



Victorian Equal Opportunity
& Human Rights Commission

2016/17 Annual Report

Year in Review



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Victorian Equal Opportunity and Human Rights Commission 2016/17 Annual Report Year In Review

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Disclaimer

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**2016/17 Annual
Report**
Year in Review

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Introduction



Chairperson's message



This year marks a significant milestone for the Commission as we celebrate 40 years since the *Equal Opportunity Act 1977* was made law.

Over this time the Commission has cemented itself within the community as a champion for all Victorians through its role in challenging discrimination, protecting human rights and progressing substantive equality across the state.

Looking back at the work that has been undertaken since 1977, we note that awareness about discrimination has increased, and this awareness consistently leads individuals to the Commission to help realise their rights. We also note that public authorities and employers are addressing discrimination by developing their policies and practices.

However, we also know that inequality continues across many areas and there is work to do to address this and bring real change.

The positive duty to eliminate discrimination is now an integral part of the Commission's legal framework. This shifts responsibility for change from individual complainants to institutions. This recognises that systemic change and structural disruption is needed to achieve substantive equality for more Victorians.

Reflecting this, the Commission has increasingly taken a prevention-focused approach to our work. This means identifying the drivers and underlying causes of inequality and developing evidence-based approaches that will create long term change. Our Independent Review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police, and Independent Equity and Diversity Review into the Country Fire Authority (CFA) and Melbourne Fire Brigade (MFB) are key examples of this work.

The Commission also continues its important work with individuals who have experienced discrimination in all areas of public life through our complaints and dispute resolution service.

This Annual Report sets out the performance of the Victorian Equal Opportunity and Human Rights Commission in the 2016/17 financial year. I look forward to the Commission building on the legacy and success of its work and continuing to deliver positive social impacts and progress over the next 40 years in creating an inclusive community which embeds human rights and equality for all Victorians.

A handwritten signature in black ink, appearing to read 'Moana Weir'. The signature is fluid and cursive, written in a professional style.

Moana Weir
Chairperson

Commissioner's message



As we celebrate 40 years since the enactment of the Equal Opportunity Act it is timely to reflect on how important this legislation and the promise of equality it promotes has become to the state of Victoria. The Commission has played a critical role in making real the rights and protections contained in Equal Opportunity Act and more recently the Charter and the Racial and Religious Tolerance Act.

This work is particularly important within our volatile global and domestic environment. Recent events remind us that we cannot always assume our freedoms or rights. They can be hard won and easily lost.

This year we have worked closely with Victoria Police and key stakeholders to gain an understanding of the progress towards implementing the 20 recommendations from our Independent Review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police. We also commenced the Independent Equity and Diversity Review into the Country Fire Authority (CFA) and Melbourne Fire Brigade (MFB) and spent many months travelling the state and speaking to men and women across both organisations about their experiences.

We followed up on our groundbreaking research of *Held back*: the experiences of students with disabilities in Victorian schools, analysing the progress made over the past five years.

We also developed and launched guidelines to help organisations understand and comply with the Equal Opportunity Act. Our guidelines on trans and gender diverse inclusion in sport were widely welcomed by sporting clubs and organisations. We also delivered guidelines on family violence services and accommodation, a recommendation of the Royal Commission into Family Violence, to help service providers prevent discrimination.

We intervened in a number of Supreme Court cases on Victoria's youth justice system to ensure the rights of children and young people being detained were front and centre in the court's considerations. Our interventions contributed to the historic ruling that the government had acted incompatibly with human rights in this instance.

Following a recommendation of the Eight-Year Review of the Charter, we have also begun a project to embed a human rights culture within Victoria and are working with government departments to deliver education across the public sector.

The Commission continues to offer advice to Victorians about discrimination and our laws, as well as taking complaints and assisting to resolve disputes related to discrimination, whether it has occurred in the workplace, in schools, in shopping centres or sporting clubs.

To ensure we continue to be as effective as possible we consulted internally and externally to set our strategic direction for the next five years. Over the next five years we will focus on four priority areas: workplace equality; human rights in closed environments; embedding a human right culture; and reducing racism.

I hope you take some time to read this report and to support the Commission in our aim of creating a fair, safe and inclusive Victoria where everyone is respected and treated with dignity.

A handwritten signature in black ink, which appears to read 'Kristen Hilton'.

