

EQUAL OPPORTUNITY REVIEW DISCUSSION PAPER

The Equal Opportunity Review Discussion Paper was released in November 2007. Submissions from the public are due by Monday 14th January 2008.

The discussion paper outlines the scope of the review and highlights the following key questions:

1. Does the law need to be changed to improve equality of opportunity and the elimination of discrimination in Victoria?
 - Yes we believe that the law does need to be changed – e.g. to ensure that people have the right to access to information to be available in all their alternative formats, and that technology is both affordable and accessible to the person with a disability.
2. What are the social and economic costs and benefits involved in reforming the Equal Opportunity Act 1995 to eliminate discrimination to the greatest possible extent?
 - We need to ensure that we have a responsibility that we have an equal opportunity for people with disability to have full opportunities to participate in all facets of community living which includes economic, social, cultural and recreational activities. The benefits of a more fully inclusive community for people with disability, are that you minimise the costs of remedying that discrimination and the health and welfare costs arising from the social isolation of people with a disability.
3. Are the current ways of preventing discrimination working well or could they be improved?
 - The Commission's current functions of dealing with discrimination complaints and community education should be expanded and better resourced by ensuring that the complaint mechanism and procedures are available in all alternative formats e.g. accessible web and other forms of technology. It is important that people with disability are made aware that there is a complaint mechanism available.
4. What role should the Victorian Equal Opportunity and Human Rights Commission have in preventing discrimination, including additional powers or functions (if any)?
 - We believe that the Commission should produce and distribute community information on both preventing discrimination information and on the discrimination complaints process, and this information should be available in all alternative formats, and there should be specific materials for people with disability. The Commission has the role in being the principal educator in how best

to prevent discrimination throughout the Victorian community including the corporate sector.

The Victorian Equal Opportunity and Human Rights Commission should have a power similar to that held by the Commonwealth to initiate inquiries into issues which identifies as giving rise to systemic discrimination or systemic failures in human rights and produce reports on those issues containing remedial recommendations.

5. Would any potential conflicts of interest arise if the Victorian Equal Opportunity and Human Rights Commission takes on additional powers or functions? If so, how could these conflicts best be managed?
 - There should be very little if any conflicts of interest that would arise if the Victorian Equal Opportunity and Human Rights Commission takes on additional powers or functions.
6. Could technical aspects of the law (including protected attributes and the definitions of direct and indirect discrimination) be improved so that the law itself does not prevent the elimination of discrimination?
 - There should be no conflicts of interest which cannot be managed by the adoption of proper procedures – refer to our recommendations for previous questions.
7. Could the handling of complaints of discrimination be more efficient and effective?
 - It is imperative that the complainant or potential complainant is aware of the complaint mechanism and to ensure that he or she has the appropriate resources or capacity to pay for legal counsel. The Victorian Equal Opportunity and Human Rights Commission could consider the possibility of developing regional equal opportunities officers to act as advisers to local councils, businesses and sporting and other groups with the capacity to deal with situations before they escalate or even occur.
8. What role should the Victorian Equal Opportunity and Human Rights Commission have in resolving discrimination, including any additional powers or functions (if any)?
 - Please see answer to Question 4. In resolution the Victorian Equal Opportunity and Human Rights Commission should make available training in self advocacy for people with disability in all alternative formats.
9. Are there ways in which disputes can be resolved that allow systemic and public interest issues to be raised?

- If the Victorian Equal Opportunity and Human Rights Commission has an appropriate process where people with disability both from an individual perspective and systemic perspective are able to have input this can minimise the relevant dispute.
We are not able to have any other input to this question as it requires a legalistic response however we will be able to respond to this question in the next round of consultations.

10. What should the Victorian Equal Opportunity and Human Rights Commission's institutional structure be like to ensure that it is effective and best placed to meet the objectives of the Equal Opportunity Act 1995 and the Charter of Human Rights and Responsibilities?

- To ensure that a stronger working partnership with relevant disability organisations and government to work closer with people with disability to meet the objectives of the Equal Opportunity Act 1995 and the Charter of Human Rights and Responsibilities both at a systemic and individual level.

CALL FOR SUBMISSIONS

Have your say on:

- How discrimination is experienced
- What laws and systems, if any, are needed to create a fairer, more equal society in Victoria.
-

The Equal Opportunity Review seeks your response to the discussion paper and the questions listed.

Please contact the Equal Opportunity Review team if you need:

- Assistance to prepare a submission
- Translated versions of the discussion paper
- Alternative formats for the discussion paper.

The deadline for submissions is Monday 14th Jan. 2008.

Unless you clearly request confidentiality, submissions are public documents and may be accessed by any member of the public, may be published on the website and quoted in further review papers. If you would like your submission to not be published, or you would like to request anonymity, you must clearly request this in your submission.