



Administrative
Appeals
Tribunal

Workplace Diversity Plan

2008 – 2011

ADMINISTRATIVE APPEALS TRIBUNAL

Workplace Diversity Plan 2008 – 2011

Diversity Statement

The Administrative Appeals Tribunal is committed to creating a working environment that values and utilises the contribution of its members and staff from diverse backgrounds and experiences. The Workplace Diversity Plan 2008 - 2011 recognises that all people have different qualities, skills, qualifications, experience and attitudes to work and that valuing and making the most of these differences can improve the workplace for individuals and enhance the overall performance of the Tribunal.

Whilst there is a legislative requirement to ensure the principles of equity and diversity are maintained in the Australian Public Service, the Tribunal fully supports the initiatives of the Workplace Diversity Plan. All members and staff of the Tribunal can contribute to the success of the plan by being familiar with its objectives and promoting its principles.

Garry Downes
President

What is Workplace Diversity?

The principles of workplace diversity, consistent with the Tribunal's Service Charter, are to:

- treat each other with respect and dignity;
- provide a safe, secure and healthy workplace;
- make decisions genuinely based on equity and fairness;
- value the diversity of people; and
- take appropriate action to eliminate discrimination.

Workplace diversity relates to gender, age, language, ethnicity, cultural background, disability, sexual orientation and religious belief. Diversity also refers to the myriad ways we are different in other respects such as educational level, job function, socio-economic background, personality profile, geographic location, marital status and whether or not one has family or other carer responsibilities.

Diversity is the quality of being different and unique. The Tribunal values diversity by recognising and respecting each individual's unique attributes. The Tribunal will manage diversity by creating and sustaining an environment where everyone can achieve his or her potential.

Workplace diversity maintains the basic principles of Equal Employment Opportunity (EEO) in the Australian Public Service (APS). To that end, Workplace Diversity Plans include measures to address employment-related disadvantages of women, Aboriginal and Torres Strait Islander people, people of non-English speaking background and people with disabilities. The APS has been concerned with procedural fairness and legal compliance with a resulting emphasis on redress and correction, largely through recruitment and promotion actions. Workplace diversity policies now aim to go beyond actions such as rectifying disadvantage and correcting the past.

Key Objectives

The key objectives of the Workplace Diversity Plan are to:

- promote awareness of workplace diversity within the Tribunal;
- develop and maintain a highly skilled, diverse and effective workforce, where all employees and members are valued, encouraged and provided with opportunities to develop their potential;

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- develop a supportive workplace culture which allows employees and members to balance their work and personal life;
- provide a discrimination and harassment free workplace; and
- embrace workplace diversity principles in recruitment and selection processes.

Legislative Framework

The legislative and policy framework underpinning the AAT Workplace Diversity Plan includes:

- *Public Service Act 1999*
- *Public Service Commissioner's Directions 1999 (consolidated version dated 7 July 2010)*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *Australian Human Rights Commission Act 1986*
- *Disability Discrimination Act 1992*
- *Age Discrimination Act 2004*
- *Fair Work Act 2009*
- *Occupational Health and Safety Act 1991*

Refer to Attachment A for further information regarding legislative obligations.

Workplace Diversity in the Administrative Appeals Tribunal

Potential Benefits of Workplace Diversity

Workplace diversity offers many potential benefits for individuals, teams and the Tribunal as a whole.

For individuals and teams

The Tribunal will respect and make best use of the diverse talents of individuals, and work towards building good working relationships. It will ensure that action is taken to eliminate discrimination and employment-related disadvantages. Measures will continue to be taken to enable women and people in designated groups to be employed through our staff selection processes that are based on merit.

The Tribunal will ensure that its workplaces will be free from unlawful discrimination and harassment in any form. It will maintain appropriate standards of ethical behaviour, conduct and performance.

By valuing workplace diversity individuals and teams benefit from:

- the breaking down of prejudices and avoiding stereotyping;
- a better framework for decision making within the Tribunal;
- improved Tribunal productivity;
- increased morale and commitment to the Tribunal;
- improved communication and sharing of ideas;
- a greater appreciation of different ways of working and sharing of ideas;
- increased utilisation of skills;
- greater recognition of skills, talents and abilities;
- good working relationships between people;
- a friendly and supportive working environment;
- flexibility to balance work, family and personal responsibilities;
- reduced workplace stress; and
- fair and equitable staff selection.

