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**Government
of South Australia**

EQUAL OPPORTUNITY SA 2022-23 Annual Report

EQUAL OPPORTUNITY SA

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To:

The Honourable Kyam Maher MLC

Minister for Aboriginal Affairs

Attorney-General

Minister for Industrial Relations and Public Sector

This annual report will be presented to Parliament to meet the statutory reporting requirements of the *Equal Opportunity Act 1984* and the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.



JODEEN CARNEY

Commissioner

18 August 2023

From the Commissioner

This year we changed our name from the Office of the Commissioner for Equal Opportunity (OCEO) to *Equal Opportunity SA*, which better reflects the public-facing nature and purpose of the office and is consumer-friendly.

Informed by the numbers and types of complaints received, last year we developed the WE'RE EQUAL pilot campaign to help businesses provide an easily identifiable, 'safe' environment which is free from discrimination, bullying or harassment.

The pilot supported participants to introduce the WE'RE EQUAL concept to their audiences and we worked closely with those businesses to build customer awareness of both their business and the WE'RE EQUAL brand. Participating businesses were promoted through public relations and social media campaigns, and customer-led social media channels.

A qualitative and quantitative evaluation was completed and demonstrated that the pilot exceeded all project objectives. Given its success, I determined that WE'RE EQUAL should be rolled out more broadly, which has occurred since February this year.

The initiative identifies businesses and organisations committed to treating everyone equally, regardless of their age, ability, gender diversity, sexuality, relationship and reproductive status, race, religion, and culture, and who are committed to a vision of South Australia as an open, inclusive society that embraces and supports difference and diversity.

This means that they ensure that their customers/clients, staff, suppliers, and contractors are treated equally, respectfully and with dignity. We support their commitment by providing them with online resources, education tools, and links to training.

Membership continues to expand, and includes organisations in the financial sector, high profile venues, peak sporting bodies, entertainment, health and wellbeing, legal firms, luxury goods suppliers, pubs and clubs, and government departments.

WE'RE EQUAL enables me to discharge my key legislative function, namely, to foster and encourage informed and unprejudiced attitudes with a view to eliminating areas of discrimination in the *Equal Opportunity Act 1984 (SA)*. As it continues to expand, I am hopeful that over time, a measure of its success will be less discrimination in the community and a reduction in the number of complaints received by my office.

WE'RE EQUAL captures all areas of discrimination in the Act; was developed economically; and is financially sustainable. The strategic design, determination, and creativity of Project Officer, Veronica Maughan, is largely responsible for this remarkable feat.

While the number of complaints and enquiries received have reduced in the last 12 months, representing a return to pre-pandemic levels, disability continues to be the most common ground of accepted complaints.

It remains a significant challenge to reduce discrimination in this area, however, I have been pleased to see a number of Government initiatives that are likely to assist such as the establishment of a Disability Ministerial Advisory Council and the development of the first State Autism Charter and Strategy.

In last year's annual report, I expressed concern about the progress of the implementation of recommendations made in the report of the *Review of Harassment in the Parliamentary Workplace* undertaken by this office and initiated by the Parliament.

The review confirmed that sexual and other harassment was prevalent; found that complaint-handling procedures were almost non-existent; and that complaints management was inconsistent with modern workplace practices. A number of recommendations to address these and other issues were made in the report, published in February 2021.

The most recent update purporting to detail the implementation of the recommendations for which the Parliament is responsible was tabled in May 2023 but provided little, and in most cases no information about which recommendations have been completed and which are on track. Indeed, the recommendations were barely referenced.

This is both astonishing and disappointing. South Australians are entitled to know the status of all recommendations made to address sexual harassment and discrimination in their Parliament and associated workplaces.

One of the recommendations was that the Parliament initiate a "review on the implementation of recommendations...and their effect on culture and practice in relation to sexual harassment and discriminatory harassment" within three years - six months from now. It is impossible to predict what such a review will find given the limited details that have been publicly provided thus far.

In contrast, progress of the recommendations made in the report into the *Review of Harassment in the South Australian Legal Profession*, completed in April 2021, is encouraging, and I thank the Attorney-General for advising that he will commission a further review to assess the effectiveness of recommendations made.

Hospitality continues to be an area of concern with respect to sexual harassment and discrimination as highlighted in the United Workers' Union's *Hospo's Harassment Problem* report published in April this year.

To bring about change, a multi-pronged approach is required. The WE'RE EQUAL pilot campaign focussed on hospitality venues. Since then, more hospitality venues have joined, declaring their zero tolerance for discrimination and many have used the educative resources on offer.

Government continues to consider the report's recommendations including changes to the Responsible Service of Alcohol certification so that certification would only occur upon the completion of training on sexual and other harassment.

There is also significant work underway between governments nationally to introduce new work health and safety regulations and codes of practice dealing with the management of psychosocial risks (including from sexual harassment in the workplace). This includes information for small businesses on preventing workplace sexual harassment.

Collaboration with the Australian Hotels Association (SA) has resulted in it working with a third-party provider to deliver bystander intervention training tailored to the hotel and hospitality industry. Training will target owners, operators and existing staff. Development of content is underway with delivery anticipated to commence in the final quarter of 2023.

These are all encouraging initiatives and developments aimed at reducing sexual harassment and discrimination in the hospitality sector.

Finally, our office is small but effective, and improvements continue to be made to the way we handle enquiries and complaints. I am thankful for the efforts of staff, particularly Assistant Commissioner, Colin Marsh, for his commitment to excellence and seemingly endless talents, as well as those in the Attorney-General's Department who provide significant support in a number of administrative areas.



