**2016 - 2017 Complaint statistics**

**Enquiries and complaints received**

In 2016-17 the Commission received 14 911 enquiries. The majority of enquiries (53%) were received via the Commission’s National Information Hotline. The main issues raised by enquirers in this reporting year related to disability discrimination (20%), general employment matters including harassment and bullying (15%), discrimination on grounds covered by the Sex Discrimination Act (11%), racial discrimination including racial hatred (10%) and human rights related issues including immigration and immigration detention (6%).

In 2016-17 the Commission received 1 939 complaints. One complaint may raise a number of grounds and areas of discrimination and be against one or more respondents. If the Commission counted complaints by respondents, the number of complaints received in 2016-17 would increase to 2 507. If the Commission counted complaints received by grounds and areas of discrimination, the number of complaints received would increase to 3 927 and 2 236 respectively.

In 2016-17:

* 39% of complaints were lodged under the Disability Discrimination Act
* 24% of complaints were lodged under the Sex Discrimination Act
* 21% of complaints were lodged under the Racial Discrimination Act
* 8% of complaints were lodged under the Australian Human Rights Commission Act
* 8% of complaints were lodged under the Age Discrimination Act.

Complaints about employment made up 78% of complaints under the Sex Discrimination Act, 58% of complaints under the Age Discrimination Act, 33% of complaints under the Disability Discrimination Act and 26% of complaints under the Racial Discrimination Act. The provision of goods, services and facilities was the other main area of complaint making up 33% of complaints under the Disability Discrimination Act, 25% of complaints under the Age Discrimination Act, 20% of complaints under the Racial Discrimination Act and 13% of complaints under the Sex Discrimination Act.[[1]](#footnote-1)

**Outcomes of complaints**

The Commission finalised 1 987 complaints during 2016-17. The Commission conducted approximately 1 128 conciliation processes of which 843 complaints (75%) were successfully resolved. This represents successful dispute resolution for more than 1 686 people and organisations involved in complaints before the Commission. This is the second highest conciliation success rate on record.

Information on the outcomes of conciliated complaints under federal anti-discrimination law indicates that 31% of outcomes included terms which will have benefits for people beyond the individual complainant. For example, agreements to introduce anti-discrimination policies and provide anti-discrimination training in workplaces and agreements to undertake modifications to buildings and services to address potential discriminatory factors.

Commission survey data also highlights the educative effect of the Commission’s complaint process. For example, in relation to conciliated complaints, 74% of surveyed participants indicated that involvement in the complaint process had assisted them to better understand rights and responsibilities under federal human rights and anti-discrimination law.

Data provided to the Commission indicates that in 2016-17, less than 2% of finalised complaints regarding unlawful discrimination proceeded to court.

**Timeliness of the complaint process**

In 2016-17, just under half of all complaints were finalised within 3 months (41%), 75% were finalised within 6 months, 91% within 9 months and 97% within 12 months. The average time from receipt to finalisation of a complaint was approximately 4.3 months.

**Demographic data**

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

Available demographic data indicates that in 2016-17, 48% of complaints were lodged by individual females, 50% by individual males and 2% by other categories. Other categories include intersex, sex not specified, joint/multiple complainants, organisations and unknown.

Where referral source was identified, 32% of complainants reported that they knew about the Commission prior to lodging their complaint. The other main identified referral sources were private lawyers (13%), family members, friends or support people (8.5%), the internet (8%), community legal centres (4%) and specialist advocacy agencies such as advocacy agencies for people with disabilities, women, migrants or Aboriginal and Torres Strait Islander peoples (3%).

The majority of complainants (52%) indicated that their main source of income at the time of the alleged act was from a form of employment. The majority of complainants (39%) indicated they were in full or part-time permanent employment, 11% were engaged in casual, contract or outwork and 2% were self-employed.

Approximately 37% of complainants said they were represented during the complaint process. Of these complainants, 45% said they were represented by privately funded solicitors. Other identified forms of representation were family members or friends (27%), community legal centres, including Aboriginal or disability legal services (14%), other advocacy groups such as working women’s centres or disability advocacy services (12%) and trade unions or professional associations (2%).