For the Community

The Tribunal aims to provide fair, impartial high quality and prompt review of decisions brought before it by individuals, regardless of their cultural or other background. To increase the effectiveness of its dealings with the public, the Tribunal will communicate in a constructive manner with applicants, their

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representatives and with government agencies that promotes cultural security and achievement of outcomes.

The Tribunal's public face is its people who have skills, abilities, experience and qualifications that are recognised and valued.

By valuing and embracing workplace diversity the Tribunal benefits from:

- lateral thinking and flexibility;
- improved customer service;
- increased creativity and innovation;
- improved recruitment outcomes;
- greater skills base;
- more flexible and motivated workforce;
- higher attraction and retention rates;
- increased return on training investment;
- improved workplace relations and morale;
- improved attendance;
- increased productivity;
- better relationships with customers and stakeholders;
- greater sense of unity;
- safe and healthy work environment;
- diverse language and cultural skills;
- interpersonal and management skills;
- team work;
- conflict resolution; and
- flexibility in working patterns and arrangements.

Members and staff of the Tribunal liaise with many sectors of the community. Continued understanding and communication with diverse community groups is important to monitoring service levels and making improvements where required.

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The skills and qualifications of its people reflect the diversity of the Australian community and help the Tribunal to provide the highest quality service to the Australian public.

Key Objectives

The key objectives of the Workplace Diversity Plan are to:

1. Promote awareness of workplace diversity within the Tribunal.
2. Develop and maintain a highly skilled, diverse and effective workforce where all employees are valued, encouraged and provided with opportunities to develop to their potential.
3. Develop a supportive workplace culture which allows Members and Staff to balance their work and personal life.
4. Provide a discrimination and harassment free workplace.
5. Embrace workplace diversity principles in recruitment and selection processes.

Reporting

Corporate Reporting

Reporting on the Workplace Diversity Plan will be undertaken by Human Resources and the Workplace Diversity Committee as follows:

- Annual reports will be provided to the Workplace Diversity Committee and the Registrar on achievements of the workplace diversity key objectives and performance indicators;
- A report on workplace diversity outcomes will be included in the Tribunal's Annual Report to Parliament;
- Information on workplace diversity will be provided to the Public Service Commissioner for inclusion in the annual Australian Public Service Commission (APSC) State of the Service Report;
- Information on cultural diversity will be provided to the Department of Immigration and Citizenship for inclusion in the Access and Equity Annual Report.

Reporting responsibilities of Managers

All managers are to contribute to internal and external recognition and reporting processes by reporting to the Committee by 31 May of each year on issues including:

- employee acceptance of workplace diversity principles and practices across the Tribunal;
- whether Tribunal staff are using their diverse skills in achieving corporate goals;
- any incidents which have occurred during the year and how they have been handled;
- any initiatives, actions and opportunities undertaken during the year.

Strategies to Achieve Key Objectives

Objective 1: Promote awareness of workplace diversity within the Tribunal.

Strategy	Performance Indicator
<p>1. Incorporate workplace diversity principles into Tribunal documents including achievable and measurable targets with recognisable links to the:</p> <ul style="list-style-type: none"> • Organisational Plan and Service Charter; • Workplace Diversity Strategy; and incorporating: <ul style="list-style-type: none"> – Family responsibility; – Reasonable Adjustment; • Disability Action Plan. 	<p>Tribunal documents to include diversity commitments.</p> <p>Reporting on workplace diversity actions and activities.</p>
<p>2. Employees have access to all relevant AAT Workplace Diversity information.</p>	<p>The AAT Workplace Diversity Plan is promoted and is available to all employees on the AAT's Intranet.</p> <p>Employee awareness of the AAT Workplace Diversity Plan.</p> <p>Links to relevant legislation available on the AAT Intranet.</p> <p>Dissemination of items of interest on diversity to Members and Staff.</p>
<p>3. Workplace diversity training is included in the AAT Learning and Development Plan.</p>	<p>Staff attendance at training and awareness sessions.</p> <p>Training evaluations indicate that employees have an understanding of workplace diversity.</p>
<p>4. New employees are aware of the AAT Workplace Diversity Plan.</p>	<p>On-line staff Induction program includes a link to the AAT Workplace Diversity Plan.</p> <p>Staff induction checklist completed by employee and manager.</p>

