proactive in managing the ongoing risks from COVID-19. The Commission's pandemic planning team met regularly to consider the official health advice and communicate the changing situation to staff. Remote working arrangements were facilitated and any staff attending the office were encouraged to follow COVID-safe practices, and reminded of the requirement to follow public health orders including as they applied to safe practices in the workplace. Staff were consulted in the development of the Commission's new hybrid work policy which commenced on 4 July and allows for ongoing flexibility in attendance if required. The Commission's Diversity Committee also met regularly throughout the year to consider ways to improve the Commission as an inclusive and accessible workplace – including setting up a new cultural safety communication channel.

(b) health and safety outcomes (including the impact on injury rates of workers) achieved as a result of initiatives mentioned under paragraph (a) or previous initiatives

The Commission has been able to keep its employees safe by facilitating remote working arrangements thereby reducing COVID-19 transmission risks in the workplace. Staff have been encouraged to follow ergonomic principles in setting up their home-based work to ensure that appropriate arrangements are in place when staff work remotely.

(c) statistics of any notifiable incidents of which the entity becomes aware during the year that arose out of the conduct of businesses or undertakings by the entity

There have been no notifiable incidents.

(d) any investigations conducted during the year that relate to businesses or undertakings conducted by the entity, including details of all notices given to the entity during the year under Part 10 of this Act

There have been no investigations conducted or Part 10 notices received.

(e) such other matters as are required by guidelines approved on behalf of the Parliament by the Joint Committee of Public Accounts and Audit.

There have been no other matters.

8.3 Payments to advertising, market research, and other designated organisations

Under section 311A of the *Commonwealth Electoral Act 1918* (Cth), we are required to disclose payments of \$14,300 or more (inclusive of GST) to advertising agencies, market research organisations, polling organisations, media advertising organisations and direct mail organisations. In this reporting period, the following payments were made:

Name of Organisation	Type of Organisation	Purpose	Payment \$ (incl of GST)
Qualtrics	Market Research	Report Services for the AHRC	23,595
Roy Morgan Research	Market Research	Survey, fieldwork and reporting services for Parliamentary Workplaces and National Survey on Sexual Harassment in Australian Workplace	162,209

















APPENDICES

Appendix 1: Performance measurement framework table 2020-21

Measuring our impact (what difference, what benefit), in the context and nature of our work, is complex. The ultimate results of our activities are often long-term and incrementally achieved. Our role is generally collaborative with other government agencies, not-for-profits and private businesses, and consequently challenging to attribute.

The framework in the table below shows how we measure the Commission’s performance in this context. In this framework our purpose and functions are reflected in organisational goals and outcomes that tell an entity level ‘performance story’.

Goal	Outcomes (and PBS criteria)	Performance expectation	Progress indicator (and PBS target) (feasible qualitative / quantitative measures of the expected performance in this reporting year)	2021-22	2022-23	2023-24	2024-25
1 Greater prioritisation and embedding of human rights issues at the national level	1.1 The leadership and advocacy of the President and Commissioners on thematic areas and on identified human rights issues, improves the enjoyment of human rights by affected groups.	Our research, reporting and advice influences and builds capacity in decision makers and other stakeholders to take action to address the identified human rights issues.	Research, reporting and advice activities of the Commission: <ul style="list-style-type: none"> Are viewed as evidenced, persuasive and credible by stakeholders Increase understanding of the human rights issues and impacts raised Strengthen stakeholder capacity to promote and advocate for the human rights issues raised. 	✓	✓	✓	✓
			Instances of programs attracting strategic partnerships that advance the priority human rights issues we have advocated for.	✓	✓	✓	✓
			Instances of improved Federal and state	✓	✓	✓	✓

		government policy, practice and legislative change that reflect our advice.	
<p>1.2 Law and policy makers, at all levels, consider and address the human rights impacts we identify through our submissions, Inquiries, research, reports and United Nations engagement. [PBS criterion]</p>	Parliamentary committee inquiry reports adopt the human rights issues raised in our submissions and recommendations.	High proportion of Committee inquiry reports reflect and cite the Commission’s advice. [PBS target]	   
	UN treaty body concluding observations and Universal Periodic Review (UPR) recommendations are adopted by Government and implemented.	Instances of our recommendations to UN mechanisms being reflected in treaty body concluding observations and other reports.	   
	Arguments presented in our submissions to courts influence outcomes for parties and non parties in a way that is consistent with human rights.	Majority of our applications to the courts for leave to appear are accepted. [PBS target]	   
		Instances of our court submissions are reflected in final judgments. [PBS target]	
<p>1.3 The national human rights reform agenda proposed in Free and Equal: An Australian conversation on human rights report is considered and addressed by the Parliament, government and the non-government sector</p>	Recommendations and actions in the report are addressed by the Attorney-General and federal Parliament.	The recommendations and actions in the Position Papers and final report receive public support and commitment from the Attorney-General and the non-government sector.	   

