Estimates Committee 2003

Questions Taken On Notice

(01/10/2002 to 01/10/2004)

Date: 06/26/2003 Output:

Sub Output:

Subject: Budget Book 3, page 99 complaints processed 2002-03. Full Hearing

before the Anti Discrimation Commissioner

From:Mr MALEY to Honourable Dr Peter TOYNE Minister for Justice and Attorney-General

4-5

Question:

Minister, on page 99 of Budget Book 3, you state that a number of complaints processed for 2002-03 was approximately 310. How many of these complaints proceeded to a full hearing where evidence was given before a Commissioner? Secondly, how many of these complaints were finalised either at a compulsory mediation or at some stage prior to the hearing? Thirdly what is the average payment made by defendants to applicants in the year 2002-03 to date, and how does that compare to the two previous financial years?

Answer:

Answered On: 06/25/2003

Answer: ANSWERED DURING PROCEEDINGS

Subject Re: Estimates Committee – Question on Notice 4.5 and 4.6

1. Of the 310 complaints from 02/03

9 proceeded to full hearing (of those, 6 arose from the same set of facts but with different complaints)
269 (or 87%) were finalised

- 2. Average payout by defendants to applicants for 01/02 and 02/03
- ADC does not keep payout figures because they are meaningless as an accurate measure of settlements.

This is because on our estimate well over 50% of complaints are resolved through agreements that do not involve monetary payouts (eg. apologies, retractions by either party, job re-instatements, workplace agreements, participation in anti-discrimination training)

- Of those settlements that do involve payouts it is difficult to readily quantify proportions attributable to tangibles. such as loss of earnings and/or compensation for intangibles such as hurt and affront.
- Also a significant number of payouts are confidential in any event
- We can say that payout sums are tending to lessen as our complaint resolution times continue to reduce
- (3 mnths average turnaround time). This is because add-on costs and loss of wages are now at a minimum.
- 3. Appeals against ADC decisions which are rejected by the Local Court

There was in fact one successful appeal during the period (it has been remitted to ADC for reconsideration); we estimated nil.

4. Appeals awaiting decision by the Local and Supreme Courts Nil