JODEEN CARNEY
Commissioner
Equal Opportunity SA

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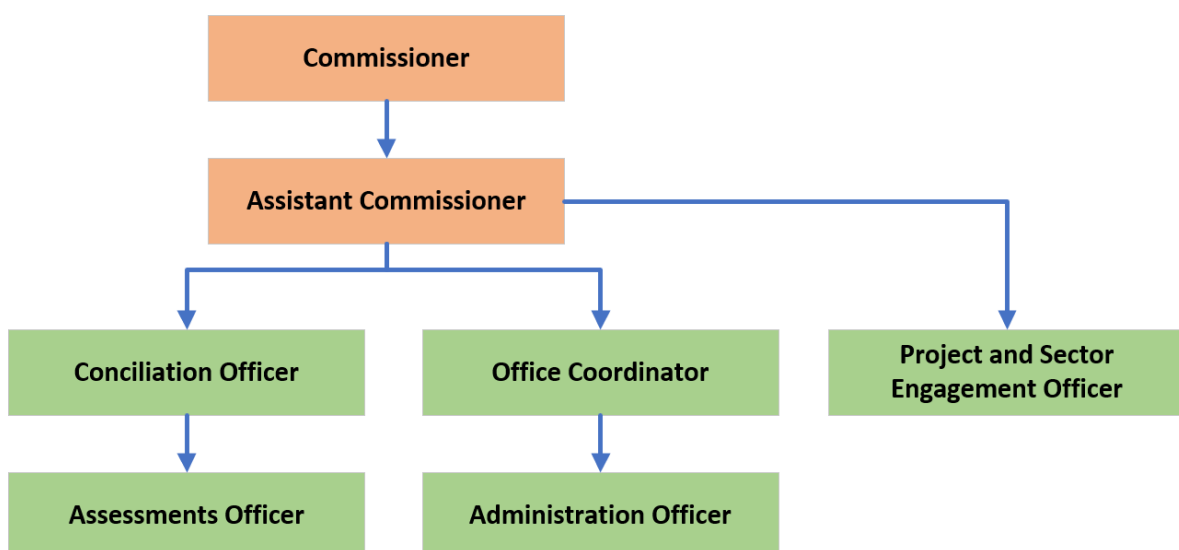
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Overview: about the office

Our strategic focus

Our Purpose	Equal Opportunity SA (EOSA) is responsible for the administration of the <i>Equal Opportunity Act 1984</i> (the Act).
Our Vision	A State whose citizens embrace and support inclusion, diversity, fairness, and equal opportunity.
Our Values	Excellence, Accountability, Respect.
Our functions, objectives and deliverables	<p>Pursuant to section 11 of the Act:</p> <p>(1) The Commissioner must foster and encourage amongst members of the public informed and unprejudiced attitudes with a view to eliminating discrimination on the grounds to which this Act applies.</p> <p>(2) The Commissioner may institute, promote or assist in research, the collection of data and the dissemination of information relating to discrimination on the grounds to which this Act applies.</p> <p>(3) The Commissioner may make recommendations to the Minister as to reforms, whether of a legislative nature or otherwise, that the Commissioner believes will further the objects of this Act.</p>

Our organisational structure (as at 30 June 2023)



Changes to the office

During 2022-23 there were no changes to the office's structure and objectives as a result of internal reviews or machinery of government changes.

Our Minister

The Hon Kyam Maher MLC, Minister for Aboriginal Affairs, Attorney-General, and Minister for Industrial Relations and Public Sector, is the State's principal legal advisor to the government and responsible for exercising certain powers and regulating and administering a range of legislation.

The Attorney-General is a member of Cabinet and is responsible for:

- specific legislation and the state's legal system
- developing and implementing policy
- legal action relevant to the state government.

Our Executive team

Nil – the Commissioner is a statutory appointment.

Legislation administered by the office

Equal Opportunity Act 1984 (SA).

The office’s performance

Performance at a glance

- Developed tools to empower those who experience discrimination and sexual harassment to exercise their rights and complain directly to service providers, employers and others as an alternative (or precursor) to a formal complaint.
- Launched the WE’RE EQUAL initiative to promote businesses and organisations that share a vision of South Australia as an open, inclusive society that embraces and supports diversity.
- Continued to provide high quality and timely services through enquiry, complaint and conciliation work, education and community engagement.

Office specific objectives and performance

Office objectives	Indicators	Performance
Safe and thriving communities	Education on equal opportunity to the community and industry	<p>The Commissioner presented to the public in a number of forums including:</p> <ul style="list-style-type: none"> • To the Asian and Hellenic lawyers CPD (with Assistant Commissioner) about the role of the office, current issues, and the WE’RE EQUAL initiative. • CPD for AGD lawyers about the work of the office and an update on the Review into Harassment in the Legal Profession with the Assistant Commissioner. • A panel discussion for lawyers about barriers facing advocates in and out of the courtroom, Advocating for Advocacy, (facilitator and co-organiser) • To the Gender Consortium, Flinders University about

		<p>equal opportunity laws and WE'RE EQUAL.</p> <ul style="list-style-type: none"> • Panel member at SA Unions conference session, <i>Elevating Worker Voices</i>. • To Westside Lawyers about the work of the office and WE'RE EQUAL. • Panel member Disability Inclusion: <i>The Recruitment and Retention Advantage</i>, hosted by Purple Orange. • To SACOME on the work of the office and reviews into harassment in the legal profession and Parliamentary workplaces. • Panel member, <i>Pursuing Gender Equality in 2022</i>, (Alice Springs). • Presentations about WE'RE EQUAL to community groups, the Law Society, the Beck Group with the WE'RE EQUAL Project Officer and Assistant Commissioner. • To Year 12 students at Adelaide High School about sexual harassment. • University of Adelaide law student presentation about conciliation conference – framework and pathways.
	<p>Enable equal opportunity training through partnership with industry</p>	<p>The office operated a Training Referral Program (TRP) to ensure that individuals and organisations can receive education on equal opportunity matters. The TRP includes a panel of training providers</p>