Goal	Outcomes (and PBS criteria)	Performance expectation	Progress indicator (and PBS target) (feasible qualitative / quantitative measures of the expected performance in this reporting year)	2021–22	2022–23	2023–24	2024–25
2 More people, communities, and organisations respect and understand human rights	2.1 Our education activities increase capability among individuals, communities and organisations to promote and protect human rights and address discrimination. [PBS criterion]	Participants in education activities benefit through achieving the stated human rights learning and capability objectives.	Most participants in our adult training programs report: <ul style="list-style-type: none"> • Satisfaction with the quality and relevance of the training, • Increased understanding, expertise, reframed attitudes. [PBS target] 	✓	✓	✓	✓
		Instances of organisations working with the Commission to develop human rights education/ training activities.		✓	✓	✓	✓
		2.2 Our information resources, services, events and campaigns reach, inform and influence users and audiences. [PBS criterion]	Target audiences benefit from our information resources, services, campaigns and events.	Targeted audiences are reached, access our information resources and services, and participate in our events and campaigns. indicated by: <ul style="list-style-type: none"> • An average engagement rate of 2% or higher for Commission social media posts about our education and 	✓	✓	✓

			<p>information activities.</p> <ul style="list-style-type: none"> High rates of participants reporting that they find our events and campaigns engaging and relevant [PBS target] 				
			Instances of legal information, resources, guidelines and exemption processes helping employers, organisations and individuals to comply with Australian discrimination and human rights law.	✓	✓	✓	✓
Goal	Outcomes (and PBS criteria)	Performance expectation	Progress indicator (and PBS target) (feasible qualitative / quantitative measures of the expected performance in this reporting year)	2021-22	2022-23	2023-24	2024-25
3 More people, communities, and organisations take action to respect protect and promote human rights in their own contexts	3.1 Our activities increase the capacity of vulnerable groups, communities and their advocates to understand and advocate for their rights. [PBS criterion]	Participants in education activities benefit through achieving the stated human rights learning and capability objectives.	Instances of participants and stakeholders in our consultations and research activities report participation experiences that are beneficial and empowering. [PBS target]	✓	✓	✓	✓

	<p>3.2 Our activities increase the capacity of Governments, organisations, other groups and services to understand and address the human rights impact of their actions, particularly when working with vulnerable groups and communities. [PBS criterion]</p>	<p>Our activities with stakeholder organisations lead to systemic and sustained action, including changes to organisational policy and practice, to respect, protect and promote human rights in their context.</p>	<p>Instances of stakeholders in our activities with organisations reporting that our work has contributed to increased understanding of the impact of their systems and operations on human rights. [PBS target]</p> <p>Instances of stakeholders making changes to organisational policy and practice, to respect, protect and promote human rights in their context, following participation in our activities held with organisations. [PBS target]</p>	<p>✓</p> <hr/> <p>✓</p>	<p>✓</p> <hr/> <p>✓</p>	<p>✓</p> <p>✓</p>
		<p>Our regional technical cooperation activities increase stakeholder capacity to advance national reform in partner states.</p>	<p>Instances of partners':</p> <ul style="list-style-type: none"> • Increased knowledge and application of human rights frameworks, principles, and practices to advance human rights reform, • Practice/policy reform relating to human rights principles, which are 	<p>✓</p>	<p>✓ 1</p>	

<p>4 Effective access to justice and remedy for people and communities whose rights are breached</p>	<p>4.1 We deliver a fair and effective investigation and conciliation of complaints service. [PBS criterion]</p>	<p>Our investigation and conciliation of complaints and dispute resolution meet performance indicators on timeliness, efficiency and service user satisfaction.</p>	<p>reviewed or developed because of technical cooperation activities.</p>				
		<p>Our investigation and conciliation of complaints and dispute resolution processes have systemic and educational outcomes.</p>	<p>85% of complaints are finalised in under 12 months. 40% of complaints are resolved by conciliation. 85% of parties to complaints are satisfied with the service they receive. [PBS target]</p>				
		<p>Instances where the terms on which investigation and conciliation disputes are resolved include systemic outcomes that accord with the objectives of the law. [PBS target]</p>	<p>Instances where participation in the investigation and conciliation process results in increased understanding of rights and responsibilities in the law. [PBS target]</p>				

¹ Regional human rights technical cooperation programs are funded to 2022.