In 2016-17, the main respondent organisation categories were private enterprise (55%), State departments/statutory authorities (14%) and Commonwealth departments/statutory authorities (13%). These consistently are the main respondent organisation categories.

**Satisfaction with the complaint service**

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

In 2016-17, 222 complainants and 199 respondents agreed to participate in the survey. Details of survey feedback is provided below.

* 88% of participants (82% of complainants and 95% of respondents) reported that they were satisfied with the service provided and 71% (69% of complainants and 73% of respondents) rated the service as ‘very good’ or ‘excellent’. Where complaints were conciliated, these figures increased with 96% reporting they were satisfied with the service and 84% rating the service as ‘very good ‘or ‘excellent’.
* 92% of participants (90% of complainants and 95% of respondents) felt that Commission staff explained things in a way that was easy for them to understand.
* 91% of participants (88% of complainants and 95% of respondents) felt that forms and correspondence from the Commission were easy to understand.
* 74% of participants (70% of complainants and 79% of respondents) felt that the Commission dealt with the complaint in a timely manner.
* 87% of participants (81% of complainants and 94% of respondents) felt they were treated fairly.

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

In 2016–17 the Commission received one complaint about its service under the complaint process provided in the Charter.

#### Enquiries overview (National Information Service)

##### Table 1: Website enquiries

|  |  |
| --- | --- |
| **Webpage views** | **267 934** |

##### Table 2: Enquiries received by mode of contact

|  |  |  |
| --- | --- | --- |
| **Enquiry type** | **Total** | **Percentage** |
| Telephone | 7925 | 53% |
| Written | 6789 | 46% |
| In-person | 187 | 1% |
| TTY/NRS | 10 | <1% |
| **Total** | **14 911** | **100%** |

##### Table 3: Enquiries received by State/Territory of enquirer

|  |  |  |
| --- | --- | --- |
| **State of origin** | **Total** | **Percentage** |
| New South Wales | 4518 | 30% |
| Victoria | 2390 | 16% |
| South Australia | 693 | 5% |
| Western Australia | 1147 | 8% |
| Queensland | 1813 | 12% |
| Australian Capital Territory | 330 | 2% |
| Tasmania | 207 | 1% |
| Northern Territory | 193 | 1% |
| Unknown/overseas | 3620 | 25% |
| **Total** | **14 911** | **100%** |

**Complaints overview**

##### Table 4: Complaints received

|  |  |
| --- | --- |
|  | **2016-17** |
| Counted by complainants\* | 1 983 |
| Counted by respondents | 2 507 |
| Counted by grounds of discrimination raised in complaint | 3 927 |
| Counted by areas of discrimination raised in complaint | 2 236 |

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

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **2012-13** | **2013-14** | **2014-15** | **2015-16** | **2016-17** |
| Received | 2 177 | 2 223 | 2 388 | 2 013 | 1 939 |
| Finalised | 2 500 | 2 178 | 2 251 | 1 982 | 1 987 |

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **2012-13** | **2013-14** | **2014-15** | **2015-16** | **2016-17** |
| Terminated/declined | 33% | 23% | 23% | 19% | 19% |
| Conciliated | 45% | 49% | 51% | 52% | 45% |
| Withdrawn\* | 13% | 16% | 16% | 17% | 18% |
| Discontinued\*\* | 9% | 9% | 9% | 9% | 15% |
| Referred for reporting (AHRCA only) | - | 3% | 1% | 3% | 3% |

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

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

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **2012-13** | **2013-14** | **2014-15** | **2015-16** | **2016-17** |
| Complaints successfully resolved | 65% | 70% | 72% | 76% | 75% |
| Complaints unable to be resolved | 35% | 30% | 28% | 24% | 25% |

**Table 8: Complaints received by State/Territory of complainant**

|  |  |  |
| --- | --- | --- |
| **State of origin** | **Total** | **Percentage** |
| New South Wales | 756 | 39% |
| Victoria | 383 | 20% |
| South Australia | 124 | 6% |
| Western Australia | 223 | 12% |
| Queensland | 348 | 18% |
| Australian Capital Territory | 41 | 2% |
| Tasmania | 33 | 2% |
| Northern Territory | 19 | 1% |
| Unknown/overseas | 12 | <1% |
| **Total** | **1 939** | **100%** |