		<p>approved by the office to deliver high-quality training to the community.</p> <p>During the 2022-23 financial year, it referred 55 businesses to its training providers.</p> <p>A total of 29 training and education sessions were delivered in the 2022-23 financial year, against a target of 40.</p>
<p>Fairly administered laws</p>	<p>Complaint assessment and conciliation</p>	<p>EOSA received 163 complaints during the 2022-23 financial year, against a projection of 215. It finalised 182 complaints during the same period.</p> <p>All complaints were assessed to determine what action can be taken by the office. Of the complaints finalised during 2022-23, 71 complaints were accepted, against a projection of 120.</p> <p>Compared to 2021-22, few complaints related to COVID-19. The lower than projected complaint volumes represent a return to pre-COVID-19 pandemic levels.</p> <p>In summary:</p> <ul style="list-style-type: none"> • Complaints were finalised within 2.8 months. • The average time to finalise <i>accepted</i> complaints was 5.6 months. • The average time to finalise <i>declined</i> complaints was within 1 month. <p>Conciliation was attempted in respect of 41 accepted complaints, 25 of which (61%) were successfully conciliated.</p>

	<p>Launch the <i>WE'RE EQUAL</i> initiative and graphic device to educate the community about diversity and inclusion, and through business partnerships, encourage community-led demand for discrimination-free environments and quality equal opportunity customer service.</p>	<p>Equal Opportunity SA launched WE'RE EQUAL following a successful pilot in August/September 2022.</p> <p>The pilot promoted the initiative through mainstream and social media, and a WE'RE EQUAL drink bottle giveaway at participating hospitality businesses and events. Nearly 700 people registered in support of the initiative, along with 38 new businesses wanting to participate in WE'RE EQUAL beyond the pilot.</p> <p>The pilot also saw a 51% increase in total activity across Equal Opportunity SA's website^[1], particularly for information about discrimination laws and types of discrimination (+85%), complaint processes and pathways (+69%), training and resources (+95%) and education for schools (+60%).</p> <p>Since the pilot, WE'RE EQUAL has expanded to include businesses in the financial sector, high profile venues, government departments, legal firms, retail outlets, unions, social support enterprises, aged care, and health that are now championing the initiative to their workers, customers, contractors, and suppliers.</p> <p>At 30 June 2023 WE'RE EQUAL had 73 members businesses and organisations. WE'RE EQUAL will continue to expand its audience in 2023-24.</p>
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^[1] Compared to the 4-week period immediately prior to the pilot

<p>An efficient and effective justice system</p>	<p>Partnering with the University of Adelaide to provide legal advice and research</p>	<p>During the 2022-23 financial year the office continued its partnerships with the University of Adelaide.</p> <p>The Equal Opportunity Legal Advice Service (EOLAS) provides legal advice and assistance on discrimination, harassment and victimisation, and supports preparation for conciliation conferences and tribunal hearings.</p> <p>Between 1 July 2022 and 30 June 2023, EOLAS was staffed by 21 student legal advisors across three semesters. It assisted 77 new clients, 36 of whom had self-reported as being referred by EOSA.</p> <p>As part of the University of Adelaide’s Law and Justice Internship Program the EOSA’s Internship Program provided for an exceptional law student to undertake research on topics relating to the work of the office during a 22 to 25-day internship. Three interns were hosted during the year.</p>
	<p>Tools to empower victims</p>	<p>In 2022-23 the office released new tools to empower those who experience discrimination and sexual harassment to exercise their rights and complain directly to service providers, employers and others as an alternative to making a formal complaint, or as a precursor to doing so.</p> <p>A new online form is now available which enables individuals to report unlawful discrimination. The completed form results in an email being sent to the person or business involved outlining the</p>

		<p>discrimination and encouraging it be addressed.</p> <p>Editable letter templates to complain about discrimination and sexual harassment were also developed to help victims formalise their concerns and raise them directly with the perpetrators.</p> <p>During 2022-23, the Resources page of EOSA’s website that hosts these tools was accessed over 1,000 times. The discrimination complaint letter template was downloaded 89 times and the sexual harassment complaint letter template 22 times.</p>
Our people meet customer needs	Providing information and advice to individuals and organisations	<p>EOSA provided advice and information to the community through telephone and email services.</p> <p>During the 2022-23 financial year, the office received 553 enquiries to these services, against a projection of 600.</p>
	Collaboration on policy development and service delivery	<p>Equal Opportunity SA provides advice and support to many policy and service delivery initiatives.</p> <p>In 2022-23, the Commissioner was a member of:</p> <ul style="list-style-type: none"> • The South Australian Gender Pay Gap Taskforce • The South Australian Multicultural Charter working group. • The Commissioner for Public Sector Employment’s Diversity and Inclusion Strategic Committee.

		<ul style="list-style-type: none"> The Australian Council of Human Rights Authorities (ACHRA)
Progressive technology and supportive infrastructure	Community engagement using EOSA’s website	<p>The office operates a website providing the public with information, resources and online forms for complaints and enquiries.</p> <p>The website is built with accessibility, mobile responsiveness and community engagement as a focus.</p> <p>It had approximately 66,000 visitor sessions throughout the 2022-23 financial year, against a target of 80,000.</p>
	Develop new online forms to improve accessibility and streamline processes	Launched the Anti-Discrimination Register (ADR), an online form that enables members of the public to report discrimination issues directly to the owners and operators of public venues and buildings.

