

LA TROBE UNIVERSITY

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(Equity and Student Services)



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18 April 2008

Ms Elizabeth Eldridge  
Executive Director, Legal and Equity  
Department of Justice  
GPO Box 4356  
**MELBOURNE VIC 3001**

Dear Ms Eldridge,

**Re: Review of Exceptions and Exemptions in the *Equal Opportunity Act 1995***

Thank you for the opportunity to respond to the above review and advise as follows:

**Are the exceptions reasonable limitations on the right to equality?**

In general we believe the exceptions and exemptions balance the rights of individuals with individual freedoms and the obligation to move towards equality of outcomes. In general we support a change to the *Equal Opportunity Act* (EOA) so that it recognises special measures aimed at achieving quality of outcomes.

**Should any exceptions be repealed?**

The requirement for the application of many of the exceptions in the Act could be eliminated by the introduction of provisions relating to reasonable adjustments and unjustifiable hardship consistent with those in the *Disability Discrimination Act 1992 (Cth)*. These particularly relate to breastfeeding, pregnancy, impairment, race, religious belief or activity and parental or carer status. We support a move to provide a consistent approach to disability/impairment matters in line with that of the *Disability Discrimination Act 1992 (Cth)*.

**Is the VCAT exception process appropriate? How could it be improved?**

We see the application processes to VCAT to approve an exemption as appropriate. It provides confirmation that measures being taken are compliant with the EOA therefore allowing us to move forward with confidence in our actions.

**Should the statutory authority exception (section 69 of the *Equal Opportunity Act 1995*) be repealed?**

We support the repeal of the statutory authority exception. The application of equal opportunity legislation and its effectiveness is diminished by this exception. The importance of equal opportunity needs to be maintained throughout the government's legislative framework. The new *Charter of Rights and Responsibilities Act 2006* has a process for legislative review which would allow incompatible legislation to be brought forward for amendment or an appropriate mechanism for exceptions to be included in the EOA.

Yours sincerely,



Dr Kerry Ferguson  
Pro Vice-Chancellor (Equity and Student Services)