##### Table 9: Complaints received and finalised by Act

|  |  |  |
| --- | --- | --- |
| **Act** | **Received** | **Finalised** |
| Racial Discrimination Act (RDA) | 409 | 474 |
| Sex Discrimination Act (SDA) | 465 | 432 |
| Disability Discrimination Act (DDA) | 755 | 696 |
| Age Discrimination Act (ADA) | 154 | 144 |
| Australian Human Rights Commission Act (AHRCA) | 156 | 241 |
| **Total** | **1 939** | **1 987** |

##### Chart 1: Complaints received by Act

Disability Discrimination Act 39%

Sex Discrimination Act 24%

Racial Discrimination Act 21%

Age Discrimination Act 8%

Australian Human Rights Commission Act 8%

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **2012-13** | **2013-14** | **2014-15** | **2015-16** | **2016-17** |
| Racial Discrimination Act | 500 | 380 | 561 | 429 | 409 |
| Sex Discrimination Act | 417 | 474 | 453 | 409 | 465 |
| Disability Discrimination Act | 793 | 830 | 740 | 750 | 755 |
| Age Discrimination Act | 157 | 184 | 149 | 152 | 154 |
| Australian Human Rights Commission Act | 310 | 355 | 485 | 273 | 156 |
| **Total** | **2 177** | **2 223** | **2 388** | **2 013** | **1 939** |

##### Table 11: Country of birth of complainants

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| A | **RDA**  **(%)** | **SDA**  **(%)** | **DDA**  **(%)** | **ADA**  **(%)** | **AHRCA**  **(%)** | **Total**  **(%)** |
| Born in Australia | 42% | 22% | 39% | 42% | 28% | **35%** |
| Born outside of Australia | 40% | 12% | 8% | 12% | 37% | **18%** |
| Unknown/unspecified | 18% | 66% | 53% | 46% | 35% | **47%** |

##### Table 12: Indigenous status of complainants

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| A | **RDA**  **(%)** | **SDA**  **(%)** | **DDA**  **(%)** | **ADA**  **(%)** | **AHRCA**  **(%)** | **Total**  **(%)** |
| Aboriginal | 25% | 2% | 4% | 2% | 2% | **7%** |
| Torres Strait Islander | <1% |  | <1% |  |  | **<1%** |
| Both of the above | <1% |  |  |  |  | **<1%** |
| None of the above/  Unknown | 74% | 98% | 96% | 98% | 98% | **92%** |

##### Table 13: Time from receipt to finalisation for finalised complaints

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| A | **RDA**  **(%)** | **SDA**  **(%)** | **DDA**  **(%)** | **ADA**  **(%)** | **AHRCA**  **(%)** | **Cumulative Total (%)** |
| 0 - 3 months | 45% | 47% | 40% | 42% | 27 % | **41%** |
| 3 - 6 months | 71% | 81% | 78% | 84% | 62% | **75%** |
| 6 - 9 months | 83% | 96% | 95% | 99% | 83% | **91%** |
| 9 - 12 months | 94% | 99% | 99% | 100 | 93% | **97%** |

#### Racial Discrimination Act

##### Table 14: Racial Discrimination Act - Complaints received and finalised

|  |  |
| --- | --- |
| **Racial Discrimination Act** | **Total** |
| Received | 409 |
| Finalised | 474 |

##### Table 15: Racial Discrimination Act - Complaints received by ground

|  |  |  |
| --- | --- | --- |
| **Racial Discrimination Act - Grounds** | **Number** | **Percentage** |
| Colour | 51 | 7% |
| National origin | 87 | 11% |
| Ethnic origin | 102 | 13% |
| Descent | 27 | 3% |
| Race | 329 | 42% |
| Racial hatred | 159 | 20% |
| Immigrant status | 9 | 1% |
| Association | 3 | <1% |
| Victimisation | 17 | 2% |
| Incite unlawful act |  |  |
| Advertisements |  |  |
| **Total\*** | **784** | **100**% |