Corporate performance summary

Equal Opportunity SA is a business unit of the Attorney-General’s Department (AGD). Information on corporate performance appears in the 2022-23 Annual Report for the Attorney-General’s Department.

Employment opportunity programs

Information on employment opportunity programs appears in the 2022-23 Annual Report for the Attorney-General’s Department.

Office performance management and development systems

Information on performance management and development systems appears in the 2022-23 Annual Report for the Attorney-General’s Department.

Work health, safety and return to work programs

Information on work health, safety and return to work programs appears in the 2022-23 Annual Report for the Attorney-General's Department.

Executive employment in the office

Nil – the Commissioner is a statutory appointment.

Financial performance

Financial performance at a glance

Information on financial performance appears in the 2022-23 Annual Report of the Attorney-General's Department.

Consultants disclosure

Information on consultants disclosure appears in the 2022-23 Annual Report of the Attorney-General's Department.

Contractors disclosure

Information on contractors disclosure appears in the 2022-23 Annual Report of the Attorney-General's Department.

Other financial information

Nil.

Other information

Section 11 of the Equal Opportunity Act 1984 provides three functions of the Commissioner. Section 14 of the Act requires the Commissioner to report on the operation and administration of the Act, and the work undertaken by the Commissioner under section 11 during the previous financial year.

The information below is provided to meet these additional reporting requirements.

Function 1: *The Commissioner must foster and encourage amongst members of the public informed and unprejudiced attitudes with a view to eliminating discrimination on the grounds to which this Act applies*

Training and education

Table 1: Training delivered

	2018-19	2019-20	2020-21	2021-22	2022-23
Total – participants	302	238	458	304	389
Total – sessions	31	20	39	20	29

Note: From 1 July 2021 office no longer delivered training directly to the public. In 2021-22 the number of training sessions delivered only includes sessions delivered by partner training providers

Matters received

Table 2: Enquiries received

	2018-19	2019-20	2020-21	2021-22	2022-23
No. of enquiries received	566	607	659	647	553
% difference from previous year	-1%	7%	9%	-2%	-15%

Table 3: How enquiries were received

	2018-19		2019-20		2020-21		2021-22		2022-23	
	No.	%	No.	%	No.	%	No.	%	No.	%
Telephone	401	71%	390	64%	427	65%	460	71%	384	69%
Email	85	15%	152	25%	220	33%	170	26%	152	27%
Online form	59	10%	9	1%	2	0%	9	1%	6	1%
Letter	3	1%	3	0%	4	1%	8	1%	7	1%
In person	18	3%	51	8%	4	1%	0	0%	3	1%
Hardcopy form	0	0%	0	0%	2	0%	0	0%	0	0%
Facebook	0	0%	2	0%	0	0%	0	0%	1	0%
Total	566	100%	607	100%	659	100%	647	100%	553	100%

Table 4: Grounds of enquiry (across all areas)

	2018-19		2019-20		2020-21		2021-22		2022-23	
Disability	163	27%	176	27%	154	21%	230	34%	138	23%
Race	54	9%	61	10%	74	10%	42	6%	53	9%
Sex	43	7%	31	5%	39	5%	15	2%	31	5%
Age	38	6%	20	3%	43	6%	32	5%	26	4%
Sexual Harassment	35	6%	49	8%	41	6%	22	3%	13	2%
Caring Responsibilities	26	4%	16	2%	14	2%	14	2%	12	2%
Pregnancy	15	2%	15	2%	15	2%	12	2%	12	2%
Victimisation	14	2%	13	2%	21	3%	5	1%	12	2%
Gender Identity	2	0%	2	0%	14	2%	6	1%	8	1%
Marital Status	4	1%	1	0%	2	0%	2	0%	4	1%
Sexual Orientation	6	1%	5	1%	16	2%	4	1%	2	0%
Association with a Child	2	0%	2	0%	4	1%	1	0%	2	0%
Religious Dress	0	0%	9	1%	5	1%	2	0%	0	0%
Intersex Status	0	0%	3	0%	2	0%	0	0%	0	0%
Identity of Spouse or Partner	1	0%	1	0%	0	0%	0	0%	0	0%
Enquiries with no grounds under <i>Equal Opportunity Act 1984</i>	180	29%	150	23%	189	26%	219	33%	199	33%
General EOSA enquiries	29	5%	87	14%	87	12%	64	10%	86	14%
Total	612	100%	641	100%	720	100%	670	100%	598	100%

Table 5: Areas of enquiry (across all grounds)

	2018-19		2019-20		2020-21		2021-22		2022-23	
	No.	%	No	%	No	%	No.	%	No.	%
Employment	278	53%	285	55%	249	47%	240	47%	204	49%
Goods and Services	136	26%	116	22%	134	25%	165	32%	108	26%
Housing/Land/Accommodation	29	6%	38	7%	35	7%	45	9%	46	11%
Education /Training	47	9%	53	10%	57	11%	26	5%	33	8%
Clubs and Associations	28	5%	30	6%	47	9%	20	4%	20	5%
Qualification	0	0%	0	0%	0	0%	9	2%	3	1%
Advertising	4	1%	0	0%	4	1%	6	1%	5	1%
Total	523	100%	522	100%	526	100%	511	100%	419	100%

Note: enquiries that do not relate to an area of the Equal Opportunity Act 1984 are not included in this table.