Appendix 2: Key employee statistics

The Australian Human Rights Commission has a single office located in Sydney to which all staff are attached. During the Covid-19 period, however, 20 staff were working remotely across different states and territories, as well as from regional areas of NSW.

	Ongoing Full Time	Ongoing Part Time	Non-Ongoing Full Time	Non-Ongoing Part Time	
As at 30 June 2022					
Male	15	3	10	2	
Female	42	24	35	12	
Total	57	27	45	14	143
As at 30 June 2021					
Male	19	2	13	4	
Female	49	23	55	19	
Total	68	25	68	23	184

Mapping of Commission Staff



Appendix 3: Accountable Authority

Under PGPA Rule section 17BE (j), (i)-(v) the table below provides details of the Commission's Accountable Authority during the reporting period 2021–2022.

Name	Qualifications of the Accountable Authority	Experience of the Accountable Authority	Position Title/ Position held Executive/ Non-Executive	Commencement	Cessation	Number of meetings of accountable authority attended
Emeritus Professor Rosalind Croucher AM	LLD (Honoris causa), Macquarie University, 2020	Director, Australian Academy of Law, 2013–2018	Australian Human Rights Commission President	30 July 2017	-	N/A
	LLD (Honoris causa), University of New South Wales, 2018	President, ALRC, August 2009–July 2017				
	PhD, University of New South Wales, 1994	Dean, Macquarie Law School, November 1999–February 2007				
	LLB University of Sydney, 1980	Admitted as legal practitioner, 1980				
	BA (Hons) University of Sydney, 1977					
	AMusA AMEB (Oboe), 1977					

Appendix 4: Key activities, program areas and services 2021-2022

President: Rosalind Croucher

Free and Equal: An Australian Conversation on Human Rights

Engagement with United Nations Mechanisms

International and Human Rights Technical Cooperation Programs

Business and Human Rights Strategy

Human Rights Education and Training

Human Rights Scrutiny

Investigation and Conciliation Service and National Information Service

Ensuring health and bodily integrity: towards a human rights approach for people born with variations in sex characteristics

Aboriginal and Torres Strait Islander Social Justice Commissioner: June Oscar

Wiyi Yani U Thangani (Women's Voices)

Close the Gap Campaign

Social Justice and Native Title Report

Age Discrimination Commissioner: Kay Patterson

Older Australians and Employment

Older Women at Risk of Homelessness

Elder Abuse Awareness Program

Supporting and Promoting Positive Ageing

Disability Discrimination Commissioner: Ben Gauntlett

IncludeAbility - increasing meaningful employment opportunities for people with disability, and to close the gap in workforce participation

Disability and Employment

Accessible Housing

Policy and law reform engagement

Human Rights Commissioner: Lorraine Finlay

Human Rights and Technology

Immigration Detention and Asylum Seekers Program

Sexual orientation, gender, identity and intersex status programs

National Children's Commissioner: Anne Hollonds

Keeping Kids Safe and Well – Your Voices

Children's Statutory Report

Experiences of children affected by family violence

Child rights impact assessment tool

Mental health impacts of COVID-19 pandemic on at-risk children and young people

Race Discrimination Commissioner: Chin Tan

National Anti-Racism Framework

National Anti-Racism Strategy and 'Racism. It Stops With Me' campaign

Advocating for great protection against race discrimination

Workplace cultural diversity tool

Sex Discrimination Commissioner: Kate Jenkins

Violence against Women Projects: National Inquiry into Sexual Harassment in Australian Workplaces

Commission – Defence Collaboration for Cultural Reform in the Australian Defence Force Inclusion and Sport

Women's Economic Security Projects

Independent Review into Commonwealth Parliamentary Workplaces

Australian Federal Police – Commission Cultural Reform Partnership 2021–2026

Organisational

Legal Services (inc. legal interventions)

Public Engagement (inc. communications, media, digital engagement, major events and launches)