\* One complaint may raise multiple grounds

##### Table 16: Racial Discrimination Act - Complaints received by area

|  |  |  |
| --- | --- | --- |
| **Racial Discrimination Act - Areas** | **Number** | **Percentage** |
| Rights to equality before the law | 1 | <1% |
| Access to places and facilities | 4 | <1% |
| Land, housing, other accommodation | 3 | <1% |
| Provision of goods and services | 93 | 20% |
| Right to join trade unions |  |  |
| Employment | 121 | 26% |
| Education | 8 | 2% |
| Other - section 9 | 83 | 18% |
| Racial hatred | 159 | 34% |
| **Total\*** | **472** | **100**% |

\* One complaint may relate to more than one area.

##### Table 17: Racial hatred complaints received by sub-area

|  |  |  |
| --- | --- | --- |
| **Racial hatred sub-areas** | **Number** | **Percentage** |
| Media – press/TV/radio | 29 | 18% |
| Disputes between neighbours | 15 | 10% |
| Personal conflict | 10 | 6% |
| Employment | 27 | 17% |
| Racist propaganda |  |  |
| Internet - e-mail/webpage/chat room | 7 | 5% |
| Entertainment |  |  |
| Sport |  |  |
| Public debate | 62 | 39% |
| Provision of goods and services | 8 | 5% |
| Education | 1 | <1% |
| **Total** | **159** | **100**% |

##### 

##### Table 18: Racial Discrimination Act – Outcomes of finalised complaints

|  |  |
| --- | --- |
| **Racial Discrimination Act - Outcomes** | **Number** |
| **Terminated** | **74** |
| At complainants request – s.46PE |  |
| Not unlawful |  |
| More than 12 months old | 3 |
| Trivial, vexatious, frivolous, misconceived, lacking in substance | 41 |
| Adequately dealt with already |  |
| More appropriate remedy available | 1 |
| Subject matter of public importance |  |
| No reasonable prospect of conciliation | 29 |
| **Discontinued\*** | **95** |
| **Withdrawn\*\*** | **63** |
| **Conciliated** | **228** |
| **Administrative closure\*\*\*** | **14** |
| **Total** | **474** |

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

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

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

##### Chart 2: Racial Discrimination Act – Outcomes of finalised complaints

Conciliated 50%

Discontinued 20%

Withdrawn 14%

Terminated - other reason 10%

Terminated - no reasonable prospect of conciliation 6%

##### Chart 3: Racial Discrimination Act – Complaints resolved by conciliation

Complaints successfully resolved 86%

Complaints unable to be resolved 14%

#### Sex Discrimination Act

##### Table 19: Sex Discrimination Act – Complaints received and finalised

|  |  |
| --- | --- |
| **Sex Discrimination Act** | **Total** |
| Received | 465 |
| Finalised | 432 |

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

|  |  |  |
| --- | --- | --- |
| **Sex Discrimination Act – Complainant category** | **Number** | **Percentage** |
| Female | 353 | 76% |
| Male | 102 | 22% |
| Intersex | 2 | <1% |
| Other category\* | 8 | 2% |
| **Total** | **465** | **100**% |

##### \* Includes sex not specified, joint/multiple, or organisation on behalf of other

##### Table 21: Sex Discrimination Act – Complaints received by ground

|  |  |  |
| --- | --- | --- |
| **Sex Discrimination Act – Grounds** | **Number** | **Percentage** |
| Sex discrimination | 412 | 41% |
| Marital or relationship status | 12 | 1% |
| Pregnancy | 92 | 9% |
| Sexual harassment | 247 | 24% |
| Family responsibilities | 58 | 6% |
| Breastfeeding | 8 | 1% |
| Gender identity | 39 | 4% |
| Intersex | 7 | 1% |
| Sexual orientation | 40 | 4% |
| Victimisation | 82 | 8% |
| Causes, instructs, induces, aids or permits an unlawful act | 13 | 1% |
| Advertisements | 1 | <1% |
| **Total\*** | **1 011** | **100%** |

\*One complaint may raise multiple grounds.

