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Senator Trish Crossin
Chair of Senate Standing Committee on Legal and Constitutional Affairs
By email: legcon.sen@aph.gov.au

Dear Senator

**INQUIRY INTO THE EFFECTIVENESS OF THE COMMONWEALTH SEX
DISCRIMINATION ACT 1984 IN ELIMINATING DISCRIMINATION AND PROMOTING
GENDER EQUALITY**

Thank you for your invitation to make a submission to the above Parliamentary inquiry. The Victorian Government does not intend making a submission.

However, the Committee may be interested to note that:

- Victoria has recently undertaken a comprehensive review of its *Equal Opportunity Act 1995* (the Act). The terms of reference required the independent reviewer, Mr Julian Gardner, to:
 - o investigate and assess options to improve the fairness, effectiveness and efficiency of the Act;
 - o consider whether the Victorian Human Rights and Equal Opportunity Commission requires additional powers or functions, and if strengthening the enforcement provisions would further the objective of eliminating discrimination to the greatest possible extent;
 - o consider ways to reduce the red tape involved in bringing and defending a complaint of discrimination. In particular, the complaints-handling system should be enhanced to improve access to justice for victims of discrimination; and
 - o examine options for more tailored approaches towards dispute resolution. Dispute resolution should enable systemic discrimination to be addressed, as well as discrimination complaints that raise public interest issues.

Mr Gardner has now provided me with his final report *An Equality Act for a Fairer Victoria* for consideration (the Final Report). The Final Report makes 93 recommendations for reform to the Act to address systemic discrimination in Victoria. I would be happy to provide a copy of

the Final Report to the Committee for information and consideration once it is publicly available.

- Victoria is also undertaking a separate review of the exceptions and exemptions in the Act to assess whether or not they are compatible with the *Charter of Rights and Responsibilities Act 2006*. A consultation paper was released at the end of February and the submissions to the consultation paper are now being considered.
- Victoria has recently amended the Act to expand the range of what constitutes discrimination against parents or carers in employment and employment-related areas. The Equal Opportunity Amendment (Family Responsibilities) Act 2008 provides that an employer, a principal or a firm may not unreasonably refuse to accommodate the parental or carer responsibilities of a person offered employment, an employee, a contract worker, a person invited to become a partner in a firm, or a partner in a firm. In determining whether a refusal to accommodate the worker's family responsibilities was unreasonable, all relevant facts and circumstances must be considered, including the needs of the employer's business. It will be discrimination for an employer, principal or firm to contravene this requirement

I look forward with interest to the outcomes of the Inquiry.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Rob Hulls', written in a cursive style.

ROB HULLS MP
Attorney-General