Table 6: Complaints received

	2018-19	2019-20	2020-21	2021-22	2022-23
Complaints lodged in year	179	181	230	224	163
Complaints closed in year	195	160	258	218	182
% difference of lodged complaints from previous year	-17%	1%	27%	-3%	-32%

Table 7: How complaints were received

	2018-19		2019-20		2020-21		2021-22		2022-23	
	No.	%	No.	%	No.	%	No.	%	No.	%
Online form	112	63%	141	78%	162	70%	178	79%	119	73%
Email	45	25%	27	15%	37	16%	36	16%	33	20%
Hardcopy form	17	9%	9	5%	22	10%	3	1%	5	3%
Letter	3	2%	4	2%	6	3%	4	2%	4	2%
Telephone	1	1%	0	0%	3	1%	3	1%	1	1%
Fax	1	1%	0	0%	0	0%	0	0%	1	1%
In Person	0	0%	0	0%	0	0%	0	0%	0	0%
Facebook	0	0%	0	0%	0	0%	0	0%	0	0%
Total	179	100%	181	100%	230	100%	224	100%	163	100%

Table 8: Grounds of accepted complaints (across all areas)

	2018-19		2019-20		2020-21		2021-22		2022-23	
	No.	%	No.	%	No.	%	No.	%	No.	%
Disability	31	28%	50	21%	46	25%	41	35%	41	32%
Sexual Harassment	16	14%	46	20%	22	12%	14	12%	30	24%
Sex	14	13%	26	11%	20	11%	8	7%	15	12%
Age	4	4%	16	7%	13	7%	7	6%	9	7%
Race	7	6%	24	10%	17	9%	12	10%	8	6%
Gender Identity	1	1%	11	5%	1	1%	3	3%	5	4%
Victimisation	12	11%	33	14%	22	12%	19	16%	4	3%
Sexual Orientation	0	0%	6	3%	3	2%	3	3%	4	3%
Caring Responsibilities	7	6%	3	1%	7	4%	3	3%	3	2%
Identity of Spouse	2	2%	8	3%	2	1%	2	2%	3	2%
Whistleblower*	9	8%	5	2%	0	0%	3	3%	2	2%
Association with a Child	1	1%	1	0%	3	2%	1	1%	1	1%
Other	0	0%	0	0%	27	14%	0	0%	1	1%
Marital Status	2	2%	1	0%	0	0%	0	0%	1	1%
Religious Appearance or Dress	0	0%	0	0%	0	0%	1	1%	0	0%
Aiding Unlawful Act	0	0%	0	0%	0	0%	1	1%	0	0%
Pregnancy	5	5%	3	1%	4	2%	0	0%	0	0%
Total Grounds	111	100%	233	100%	187	100%	118	100%	127	100%

* Refers to complaints of victimisation under the Whistleblowers Protection Act 1993 (SA), the Public Interest Disclosure Act 2018 (SA) or the Independent Commissioner for Corruption Act 2012 (SA). Notes - there may be more than one ground per complaint. Data in the table will vary slightly from year to year due to database corrections and changes during the period a complaint is open. 'Other' added from 2020-21.

Table 9: Areas of accepted complaints (across all grounds)

	2018-19		2019-20		2020-21		2021-22		2022-23	
	No.	%	No.	%	No.	%	No.	%	No.	%
Employment	79	71%	163	70%	66	58%	46	56%	49	67%
Goods and Services	11	10%	29	12%	27	24%	21	26%	13	18%
Education/Training	15	13%	36	15%	10	9%	10	12%	5	7%
Clubs and Associations	3	3%	3	1%	4	4%	4	5%	2	3%
Advertising	0	0%	0	0%	3	3%	0	0%	1	1%
Housing/Land/Accommodation	4	4%	2	1%	2	2%	0	0%	3	4%
Qualification	0	0%	0	0%	1	1%	1	1%	0	0%
Total Areas	112	100%	233	100%	113	100%	82	100%	73	100%

Table 10: Accepted complaint grounds by area

Ground	Area						Total
	Advertising	Clubs and Associations	Education and training	Employment	Goods and Services	Housing, land and accommodation	
Disability	0	1	3	24	9	2	39
Sexual Harassment	0	0	0	27	0	0	27
Sex	2	0	1	7	5	0	15
Age	0	0	0	7	1	1	9
Race	0	0	1	5	1	1	8
Gender Identity	0	1	1	3	0	0	5
Sexual Orientation	0	0	0	2	2	0	4
Victimisation	0	0	1	3	0	0	4
Caring Responsibilities	0	0	1	2	0	0	3
Identity of Spouse or Partner	0	0	1	0	2	0	3
Whistleblower*	0	0	0	2	0	0	2
Association with a Child	0	0	0	1	0	0	1
Marital Status	0	0	1	0	0	0	1
Aiding Unlawful Act	0	0	0	0	0	0	0
Intersex status	0	0	0	0	0	0	0
Pregnancy	0	0	0	0	0	0	0
Religious Dress	0	0	0	0	0	0	0
Total of Areas	2	2	10	83	20	4	121

* Refers to complaints of victimisation under the Whistleblowers Protection Act 1993 (SA), the Public Interest Disclosure Act 2018 (SA) or the Independent Commissioner for Corruption Act 2012 (SA).

Note: there may be more than one ground and area per complaint.