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<p>5. Questions on workplace diversity incorporated into staff survey to assess awareness and understanding of workplace diversity by employees.</p>	<p>Staff survey results indicate an overall awareness and high satisfaction regarding the application of workplace diversity principles within the AAT.</p>
<p>6. Workplace diversity principles in industrial bargaining and negotiations, ensuring that the process and documents are explained to those with special needs.</p>	<p>Staff express satisfaction with conduct of process and explanation of issues to them.</p>
<p>7. Continue to encourage member and staff participation and involvement on working parties and committees such as the OH&S Committee and agency bargaining representatives.</p>	<p>Involvement of members and staff sought through 'All Members and Staff' notices and direct approaches.</p>

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Objective 2: Develop and maintain a highly skilled, diverse and effective workforce, where all employees are valued, encouraged and provided with opportunities to develop to their potential.

Strategy	Performance Indicator
1. Individual Development Plans are considered in the development of the AAT's annual Learning and Development (L&D) Plan.	Feedback through mechanisms including performance management, staff surveys and exit surveys. Mentoring encouraged and supported through informal and formal systems.
2. L&D Plan is implemented to ensure that L&D needs are met.	Staff attendance at L&D activities. Analysis of L&D evaluations. Feedback through mechanisms including performance management, staff surveys and exit surveys.
3. Development opportunities are made available, including temporary reassignment of duties within the AAT.	Temporary reassignment opportunities for periods of greater than 3 months are advertised internally to all staff.
4. Studies assistance is available to employees including financial support or time off work, and where an employee is an Aboriginal & Torres Strait Islander, an additional 5 hours leave per week.	Approval of studies assistance where there is a benefit to the employee and the AAT.
5. Workplace behaviours and expectations are clearly communicated to employees through the AAT's Performance Management System.	Participation in the AAT's Performance Management System including mid-cycle and end-of-cycle assessments and feedback to employees. Feedback through mechanisms including performance management, staff surveys and exit surveys.

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Objective 3: Develop a supportive workplace culture which allows staff members to balance their work and personal life.

Strategy	Performance Indicator
1. Flexible working arrangements are included in workplace agreements including flexible working hours, part-time work, job share arrangements and home-based work.	Staff have access to flexible working arrangements (<i>subject to operational requirements</i>). Positive feedback through mechanisms including performance management, staff surveys and exit surveys.
2. Cultural and family friendly leave options are available including purchased leave, discretionary leave, two weeks of paid Parental Leave (covers the birth, adoption or long-term fostering of a child and is accessible by the child's mother, father or adoptive parents), and provisions to observe a cultural or religious day of significance.	Staff have access to cultural and family friendly leave options. Positive feedback through mechanisms including performance management, staff surveys and exit surveys.
3. Workload and working hours are managed effectively through communication between staff and managers.	Feedback through mechanisms including performance management, staff surveys and exit surveys indicate workloads and working hours are managed appropriately and staff are able to balance work and life responsibilities.
4. Provide assistance to employees who incur additional family care costs when required to undertake work outside the standard hours of work, travel or cancel leave arrangements.	Reimbursement of reasonable expenses approved.
5. Provide access to an Employee Assistance Program (EAP) that offers a range of services including access to free and confidential counselling, health and well-being information.	Members and staff are aware of and know how to access EAP. Positive feedback from members and staff through mechanisms including staff surveys and exit surveys.

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Objective 4: Provide a discrimination and harassment free workplace.