##### Table 22: Sex Discrimination Act - Complaints received by area

|  |  |  |
| --- | --- | --- |
| **Sex Discrimination Act – Areas** | **Number** | **Percentage** |
| Employment | 385 | 78% |
| Goods, services and facilities | 64 | 13% |
| Land |  |  |
| Accommodation | 5 | 1% |
| Superannuation & insurance | 3 | 1% |
| Education | 14 | 3% |
| Clubs | 7 | 1% |
| Administration of Commonwealth laws and programs | 12 | 3% |
| Requests for information |  |  |
| Registered organisations | 1 | <1% |
| Qualifying bodies | 1 | <1% |
| **Total\*** | **492** | **100**% |

\* One complaint may relate to more than one area.

##### Table 23: Sex Discrimination Act - Outcomes of finalised complaints

|  |  |
| --- | --- |
| **Sex Discrimination Act - Outcomes** | **Number** |
| **Terminated** | **78** |
| At complainants request - s.46PE |  |
| Not unlawful |  |
| More than 12 months old | 2 |
| Trivial, vexatious, frivolous, misconceived, lacking in substance | 6 |
| Adequately dealt with already | 3 |
| More appropriate remedy available |  |
| Subject matter of public importance |  |
| No reasonable prospect of conciliation | 67 |
| **Discontinued\*** | **68** |
| **Withdrawn\*\*** | **68** |
| **Conciliated** | **184** |
| **Administrative closure\*\*\*** | **34** |
| **Total** | **432** |

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

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

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

##### Chart 4: Sex Discrimination Act - Outcomes of finalised complaints

Conciliated 46%

Terminated - no reasonable prospect of conciliation 17%

Withdrawn 17%

Discontinued 17%

Terminated - other reason 3%

##### Chart 5: Sex Discrimination Act – Complaints resolved by conciliation

Complaints successfully resolved 72%

Complaints unable to be resolved 28%

**Disability Discrimination Act**

##### Table 24: Disability Discrimination Act - Complaints received and finalised

|  |  |
| --- | --- |
| **Disability Discrimination Act** | **Total** |
| Received | 755 |
| Finalised | 696 |

##### Table 25: Nature of complainant’s disability

|  |  |  |
| --- | --- | --- |
| **Disability Discrimination Act – Complainant’s disability** | **Number** | **Percentage** |
| Physical disability | 204 | 20% |
| A mobility aid is used (e.g. walking frame or wheelchair) | 74 | 7.5% |
| Physical disfigurement | 3 | 0.5% |
| Presence in the body of organisms causing disease (e.g. HIV/AIDS) | 6 | 0.5% |
| Presence in the body of organisms causing disease (other) | 7 | 0.5% |
| Mental health/psychosocial | 288 | 29% |
| Neurological disability (e.g. epilepsy) | 54 | 5.5% |
| Intellectual disability | 27 | 3% |
| Learning disability | 53 | 5.5% |
| Sensory disability (hearing impaired) | 24 | 2.5% |
| Sensory disability (deaf) | 21 | 2% |
| Sensory disability (vision impaired) | 36 | 3.5% |
| Sensory disability (blind) | 36 | 3.5% |
| Work-related injury | 32 | 3% |
| Medical condition (e.g. diabetes) | 130 | 13% |
| Other | 6 | 0.5% |
| **Total\*** | **1 001** | **100**% |

\*One complainant may have multiple disabilities.

##### Table 26: Disability Discrimination Act - Complaints received by ground

|  |  |  |
| --- | --- | --- |
| **Disability Discrimination Act - Grounds** | **Number** | **Percentage** |
| Disability of person(s) aggrieved | 1394 | 81% |
| Associate | 62 | 4% |
| Disability - person assisted by trained animal | 48 | 3% |
| Disability - accompanied by carer or assistant | 2 | <1% |
| Disability – aid | 52 | 3% |
| Harassment | 8 | <1% |
| Victimisation | 31 | 2% |
| Causes, instructs, induces, aids or permits an unlawful act | 26 | 1% |
| Incites unlawful act | 1 | <1% |
| Advertisements |  |  |
| Unlawful to contravene disability standard | 105 | 6% |
| **Total\*** | **1 729** | **100**% |

\* One complaint may raise multiple grounds.