Table 11: Accepted complaints by area – Employment

	Employment				
	2018-19	2019-20	2020-21	2021-22	2022-23
Sexual Harassment	14	41	20	20	27
Disability	16	26	21	12	24
Sex	11	18	15	6	7
Age	3	12	10	6	7
Race	3	14	9	8	5
Victimisation	9	26	14	14	3
Gender Identity	1	4	0	1	3
Sexual Orientation	0	5	1	3	2
Whistleblower *	8	5	0	3	2
Caring Responsibilities	5	2	4	2	2
Association with a Child	1	1	0	0	1
Identity of Spouse or Partner	1	5	0	2	0
Aiding Unlawful Act	0	0	0	1	0
Religious appearance or dress	0	0	0	1	0
Pregnancy	5	3	4	0	0
Marital Status	2	1	0	0	0
Intersex Status	0	0	0	0	0
Other	0	0	13	0	0
Total	79	163	111	79	83

** Refers to complaints of victimisation under the Whistleblowers Protection Act 1993 (SA), the Public Interest Disclosure Act 2018 (SA) or the Independent Commissioner for Corruption Act 2012 (SA).
Note: there may be more than one ground and area per complaint.*

Table 12: Accepted complaints by area – Goods and services

	Goods and services				
	2018-19	2019-20	2020-21	2021-22	2022-23
Disability	2	9	16	18	9
Sex	2	7	3	1	5
Sexual Orientation	0	1	2	0	2
Identity of Spouse or Partner	0	1	0	0	2
Race	3	6	4	4	1
Age	0	1	3	1	1
Victimisation	1	0	3	2	0
Sexual Harassment	0	2	0	2	0
Association with a Child	0	0	2	1	0
Gender Identity	1	2	1	1	0
Caring Responsibilities	1	0	1	1	0
Intersex Status	0	0	2	0	0
Whistleblower *	1	0	0	0	0
Marital Status	0	0	0	0	0
Pregnancy	0	0	0	0	0
Religious appearance or dress	0	0	0	0	0
Aiding Unlawful Act	0	0	0	0	0
Other	0	0	8	0	0
Total	11	29	45	31	20

** Refers to complaints of victimisation under the Whistleblowers Protection Act 1993 (SA), the Public Interest Disclosure Act 2018 (SA) or the Independent Commissioner for Corruption Act 2012 (SA).*

Note: there may be more than one ground and area per complaint.

Table 13: Accepted complaints by area – Education, training, and qualification

	Education, training and qualifications				
	2018-19	2019-20	2020-21	2021-22	2022-23
Disability	9	11	6	8	3
Victimisation	2	6	3	4	1
Caring Responsibilities	1	1	2	3	1
Race	1	4	1	2	1
Sex	1	1	1	1	1
Gender Identity	0	5	0	1	1
Identity of Spouse or Partner	1	2	0	0	1
Marital Status	0	0	0	0	1
Sexual Harassment	0	3	2	0	0
Age	0	3	0	0	0
Whistleblower *	0	0	0	0	0
Aiding Unlawful Act	0	0	0	0	0
Association with a Child	0	0	0	0	0
Intersex Status	0	0	0	0	0
Pregnancy	0	0	0	0	0
Religious appearance or dress	0	0	0	0	0
Sexual Orientation	0	0	0	0	0
Other	0	0	5	0	0
Total	15	36	20	19	10

* Refers to complaints of victimisation under the Whistleblowers Protection Act 1993 (SA), the Public Interest Disclosure Act 2018 (SA) or the Independent Commissioner for Corruption Act 2012 (SA).

Note: there may be more than one ground and area per complaint.

Table 14: Accepted complaints by area - Clubs and associations

	Clubs and associations				
	2018-19	2019-20	2020-21	2021-22	2022-23
Disability	2	2	2	4	1
Gender Identity	0	0	0	0	1
Victimisation	0	1	2	0	0
Race	0	0	1	0	0
Sexual Harassment	1	0	0	0	0
Age	0	0	0	0	0
Caring Responsibilities	0	0	0	0	0
Sex	0	0	0	0	0
Whistleblower *	0	0	0	0	0
Aiding Unlawful Act	0	0	0	0	0
Association with a Child	0	0	0	0	0
Identity of Spouse or Partner	0	0	0	0	0
Intersex Status	0	0	0	0	0
Marital Status	0	0	0	0	0
Pregnancy	0	0	0	0	0
Religious appearance or dress	0	0	0	0	0
Sexual Orientation	0	0	0	0	0
Other	0	0	1	0	0
Total	3	3	6	4	2

* Refers to complaints of victimisation under the Whistleblowers Protection Act 1993 (SA), the Public Interest Disclosure Act 2018 (SA) or the Independent Commissioner for Corruption Act 2012 (SA).

Note: there may be more than one ground and area per complaint.

Table 15: Accepted complaints by area – Housing, land, and accommodation

	Housing/Land/Accommodation				
	2018-19	2019-20	2020-21	2021-22	2022-23
Disability	2	2	1	0	2
Age	1	0	0	0	1
Race	0	0	0	0	1
Association with a Child	0	0	1	0	0
Sex	0	0	1	0	0
Sexual Harassment	1	0	0	0	0
Victimisation	0	0	0	0	0
Caring Responsibilities	0	0	0	0	0
Gender Identity	0	0	0	0	0
Pregnancy	0	0	0	0	0
Whistleblower *	0	0	0	0	0
Aiding Unlawful Act	0	0	0	0	0
Identity of Spouse or Partner	0	0	0	0	0
Intersex Status	0	0	0	0	0
Marital Status	0	0	0	0	0
Religious appearance or dress	0	0	0	0	0
Sexual Orientation	0	0	0	0	0
Other	0	0	0	0	0
Total	4	2	3	0	4

* Refers to complaints of victimisation under the Whistleblowers Protection Act 1993 (SA), the Public Interest Disclosure Act 2018 (SA) or the Independent Commissioner for Corruption Act 2012 (SA).

Note: there may be more than one ground and area per complaint.

Note due to low or zero numbers annually, a separate table of data is not supplied for advertising complaints.