Kristen Hilton
Victorian Equal Opportunity
and Human Rights Commissioner

The Board

The Commission has a Board of Governance comprising up to seven members appointed by the Governor-in-Council on the recommendation of the Attorney-General. The Board is responsible for setting the organisation's strategic direction, as well as policies, priorities and strategies. The Board members provide important links to the broader Victorian community, ensuring the Commission's work remains relevant and responsive to the human rights issues that touch people every day.

Audit and risk committee

Megan Boston (Chair)
Moana Weir
Abeselom Nega
Laurinda Gardner
Jeff Floyd
Sue Madden

Moana Weir (Chairperson)

Moana Weir is a lawyer and Board member, with professional experience as company secretary and general counsel of online ASX listed entities Melbourne IT Ltd, REA (realestate.com.au) and SEEK, as well as serving on the board for V/Line Corporation (2010 to 2013) and Melbourne Montessori School Ltd. Moana is currently Legal Director for Regulatory at Bupa ANZ. Moana is currently Head of Legal for Regulatory and Consumer at Bupa ANZ. She has a passion for driving real change and better outcomes in equal opportunity and human rights, including in the areas of diversity and inclusion in the workplace.



Abeselom Nega

Abeselom Nega is the CEO of iEmpower – a specialist youth services organisation – and has previously served as the General Manager AMES Employment, Chairperson of the Federation of African Communities Council and a Commissioner of the Victorian Multicultural Commission. Abeselom is interested in facilitating meaningful opportunities for young people from disadvantaged backgrounds through partnerships with public, private and community sector based organisations.



Megan Boston

Megan Boston is a chartered accountant with skills and expertise in the areas of finance, audit, risk management and governance. Megan is the Deputy Chair at AMES Australia and Chairperson of the Audit & Risk Management Committee. She is also a Non-Executive Director and Chair of the Finance, Audit and Risk Management Committee at Benitec Ltd (ASX:BLT).



Tim Goodwin

Tim Goodwin is a barrister, practising primarily in commercial and public law. He has a Masters of Laws from Harvard Law School and is a member of the Indigenous Lawyers' Committee, the Commercial Bar Association of the Victorian Bar and a member of the Australian Association of Constitutional Law. Tim is a Board member of the Australian Research Alliance for Children and Youth and a Trustee of the Reichstein Foundation and the Roberta Sykes Indigenous Education Foundation.



Faddy Zouky OAM

Faddy Zouky is the founding President of the Australia Lebanon Chamber of Commerce & Industry, a member of the Multicultural Commission of Victoria's Small Business Ministerial Council, and the current Managing Partner of Zouki Lawyers and the Executive Director of the Zouki Group of companies. Faddy has served as a United Nations Australian Ambassador for the UNDP Live Lebanon Project, and was awarded the Medal of the Order of Australia 2012 for his services to business and Victoria's multicultural community.



Laurinda Gardner

Laurinda Gardner has more than 20 years' experience working for boards, and as a senior government executive leading large policy and operational teams. Laurinda served as a deputy secretary within the Victorian Department of Treasury and Finance between 1998 and 2013. She is a current board member and former chair of Berry Street, a not-for-profit association which helps young people and families recover from the effects of violence, abuse and neglect.



Jennifer Huppert

Jennifer Huppert is a lawyer with nearly 30 years' experience, practising largely in the area of commercial property, and is currently a special counsel at KHQ Lawyers. Jennifer has a long involvement with the community and not-for-profit sector. She is currently president of the Jewish Community Council of Victoria, and has previously served on the Boards of the B'nai B'rith Anti-Defamation Commission, Youth Connect and the National Council of Jewish Women of Australia.



About the Commission

Since its establishment as the Equal Opportunity Board in 1977, the Commission has played a critical role in challenging discrimination, inequality and disadvantage and to progress substantive equality for all people in Victoria.

Our laws

The Victorian Equal Opportunity and Human Rights Commission is an independent statutory body that reports to Parliament through the Attorney-General.

The Commission has responsibilities under three laws:

- *Equal Opportunity Act 2010*
- *Racial and Religious Tolerance Act 2001*
- *Charter of Human Rights and Responsibilities Act 2006* (the Charter).

The Equal Opportunity Act makes it against the law to discriminate against people on the basis of a number of personal characteristics (or attributes). It also prohibits sexual harassment and victimisation.

The Racial and Religious Tolerance Act makes it against the law to vilify people because of their race or religion.

The Charter identifies 20 human rights applicable to all Victorians, and requires government and public bodies to consider these rights when making laws and providing services.

