

18 April 2008

The Executive Director, Legal & Equity  
Department of Justice  
GPO Box 4356  
Melbourne VIC 3001

By email: [civil.law@justice.vic.gov.au](mailto:civil.law@justice.vic.gov.au)

## **Comment on Review of Exceptions and Exemptions in the *Equal Opportunity Act 1995* – Consultation Paper**

Dear Ms Eldridge,

Live Performance Australia (formerly known as the Australian Entertainment Industry Association) is the peak body for the live entertainment and performing arts industry in Australia. Our members include performing arts companies, commercial producers and presenters, contemporary music promoters, performing arts centres, venues, festivals and service providers such as ticketing agents and lighting and sound companies.

As an employer association, we support the retention of exceptions to discrimination in employment and employment related areas; namely sections 17, 24 and 27.

Section 17 is imperative to our members when employing performers, as physical appearance is one of the main criteria in deeming an individual's suitability for employment and a performance role. It extends from the gendered, ethnic or physical characteristics required by a role, through to the particular 'look' to meet a particular artistic vision.

Section 24 complements and expands upon Section 17, in that once a person of the 'right look' is found the employer needs to be able to set and enforce a standard of appearance for the duration of the project. This also ensures artistic consistency when a role is being created or portrayed by more than one person. For the purposes of ensuring dancers maintain their level of fitness, there may be a clause in their contract stating they remain within a percentage of their audition weight for example.

More broadly, we support the right of employers to enforce appearance standards in roles of service such as cinema staff, ushers, ticket staff and members of orchestras for aesthetic reasons and uniformity.

Thank you for the opportunity to comment on this matter. We look forward to hearing the outcome of the review.

Yours sincerely,

**Suzanne Daley Carr**  
Policy and Strategy Advisor

E [sdaleycarr@liveperformance.com.au](mailto:sdaleycarr@liveperformance.com.au)  
T 61 3 9614 1111 Ext 6