Strategy	Performance Indicator
<p>1. Workplace agreements contain anti-discrimination clauses, which respect and value the diversity of the workforce by helping to prevent and eliminate discrimination.</p>	<p>Workplace is free from discrimination and harassment.</p> <p>Workplace harassment or discriminatory behaviour is dealt with appropriately.</p> <p>Positive feedback from staff through mechanisms including staff surveys and exit surveys.</p>
<p>2. Information and training on the APS Values and Code of Conduct are provided to all current and new employees.</p>	<p>Access to APS Values and Code of Conduct available on the AAT Intranet.</p> <p>APS Values and Code of Conduct included in letters of offer and in induction information for new employees.</p> <p>Staff attendance at training and awareness sessions.</p> <p>Staff behaviour assessed against the APS Code of Conduct through AAT's performance management system.</p> <p>Feedback from staff survey indicates that staff are aware of and familiar with the APS Values and Code of Conduct.</p>
<p>3. Managers have the knowledge and skills to deal appropriately with any complaints of workplace harassment or discriminatory behaviour.</p>	<p>Workplace harassment or discriminatory behaviour is dealt with appropriately.</p> <p>Feedback mechanisms including staff surveys and exit surveys indicate employee confidence in support structures.</p>
<p>4. Develop and implement the AAT's Disability Action Plan 2008-2011.</p>	<p>Plan implemented and promoted to all employees.</p>

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Objective 5: Embrace workplace diversity principles in recruitment and selection processes.

Strategy	Performance Indicator
1. Recruitment and selection guidelines developed which incorporate best practice and include merit and workplace diversity principles.	Guidelines implemented and promoted to all staff. Policies reviewed to endorse diversity principles. Training on the guidelines provided.
2. Selection Advisory Committee training included in the AAT Learning and Development Plan.	Staff attendance at training sessions. Training evaluations indicate that employees have understanding of merit and workplace diversity principles.
3. Human resources team provides a quality and assurance (Q&A) role in all recruitment and selection processes.	Recruitment and selection processes are monitored and checked for compliance by the human resources team.
4. Recruitment information contains AAT's commitment to workplace diversity and encourages applications from indigenous Australians, people of non-English speaking background, and people with a disability.	Applications received from indigenous Australians, people of non-English speaking background, and people with a disability.
5. Recruitment information and selection documentation made available in accessible formats.	Recruitment information and selection documentation can be accessed by potential job applicants through various means including AAT's website, by email or by mail upon request.
6. Information for applicants includes provision to request assistance.	Assistance provided and reasonable adjustments made.
7. Promote equitable recruitment practices to maximise the number, quality and diversity of people seeking employment. Promote diversity principles to selection committees.	Selection advisory committees trained in diversity principles.
8. Ensure organisational structures do not impede diversity principles such as imposing criteria that unfairly limit promotional opportunities to some people, or restrict entry to a class of work.	Organisational structures scrutinised by human resources manager on equity grounds. All jobs open on merit.

Roles and Responsibilities

Individual Responsibility

The Tribunal aims to create an environment where all members and staff can achieve their potential. It is everyone's responsibility to help achieve this goal and to understand the Tribunal's responsibilities under the relevant legislation.

Members and staff of the Tribunal are to uphold workplace diversity initiatives, regardless of their work area, classification, background, qualifications, skills or other characteristics. They must also treat colleagues and the public with courtesy and respect and neither discriminate nor harass colleagues or members of the public.

Where performance appraisal processes and agreements are in place, the commitment and contribution that employees make will be included as an appraisal assessment criterion.

In summary:

- behaving in a manner that is consistent with the APS Values and Code of Conduct and the Tribunal's Service Charter;
- treating everyone with respect, courtesy and without harassment;
- actively contributing to enhancing a culture in which diversity is valued;
- recognising the diverse skills and talents of others to enhance work outputs;
- meeting their responsibilities in regard to the Tribunal's Workplace Diversity Plan and contributing to their achievements.

Registrar

Within the Tribunal, the Registrar is responsible for:

- providing an appropriate level of resources to implement the Workplace Diversity Plan;
- demonstrating and upholding leadership qualities and behaviours;
- fostering a culture where the diversity of the workforce is recognised and valued;
- showing its commitment to workplace diversity through its actions and decision making processes;

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- maintaining a workplace that is free from discrimination and harassment;
- making employment decisions that are transparent, equitable and procedurally fair;
- ensuring the APS Values and Code of Conduct, and Tribunal's Service Charter are promoted and adhered to throughout the Tribunal;

Human Resources Manager

The Human Resources Manager is responsible for the overall co-ordination of the Plan in the Tribunal. This includes providing advice and promoting the benefits of workplace diversity at all levels within the Tribunal as well as monitoring and evaluating workplace diversity on an annual basis. In addition there are certain reporting requirements imposed by the Australian Public Service Commission under the *Public Service Act 1999*.