Workplace and Community Education – online, in person, both free and fee for service training

Investigation and Conciliation Service

Bilateral Human Rights Technical Cooperation Programs in Laos and Vietnam along with support to bilateral annual human rights dialogues

Appendix 5: Major events, reports, publications and resources

Aboriginal and Torres Strait Islander Social Justice	<ul style="list-style-type: none"> • Close the Gap Annual Report 2022 • Close the Gap Day Event 2022 • Wiyi Yani Thangani (Women’s Voices) – implementation Framework 2022 • Expert mechanism on the rights of Indigenous Peoples side event with New Zealand and Canada 2021
Age	<ul style="list-style-type: none"> • Keeping Kids Safe and Well 2022 (Report) • What’s age got to do with it? A snapshot of ageism across the Australian lifespan 2021 (Report) • Elder Abuse awareness resources and campaign 2022 (event and publication)
Human rights Reports	<ul style="list-style-type: none"> • No143 The detention of refugees following visa refusal or cancellation under section 501 of the <i>Migration Act 1958</i> (Cth) (Report) • No145 Mr AO v Commonwealth of Australia (Department of Home Affairs) 2022 (Report) • Immigration detention following visa refusal or cancellation under section 501 of the <i>Migration Act 1958</i> (Cth) (Report) • QA v Commonwealth (Department of Home Affairs) (Report)
Business and Human Rights	<ul style="list-style-type: none"> • Migrant workers and their rights in Australia (fact sheet) • FIFA 2023 Women’s world cup human rights risk assessment 2021 • At the crossroads: 10 years of implementing the UN guiding principles on business and human rights in Australia 2021 • Modern slavery in the health services sector 2021
Children	<ul style="list-style-type: none"> • COVID-19 & kids wellbeing 2022 (Report) • Keeping Kids Safe and Well – Your voices 2021 (Report) • A guide for children and young people to the national strategy to prevent child sexual abuse 2021
Corporate	<ul style="list-style-type: none"> • Annual Report 2020–2021 (2021)

Disability Rights	<ul style="list-style-type: none"> • Corporate Plan 2020–2024 (2020) • IncludeAbility website and resource launch 2021 • Disability Action Plan – Guide 2021 • Retrofit Kit: Design tools for making our homes more accessible, Monash Architecture and the Australia Human Rights Commission
Education and Training Human Rights	<ul style="list-style-type: none"> • e-Learning module package on human rights projects including Respect@Work and IncludeAbility • Free and Equal: A reform agenda for federal discrimination laws 2021 • Covid-19 and human rights workshop: Ensuring that human rights and fundamental freedoms are protected in times of emergency 2021 • Ensuring health and bodily integrity 2021 • Covid-19 and human rights workshop: Ensuring that human rights and fundamental freedoms are protected in times of emergency
Immigration Detention and Asylum Seekers Race	<ul style="list-style-type: none"> • Immigration Detention Inspections of alternative places of detention Melbourne and Brisbane (2022) • National OPCAT symposium & roadmap project • Guidelines to addressing spectator racism in sports 2021 • Sharing the stories of Australian Muslims 2021 • Workplace cultural diversity tool (update 2022) • Consultation and submissions process for Racism stops with me campaign
Sex and gender	<ul style="list-style-type: none"> • Set the Standard: report on the independent review into Commonwealth parliamentary workplaces 2021 (Report) • Independent review into Commonwealth parliamentary workplaces: progress update 2021 (Report)
International Team	<ul style="list-style-type: none"> • Responsible business conduct in Vietnam (video)

List of Annual Report requirements

Below is the table set out in Schedule 2A of the PGPA Rule. Section 17BE(u) requires this table be included in entities' annual reports.

Requirement table

PGPA Rule Reference	Part of Report	Description	Requirement
17BE	Contents of annual report		
17BE(a)	7-11	Details of the legislation establishing the body.	Mandatory
17BE(b)(i)	7-11	A summary of the objects and functions of the entity as set out in legislation.	Mandatory
17BE(b)(ii)	4	The purposes of the entity as included in the entity's corporate plan for the reporting period.	Mandatory
17BE(c)	13	The names of the persons holding the position of responsible Minister or responsible Ministers during the reporting period, and the titles of those responsible Ministers.	Mandatory
17BE(d)	N/A	Directions given to the entity by the Minister under an Act or instrument during the reporting period.	If applicable, mandatory
17BE(e)	N/A	Any government policy order that applied in relation to the entity during the reporting period under section 22 of the Act.	If applicable, mandatory
17BE(f)	N/A	Particulars of non-compliance with: (a) a direction given to the entity by the Minister under an Act or instrument during the reporting period; or (b) a government policy order that applied in relation to the entity during the reporting period under section 22 of the Act.	If applicable, mandatory
17BE(g)	24-70	Particulars of non-compliance with: (a) a direction given to the entity by the Minister under an Act or instrument during the reporting period; or (b) a government policy order that applied in relation to the entity during the reporting period under section 22 of the Act.	Mandatory

