

Mr Julian Gardner
Reviewer
Equal Opportunity Review
C/- Department of Justice
Level 24, 121 Exhibition Street
Melbourne Victoria 3000
DX 210077

Dear Julian

Re: Equal Opportunity Act Review

The Victorian Disability Advisory Council (VDAC) welcomes the opportunity to make a submission to the Equal Opportunity Review.

All Victorians at some stage in their life will be affected by disability and the experience of many Victorians with disabilities is that the community continues to discriminate and exclude us. The VDAC is therefore very pleased to see that the Review's focus is on the removal of systemic discrimination as this approach is the one most likely to lead to long term change for the better for people with disabilities.

The VDAC also agrees with the discussion paper's recommendation that the EOA's definition of 'indirect discrimination' (p.32) should be reformed so that it is more in line with that used by the *Disability Discrimination Act 1992 (Cth)* (DDA) as this would make it much easier for people with disabilities to prove that indirect discrimination has occurred than is currently the case. We would also support extensions to the definition of impairment as well as extending the definition of discriminatory conduct to include discrimination towards someone being accompanied by an assistance animal, similar to what is currently specified in the DDA (p.34). These changes could make lodging a complaint with the Commission under the EOA rather than with HREOC under the DDA, a more attractive option for people with disabilities than is currently the case because of the broader, more inclusive definition of disability in the DDA and HREOC's greater powers to deal with systemic discrimination.

The lack of accessible housing in Victoria is a major barrier to people with disabilities being able to live in and participate in community life. The extension of the reasonable adjustment provisions to enable modifications to the common property area of a body corporate to facilitate disability access (pp. 35-6), would certainly be a step in the right direction as would including the specific requirement for reasonable adjustments in the EOA more broadly.

The reference to stronger public bodies to promote equal opportunity for people with disabilities is especially welcome (p.36). We need to ramp up disability in the public perception so that it becomes firmly entrenched in the minds and the actions of policy - makers. Government departments, business units, and program areas must organise themselves and change their traditional thinking about disability. Public sector employees, from senior executives to clerical assistants, must work in such a way that it would be inconceivable for the government's public information to be available only in standard print, for their DVDs to fail to include a captions track, for their public events to take place in a venue that lacks an accessible toilet or for the employment of people with disabilities not to be a high priority.

The Commission needs stronger powers to deal with systemic discrimination and VDAC welcomes the discussion paper's proposals to increase the Commission's powers so that they are equivalent to HREOC's in this area (p.30). However, more remains to be done. The governance of the Commission would be immeasurably improved by the appointment of a Human Rights

Commissioner, who is independent of Government. VDAC suggests that the current Chair of the Commission is the most appropriate person to take up this position. She could incorporate her knowledge of the Charter into this role.

The Council welcomes the opportunity to discuss this submission further. Please contact Claire Thorn, Executive Officer of VDAC, 9208 3006 to arrange a suitable time.

Yours sincerely

Dr Rhonda Galbally AO

Chair, Victorian Disability Advisory Council

10 January 2008