##### Table 27: Disability Discrimination Act - Complaints received by area

|  |  |  |
| --- | --- | --- |
| **Disability Discrimination Act - Areas** | **Number** | **Percentage** |
| Employment | 311 | 33% |
| Goods, services and facilities | 318 | 34% |
| Access to premises | 62 | 7% |
| Land |  |  |
| Accommodation | 39 | 4% |
| Superannuation, insurance | 13 | 1% |
| Education | 115 | 12% |
| Clubs, incorporated associations | 23 | 2.5% |
| Administration of Commonwealth laws and programs | 21 | 2% |
| Sport | 4 | 0.5% |
| Requests for information |  |  |
| Qualifying bodies | 2 | <1% |
| Registered organisations |  |  |
| Disability standards | 36 | 4% |
| **Total\*** | **944** | **100**% |

\* One complaint may relate to more than one area.

##### Table 28: Disability Discrimination Act - Outcomes of finalised complaints

|  |  |
| --- | --- |
| **Disability Discrimination Act – Outcomes** | **Number** |
| **Terminated** | **180** |
| At complainants request - s.46PE |  |
| Not unlawful |  |
| More than 12 months old | 7 |
| Trivial, vexatious, frivolous, misconceived, lacking in substance | 12 |
| Adequately dealt with already | 5 |
| More appropriate remedy available | 1 |
| Subject matter of public importance |  |
| No reasonable prospect of conciliation | 155 |
| **Discontinued\*** | **66** |
| **Withdrawn\*\*** | **105** |
| **Conciliated** | **307** |
| **Administrative closure\*\*\*** | **38** |
| **Total** | **696** |

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

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

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

##### Chart 6: Disability Discrimination Act - Outcomes of finalised complaints

Conciliated 47%

Terminated - no reasonable prospect of conciliation 23%

Withdrawn 16%

Discontinued 10%

Terminated - other reason 4 %

##### Chart 7: Disability Discrimination Act – Complaints resolved by conciliation

Complaints successfully resolved 65%

Complaints unable to be resolved 35%

**Age Discrimination Act**

##### Table 29: Age Discrimination Act - Complaints received and finalised

|  |  |
| --- | --- |
| **Age Discrimination Act** | **Total** |
| Received | 154 |
| Finalised | 144 |

##### Table 30: Age Discrimination Act - Age group of complainant

|  |  |  |
| --- | --- | --- |
| **Age Discrimination Act – Complainant age group** | **Number** | **Percentage** |
| 0 – 12 years | 2 | 1% |
| 13 – 17 years | 3 | 2% |
| 18 – 24 years | 12 | 8% |
| 25 – 34 years | 11 | 7% |
| 35 – 44 years | 9 | 6% |
| 45 – 54 years | 23 | 15% |
| 55 – 64 years | 42 | 27% |
| 65 – 74 years | 31 | 20% |
| >75 years | 21 | 14% |
| **Total** | **154** | **100**% |

##### Table 31: Age Discrimination Act - Complaints received by ground

|  |  |  |
| --- | --- | --- |
| **Age Discrimination Act - Grounds** | **Number** | **Percentage** |
| Age | 227 | 96% |
| Causes, instructs, induces, aids or permits an unlawful act | 2 | 0.5% |
| Victimisation | 2 | 0.5% |
| Advertisements | 6 | 3% |
| **Total\*** | **237** | **100**% |

\* One complaint may raise multiple grounds.

##### Table 32: Age Discrimination Act - Complaints received by area

|  |  |  |
| --- | --- | --- |
| **Age Discrimination Act - Areas** | **Number** | **Percentage** |
| Employment | 100 | 58% |
| Goods, services and facilities | 44 | 25% |
| Access to premises | 3 | 2% |
| Land |  |  |
| Accommodation | 3 | 2% |
| Advertisements |  |  |
| Superannuation, insurance | 7 | 4% |
| Education | 3 | 2% |
| Administration of Commonwealth laws and programs | 12 | 7% |
| Sport |  |  |
| Requests for information |  |  |
| Registered organisations |  |  |
| Qualifying bodies |  |  |
| Victimisation |  |  |
| **Total\*** | **172** | **100**% |

\* One complaint may relate to more than one area.