17BE(h), 17BE(i)	N/A	A statement of significant issues reported to the Minister under paragraph 19(1)(e) of the Act that relates to non-compliance with finance law and action taken to remedy non-compliance.	If applicable, mandatory
17BE(j)	122	Information on the accountable authority, or each member of the accountable authority, of the entity during the reporting period.	Mandatory
17BE(k)	6	Outline of the organisational structure of the entity (including any subsidiaries of the entity).	Mandatory
17BE(ka)	121	Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following: (a) statistics on full-time employees; (b) statistics on part-time employees; (c) statistics on gender; (d) statistics on staff location.	Mandatory
17BE(l)	16	Outline of the location (whether or not in Australia) of major activities or facilities of the entity.	Mandatory
17BE(m)	12	Information relating to the main corporate governance practices used by the entity during the reporting period.	Mandatory
17BE(n), 17BE(o)	N/A	For transactions with a related Commonwealth entity or related company where the value of the transaction, or if there is more than one transaction, the aggregate of those transactions, is more than \$10,000 (inclusive of GST): (a) the decision-making process undertaken by the accountable authority to approve the entity paying for a good or service from, or providing a grant to, the related Commonwealth entity or related company; and (b) the value of the transaction, or if there is more than one transaction, the number of transactions and the aggregate of value of the transactions.	If applicable, mandatory
17BE(p)	N/A	Any significant activities and changes that affected the operation or structure of the entity during the reporting period.	If applicable, mandatory
17BE(q)	N/A	Particulars of judicial decisions or decisions of administrative tribunals that may have a significant effect on the operations of the entity.	If applicable, mandatory

17BE(r)	N/A	Particulars of any reports on the entity given by: (a) the Auditor-General (other than a report under section 43 of the Act); or (b) a Parliamentary Committee; or (c) the Commonwealth Ombudsman; or (d) the Office of the Australian Information Commissioner.	If applicable, mandatory
17BE(s)	N/A	An explanation of information not obtained from a subsidiary of the entity and the effect of not having the information on the annual report.	If applicable, mandatory
17BE(t)	N/A	Details of any indemnity that applied during the reporting period to the accountable authority, any member of the accountable authority or officer of the entity against a liability (including premiums paid, or agreed to be paid, for insurance against the authority, member or officer's liability for legal costs).	If applicable, mandatory
17BE(taa)	27-28	The following information about the audit committee for the entity: (a) a direct electronic address of the charter determining the functions of the audit committee; (b) the name of each member of the audit committee; (c) the qualifications, knowledge, skills, or experience of each member of the audit committee; (d) information about each member's attendance at meetings of the audit committee; (e) the remuneration of each member of the audit committee.	Mandatory
17BE(ta)	110	Information about executive remuneration.	If applicable, mandatory
17BF	Disclosure requirements for government business enterprises		
17BF(1)(a)(i)	N/A	An assessment of significant changes in the entity's overall financial structure and financial conditions.	If applicable, mandatory
17BF(1)(a)(ii)	N/A	An assessment of any events or risks that could cause financial information that is reported not to be indicative of future operations or financial conditions.	If applicable, mandatory
17BF(1)(b)	N/A	Information on dividends paid or recommended.	If applicable, mandatory

17BF(1)(c)	N/A	<p>Details of any community service obligations the government business enterprise has including:</p> <p>(a) an outline of actions taken to fulfil those obligations; and</p> <p>(b) an assessment of the cost of fulfilling those obligations.</p>	If applicable, mandatory
17BF(2)	N/A	<p>A statement regarding the exclusion of information on the grounds that the information is commercially sensitive and would be likely to result in unreasonable commercial prejudice to the government business enterprise.</p>	If applicable, mandatory

FURTHER INFORMATION

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