Matter outcomes

Table 16: Outcomes of enquiries

Enquiries – Outcomes	2018-19		2019-20		2020-21		2021-22		2022-23	
	No.	%	No.	%	No.	%	No.	%	No.	%
General information provided	195	35%	165	27%	347	47%	337	53%	174	31%
Referred elsewhere (out of EOSA jurisdiction)	164	29%	98	16%	96	13%	95	15%	109	20%
No action required	16	3%	49	8%	84	11%	79	12%	102	18%
Complaint form and information package sent	16	3%	14	2%	53	7%	38	6%	65	12%
Referred to EOSA electronic complaint form	97	17%	39	6%	25	3%	31	5%	49	9%
Referred to advocate (to assist with EO/other Issue)	21	4%	6	1%	3	0%	26	4%	28	5%
Referred to Australian Human Rights Commission	13	2%	6	1%	1	0%	16	3%	12	2%
Referred to EOSA Website	40	7%	226	37%	120	16%	9	1%	10	2%
Media response provided/Presentation requested/Other	0	0%	0	0%	0	0%	6	1%	3	1%
Appointment made for interview with EOSA enquiry officer	0	0%	0	0%	2	0%	1	0%	1	0%
Total	562	100%	603	100%	731	100%	638	100%	553	100%

Note: As of 2019-20, Report/Publications/Media response provided/Presentation requested/Other reported together.

Table 17: Complaint finalisation

	2018-19	2019-20	2020-21	2021-22	2022-23
Finalised complaints	206	176	235	218	182
Average no. months to finalise all complaints	4.6	2.6	2.5	2.3	2.8
Median no. months to finalise all complaints	2.6	2.3	2.0	1.7	1.0

Note: As at 2022-23, complaint finalisation times presented in months.

Table 18: Outcomes of accepted complaints finalised during 2022-23

	2018-19	2019-20	2020-21	2021-22	2022-23
Resolved by conciliation[#]	54	57	48	24	25
<i>Expedited conciliation</i>	*	*	*	*	14
<i>Conciliation by conference</i>	*	*	*	*	11
Declined by Commissioner	*	*	*	*	22
<i>No conciliation attempted</i>	*	*	*	*	20
<i>After attempting conciliation</i>	*	*	*	*	2
Withdrawn by complainant	*	*	*	*	7
<i>No conciliation attempted</i>	*	*	*	*	5
<i>After attempting conciliation</i>	*	*	*	*	2
Referred to tribunal by Commissioner	20	26	31	34	17
<i>No conciliation attempted</i>	*	*	*	*	4
<i>After attempting conciliation</i>	*	*	*	*	13
Total no. accepted complaints finalised	100	114	126	80	71

[#] - Out of 41 attempted (21 attempted by conference, 20 attempted by expedited conciliation)

* - Improved data reporting at 2022/23. Some data not available from previous years.

Note - Of the 22 complaints declined by the Commissioner, 6 were referred to tribunal at the request of the complainant.

Table 19: Outcomes from conciliations

	2018-19	2019-20	2020-21	2021-22	2022-23
Apology	22	31	21	14	13
Financial compensation	17	25	20	7	12
Policy change/change in practice	6	14	11	9	8
Complainant satisfied with response	0	0	0	2	6
Other	5	11	13	3	4
Employment options improved (e.g. job offer)	5	4	4	0	2
Reasonable adjustment	4	5	5	1	1
Reference provided	5	2	5	0	1
Provision of goods/services/facilities	1	2	1	0	1
Other access achieved (e.g. mobility)	5	6	0	0	1
Staff training/development program	4	18	7	2	0
Undertaking to cease an action	1	3	0	1	0
Access to education/training	6	2	0	1	0
Private agreement	16	13	7	0	0
Access to/provision of accommodation	1	2	0	0	0
Access to club membership/benefits	0	0	0	0	0

Note: there may be more than one outcome per conciliation agreement.

Table 20: Financial compensation agreements from conciliations

	2018-19	2019-20	2020-21	2021-22	2022-23
Total financial compensation payments	\$122,726	\$173,114	\$150,842	\$44,000	\$158,950
Average financial compensation payments	\$7,219	\$6,925	\$9,428	\$6,285	\$15,895

Note: Individual agreements for financial compensation ranged from \$600 to \$80,000 in 2022-23.

Demographic data

Table 21: Gender identity of enquirers and complainants

	2022-23	
	Enquiries	Complaints
Undisclosed	474	60
Female	40	50
Male	39	52
Non-binary	0	1
Transgender	0	0
Intersex	0	0
Total	553	163

Table 22: Age distribution of complainants (accepted complaints)

	2018-19	2019-20	2020-21	2021-22	2022-23
0 - 9 years	2%	2%	3%	2%	1%
10 - 19 years	7%	6%	6%	4%	1%
20 - 29 years	6%	24%	16%	9%	13%
30 - 39 years	25%	27%	21%	15%	15%
40 - 49 years	13%	13%	15%	17%	14%
50 - 59 years	14%	13%	14%	14%	10%
60 - 69 years	5%	6%	9%	4%	7%
70 - 79 years	1%	2%	1%	5%	6%
80 + years	0%	0%	2%	0%	1%
Unknown age	23%	7%	14%	31%	31%
Total	100%	100%	100%	100%	100%

Exemptions under the Equal Opportunity Act 1984

Section 92 of the *Equal Opportunity Act 1984* provides for applicants to apply to the SA Civil and Administrative Tribunal (SACAT) for an exemption from the Act for a specific purpose. SACAT provides the Commissioner with a copy of all applications received, to enable her to review the application and make any submissions she considers necessary before an application is considered by SACAT.