The Human Resources Manager has a responsibility to ensure that the Tribunal's Workplace Diversity Contact Officer (see below) receives appropriate information, professional development and support to enable him or her to undertake various responsibilities effectively.

Members, Managers and Team Leaders

Members, managers and team leaders have responsibilities beyond their individual responsibilities. They should encourage a work environment that is conducive to the acceptance and implementation of workplace diversity principles and practice. This responsibility includes acknowledging positive behaviour and contributions to diversity management and dealing with inappropriate workplace behaviours if they arise.

In summary:

- demonstrating appropriate behaviours consistent with the principles of equity and diversity;
- incorporating workplace diversity principles into their management practices.
- utilising the performance management scheme to maximise our diverse qualities and enhance knowledge sharing;
- consulting with employees and encouraging all team members to contribute positively to business outcomes;
- fostering flexible work practices that promote work-life balance principles;
- promptly and appropriately dealing with any complaints of harassment or discrimination observed in the workplace;

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- demonstrating and upholding leadership qualities and behaviours.

(Managers include the Registrar and Assistant Registrar, District and Deputy District Registrars and Principal Registry Managers.)

The Workplace Diversity Committee

The Committee:

- evaluates the Workplace Diversity Plan and other associated policies and makes recommendations resulting from that;
- assists with maintaining information to members and staff about workplace diversity and related issues;
- develops or evaluates professional development programs for members and staff as appropriate;
- undertakes all reporting requirements in conjunction with the Human Resources Manager.

Workplace Diversity and Workplace Harassment Contact Officer

The Workplace Diversity Contact Officer assists the Workplace Diversity Committee in its work. It is his or her role to promote diversity principles and practices in each of the District Registries and to ensure that members and staff adhere to the principles of EEO and diversity. He or she should also gain an understanding of the workplace diversity needs of Tribunal staff and help all staff to be aware of workplace diversity issues.

ATTACHMENT A

Legislative Framework

Public Service Act 1999 (*the Act*)

Section 18 of the Act requires an agency head to establish a workplace diversity program to assist in giving effect to the APS Values, which are found in section 10 of the Act.

The APS Values are central to management in the APS. They provide an ethical framework for agency heads and employees, while allowing agencies the flexibility to pursue their own goals and address their own needs. Under section 12 of the Act, an agency head must promote and uphold APS Values. The following APS Values are especially relevant to the diversity and human resources policies of agencies:

- merit-based employment (section 10(1)(b));
- non-discrimination and diversity (section 10(1)(c));
- sensitivity to the diversity of the Australian public when delivering services (section 10(1)(g));
- fair, flexible, safe and rewarding workplace (section 10(1)(j));
- equity in employment (section 10(1)(l)).

The APS Code of Conduct sets out standards of behaviour for APS employees which relate to diversity set out in the PS Act. These include requirements to:

- treat everyone with respect, courtesy and without harassment (section 13(3))
- behave in a way that upholds the APS Values and the integrity and good reputation of the APS (section 13(11)).

Tribunal members exercising direct or indirect supervisory duties over APS employees are subject to the APS Code of Conduct in relation to those employees: sections 14(2) and (3) of the *Public Service Act 1999*; Regulation 2.2 of the *Public Service Regulations 1999*.

Public Service Commissioner's Directions 1999

The *Public Service Commissioner's Directions 1999* (Chapter 3) sets out the scope and application of the APS Values providing more detail about implementing diversity.

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In paragraph 3.2, the Commissioner has directed that agency heads must put in place measures to:

- ensure that all forms of discrimination are prevented, consistent with Commonwealth law;
- recognise the positive advantages of, and help make best use of, the diversity in the workplace and the Australian community.

Agency heads must also assist employees to balance their work, family and other caring responsibilities effectively by encouraging the development of mutually beneficial work practices.