##### Table 33: Age Discrimination Act - Outcomes of finalised complaints

|  |  |
| --- | --- |
| **Age Discrimination Act – Outcomes** | **Number** |
| **Terminated** | **20** |
| At complainants request - s.46PE |  |
| Not unlawful | 2 |
| More than 12 months old |  |
| Trivial, vexatious, frivolous, misconceived, lacking in substance | 5 |
| Adequately dealt with already | 1 |
| More appropriate remedy available |  |
| Subject matter of public importance |  |
| No reasonable prospect of conciliation | 12 |
| **Discontinued\*** | **21** |
| **Withdrawn\*\*** | **47** |
| **Conciliated** | **47** |
| **Administrative closure\*\*\*** | **9** |
| **Total** | **144** |

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

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

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

##### Chart 8: Age Discrimination Act - Outcomes of finalised complaints

Conciliated 35%

Withdrawn 35%

Discontinued 15%

Terminated - no reasonable prospect of conciliation 9%

Terminated - other reason 6%

##### Chart 9: Age Discrimination Act – Complaints resolved by conciliation

Complaints successfully resolved 73%

Complaints unable to be resolved 27%

**Australian Human Rights Commission Act (AHRCA)**

##### Table 34: AHRCA - Complaints received and finalized

|  |  |
| --- | --- |
| **Australian Human Rights Commission Act** | **Total** |
| Received | 156 |
| Finalised | 241 |

##### Table 35: AHRCA - Complaints received by ground

|  |  |  |
| --- | --- | --- |
| **Australian Human Rights Commission Act – Grounds** | **Number** | **Percentage** |
| Age (ILO111) | 1 | 0.5% |
| Religion (ILO 111) | 9 | 5.5% |
| Political opinion (ILO 111) |  |  |
| Social origin (ILO 111) |  |  |
| Medical record (ILO 111) |  |  |
| Criminal record (ILO 111) | 71 | 43% |
| Sexual preference (ILO 111) |  |  |
| Trade union activity (ILO 111) | 7 | 4% |
| International Covenant on Civil and Political Rights | 64 | 39% |
| Convention on the Rights of the Child | 12 | 7% |
| Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief | 1 | 0.5% |
| Convention on the Rights of Persons with Disabilities |  |  |
| Victimisation | 1 | 0.5% |
| **Total\*** | **166** | **100%** |

\*One complaint may raise multiple grounds.

##### Table 36: AHRCA - Complaints received by area

|  |  |  |
| --- | --- | --- |
| **Australian Human Rights Commission Act - Areas** | **Number** | **Percentage** |
| Acts or practices of the Commonwealth | 68 | 44% |
| Employment | 88 | 56% |
| Not act or practice of the Commonwealth (not employment cases) |  |  |
| **Total\*** | **156** | **100%** |

\* One complaint may relate to more than one area.

##### Table 37: AHRCA - Outcomes of finalised complaints

|  |  |
| --- | --- |
| **Australian Human Rights Commission Act - Outcomes** | **Number** |
| **Declined** | **26** |
| Does not constitute discrimination | 3 |
| Human rights breach, not inconsistent or contrary to any human right |  |
| More than 12 months old | 1 |
| Trivial, vexatious, frivolous, misconceived, lacking in substance | 14 |
| Adequately dealt with already | 6 |
| More appropriate remedy available | 2 |
| **Discontinued - withdrawn** | **56** |
| **Discontinued - lost contact** | **24** |
| **Conciliated** | **77** |
| **Referred for reporting\*** | **56** |
| **Administrative closure** | **2** |
| **Total** | **241** |

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

##### Chart 10: AHRCA - Outcomes of finalised complaints

Conciliated 32%

Referred for reporting 23.5%

Discontinued (withdrawn) 23.5%

Declined 11%

Discontinued (lost contact) 10%

##### 

##### Chart 11: AHRCA – Complaints resolved by conciliation

Complaints successfully resolved 59%

Complaints unable to be resolved 41%

1. One complaint may relate to more than one area [↑](#footnote-ref-1)