In 2022-23 the Commissioner responded to 7 exemption applications involving 14 applicants.

Table 23: Summary of exemption applications responded to by the Commissioner in 2022-23.

Applicant	Summary	Order
The State of South Australia, Department for Health and Wellbeing	Application for exemption to facilitate the employment of Aboriginal and Torres Strait Islander Health Workers.	Granted
Minister for Education, Training and Skills (SA)	Application for the renewal of an exemption in relation to the provision of education only to female students at a girls' education campus.	Granted
Save the Children Australia	Application for exemption allowing the applicant to advertise for and employ female identifying persons only to provide specialist counsellors.	Granted
Cobham Aviation Services Australia Pty Ltd, Cobham SAR Services Pty Ltd, Cobham NAS Pty Ltd, Surveillance Australia Pty Ltd	Application for the renewal of an existing conditional exemption allowing the applicants to fulfil commercial contracts in the defence industry in South Australia	Granted
Lockheed Martin Australia Pty Limited, Lockheed Martin Global Inc, Sikorsky Aircraft Australia Ltd.	Application for the renewal of an existing conditional exemption allowing the applicants to fulfil commercial contracts in the defence industry in South Australia	Granted

ASC Pty Ltd, ASC AWD Shipbuilder Pty Ltd, ASC OPV Shipbuilder Pty Ltd	Application for the renewal of an existing conditional exemption allowing the applicants to fulfil commercial contracts in the defence industry in South Australia	Granted
Raytheon Australia Pty Ltd	Application for the renewal of an existing conditional exemption allowing the applicants to fulfil commercial contracts in the defence industry in South Australia	Granted

Function 2: The Commissioner may institute, promote or assist in research, the collection of data and the dissemination of information relating to discrimination on the grounds to which this Act applies.

Enquiries and complaints data is routinely collected and maintained.

The office, along with Commonwealth and State and Territory authorities with responsibilities in areas of equal opportunity and anti-discrimination, workers compensation and work health and safety, is assisting the Australian Human Rights Commission with research into workplace sexual harassment.

It also collaborates with universities and other bodies to assist them in the promotion of their research.

Additional research projects will occur on an as needs basis in the medium-term to ensure that reprioritised functions and services are available to South Australians, and that the office operates within its budget.

Function 3: *The Commissioner may make recommendations to the Minister as to reforms, whether of a legislative nature or otherwise, that the Commissioner believes will further the objects of this Act.*

During 2022-23 the Commissioner made recommendations to the Attorney-General regarding reforms to further the objects of the Act.

Table 24: Recommendations to the Attorney-General relating to the Equal Opportunity Act 1984

<i>Modernising the Equal Opportunity Act 1984</i>	Suggested that a review of occur of the Equal Opportunity Act 1984 to ensure it is modernised and fit for purpose.
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During 2022-23 the Commissioner provided feedback to the Attorney-General on proposed legislative amendments.

Table 25: Responses to requests from the Attorney-General on proposed amendments to the Equal Opportunity Act 1984

<i>Review of Fair Work Act 1994 (SA)</i>	Feedback on the existing law and potential reforms, including expanding the protections against discrimination under the <i>Fair Work Act 1994</i> and its application to the <i>Equal Opportunity Act 1984</i> .
<i>Proposed amendments to introduce Domestic Abuse as a protected attribute</i>	Feedback provided regarding the proposal to introduce a domestic abuse as a new ground for discrimination in Part 5B of the <i>Equal Opportunity Act 1984</i> .
<i>Prohibition of conversion practices</i>	Feedback on proposal to include a civil response mechanism in the Equal Opportunity Act 1984 to enable the Commissioner to resolve disputes.

In addition to responses to the Attorney-General, during the 2022-23 financial year Equal Opportunity SA was also consulted on legislative reform through other parties, including:

- The Hon. Irene Pnevmatikos MLC, Presiding Member of the Legislative Review Committee, regarding Local Government Land By-laws for public conveniences.
- The Select Committee of the South Australian Legislative Council to inquire into and report on the prohibition of Neo-Nazi symbols.
- The Department of Employment and Workplace Relations regarding proposed amendments to the *Fair Work Act 2009* (Cth) to provide stronger protections against discrimination.
- The Australian Law Reform Commission regarding religious educational institutions and anti-discrimination laws.

Risk management

Risk and audit at a glance

Equal Opportunity SA is a business unit of the Attorney-General's Department (AGD). Information on risk and audit appears in the 2022-23 Annual Report for the Attorney-General's Department.

Fraud detected in the office

Information on fraud detection appears in the 2022-23 Annual Report for the Attorney-General's Department.

Strategies implemented to control and prevent fraud

Information on strategies implemented to control and prevent fraud appears in the 2022-23 Annual Report for the Attorney-General's Department.

Public interest disclosure

Information on public interest disclosure appears in the 2022-23 Annual Report for the Attorney-General's Department.

Reporting required under any other act or regulation

Equal Opportunity SA is not required to report under any other act or regulation.

Public complaints

Number of public complaints reported

Information on public complaints appears in the 2022-23 Annual Report for the Attorney-General's Department.

Service Improvements

Information on service improvements appears in the 2022-23 Annual Report for the Attorney-General's Department.

Compliance Statement

Equal Opportunity SA is compliant with Premier and Cabinet Circular 039 – complaint management in the South Australian public sector	Y
Equal Opportunity SA has communicated the content of PC 039 and the office's related complaints policies and procedures to employees.	Y

Appendix: Audited financial statements 2022-23

Please refer to the 2022-23 Annual Report for the Attorney-General's Department for audited financial statements.