Paragraph 3.3 specifies that the workplace diversity program must include measures directed at ensuring that:

- corporate, business and human resource plans demonstrate that the agency values the diverse backgrounds of its employees and values, and is able to access and make use of the diverse skills and experiences of its employees;
- workplace structures, systems and procedures help employees balance their work, family and other caring responsibilities effectively;
- engagement decisions take account of the diversity of the Australian community as well as the agency's organisational business goals and the skills required for the job;
- employment decisions are transparent, equitable and procedurally fair.

According to paragraph 2.13 agency heads must also put in place measures to eliminate employment related disadvantage on the basis of:

- being an Aboriginal or a Torres Strait Islander under the meaning of the *Racial Discrimination Act 1975*; or
- gender; or
- race or ethnicity; or
- physical or mental disability.

Anti-Discrimination Legislation

Other relevant legislation, which provide legal obligations for the AAT and its employees in terms of workplace diversity include the following:

- The *Racial Discrimination Act 1975* makes it unlawful to discriminate in employment on the grounds of race, colour, national or ethnic origin;
- The *Sex Discrimination Act 1984* makes it unlawful to discriminate in employment on the grounds of a person's sex, marital status, pregnancy or potential pregnancy or to sexually harass another person;
- The *Australian Human Rights Commission Act 1986* provides for the rights of people with physical or mental disabilities and addresses complaints of discrimination in employment;
- Under the *Occupational Health and Safety Act 1991* all employers and employees must maintain a secure, healthy and safe working environment. An employer must take practical precautions to prevent harassment;
- The *Disability Discrimination Act 1992* makes it unlawful for an employer to discriminate against a person on the grounds of disability (including a disease);
- The *Fair Work Act 2009* prohibits discrimination in awards and agreements and (subject to some exemptions) in the termination of employment;
- The *Public Service Act 1999* requires Agency Heads to establish diversity programs to give effect to the APS Values.

Resources

Centrally provided funding will assist in the development and support of workplace diversity issues including:

- family support initiatives;
- training and support of Workplace Diversity Contact Officer;
- equipment required for reasonable adjustment;
- workplace diversity initiatives, actions, training or development opportunities that meet needs of individuals, and registry work areas;
- workplace flexibility issues;
- the support of networking and mentoring.

Information and Support

A number of policies have been established that support this strategy and are available from the Tribunal's Intranet site, the Human Resource Section in Principal Registry or from your local Workplace Diversity Contact Officer.

These policies include:

- Personnel Direction No 3 Flextime – Flexible Working Hours
- Personnel Direction No 4 Purchased Leave (Purchased Leave Application Form)
- Personnel Direction No 9, Reasonable Adjustment Policy
- Personnel Direction No 11 Family Responsibility Policy
- Personnel Direction No 12 Whistleblowing
- Personnel Direction No14 Breaches of Code of Conduct
- Disability Action Plan 2008 - 2011
- Personnel Direction No 16, Employee Assistance Program
- Personnel Direction No 22 Recruitment Policy
- Personnel Direction No 23 Staff Selection Handbook
- Personnel Direction No 31 Indigenous Employment Strategy
- Personnel Direction No 35 Miscellaneous Leave including Defence Reserve Leave
- Personnel Direction No 38 Parenting Leave including Maternity Leave
- Personnel Direction No 39 Part-time Employment and Job Share Arrangements
- Personnel Direction No 40 Personal leave and War Service Personal leave

ATTACHMENT B

**Workplace Diversity Committee and Workplace Diversity and
Workplace Harassment Contact Officer**

Workplace Diversity Committee Members

REGISTRY	REPRESENTATIVE	PHONE NUMBER	RESPONSIBLE FOR
Adelaide	Jean Scobie	(08) 8201 0600	Adelaide
Brisbane	Chris Oliver Sherryn MacFie Hugh Abrahams (HR Manager) Belinda Scarth-Johnson	(07) 3361 3000	Brisbane and Principal Registry
Melbourne	Grace Carney Regina Perton (FT Member)	(03) 9282 8444	Melbourne
Perth	Dr Amanda Frazer	(08) 9327 7200	Perth
Sydney	Michelle Corcoran (co-chair) Chantal Bostock (co-chair)	(02) 9391 2400	Sydney

Workplace Diversity and Workplace Harassment Contact Officer

Athena Harris Ingall is the Workplace Diversity and Workplace Harassment Contact Officer and may be contacted on 02 9391 2400. All discussions are confidential.