These Acts also allow the Commission to undertake a range of functions, including:

- promoting and advancing the objectives of these Acts and advocating for these laws
- informing and educating people about their rights and responsibilities under these laws
- helping people resolve disputes about discrimination, sexual harassment, victimisation, and racial and religious vilification
- undertaking voluntary reviews of programs and practices to help people and organisations comply with the law
- undertaking research to identify, understand and find solutions to systemic causes of discrimination and human rights breaches
- conducting investigations to identify and eliminate systemic discrimination
- intervening in court and tribunal proceedings that involve equal opportunity and human rights issues
- reporting to government about the operation of the Charter and about the Commission's education and research
- advising government on anything relevant to the Charter or discriminatory provisions of any Act.



Vision, mission and principles

Vision

For Victoria to be a fair, safe and inclusive place where everyone is respected and treated with dignity.

Mission

To engage and influence individuals, communities, institutions and lawmakers to protect and promote human rights in Victoria.

Principles

- 1** Making human rights real – we will help Victorians understand the relevance of human rights to their work and lives.
- 2** Leading with evidence – we will ensure that our work is well informed through both research and reflective practice to be effective and defensible.
- 3** Creating impact – we will focus on work that leads to transformative change.
- 4** Being the best we can be – we will invest in our organisation and staff to foster a culture of good governance and sustainability and where diversity of thought, creativity, experience and expertise thrive.

Strategic goals and priorities

Our Strategic Plan 2017–22 is the road map that guides the Commission’s work for the next five years.

We consulted internally and externally across Victoria to identify our priorities and will use the plan to undertake work that has impact and creates meaningful change.

Priorities

Over the next five years the Commission will focus its efforts in four priority areas that will drive our vision for a fair, safe and inclusive Victoria. They are:

- workplace equality
- reducing racism
- human rights in closed environments
- embedding a human rights culture.

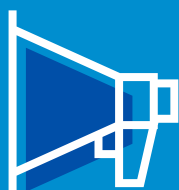
Goals

Our goals reflect our aspirations as an organisation. They are ambitious and require sustained action over time. They are set for the next five-year period.

- Human rights are central to the development and enactment of Victorian law and policy.
- People value and stand up for human rights.
- Institutions champion human rights and develop, adopt and drive leading practice.

Organisational structure

The Commissioner leads six branches to deliver the work of the Commission:



Communications and Campaigns

Manages campaigns to increase awareness, build compliance, and maintain a strong public voice on human rights and equal opportunity issues. The branch manages media liaison and provides specialist expertise and communication services across all the Commission's functions.



Legal and Dispute Resolution

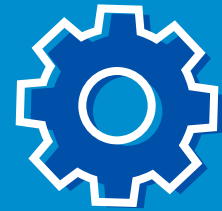
Leads the Commission's dispute resolution service and its intervention and investigation functions. It provides expert legal advice to the Commission, and develops resources, undertakes research and participates in stakeholder forums designed to improve diversity and inclusion and the promotion of human rights in Victoria.



Education and Engagement

Provides a range of services, including tailored and innovative digital information and education, face-to-face training and consultancy, community capacity building and workplace solutions. These services reduce discrimination, overcome systemic and attitudinal barriers and incorporate an approach to service delivery and decision-making that is based on human rights.





Policy and Research

Provides policy advice and direction, and undertakes key strategic projects and research activities that identify and seek to address systemic discrimination and human rights issues.

Executive Branch

Provides strategic and administrative support to the Commissioner and Executive Director, manages relationships with key government stakeholders, coordinates the Commission's workflow and provides a secretariat function to the Board.

Business Services

Supports and enables a professional, engaged and high performing workforce and culture and provides organisational support for the Commission's finance, people and culture, information management and technology, and office administration functions.

Organisational review

During the 2016/17 financial year, the Commission concluded an internal review and revised its structure to enhance its performance in delivering important services to the Victorian community. The changes ensure the Commission can extend its reach and impact, and continue to be a strong and rigorous organisation.

The changes included creating four business areas to deliver education and information, resolve disputes and

advocate for our laws through legal services, undertake policy, research and projects to address systemic discrimination and human rights issues, and raise awareness through communications and campaigns.

The Commission also established a dedicated business services branch to enable our frontline functions, assist us to respond to new technologies and ways of working, and help us to strategically grow and adapt to changing needs across the workforce.

In our workplace

People and Culture Plan

The Commission established its People and Culture Plan in the 2016/17 financial year. The plan focuses on supporting engaged, satisfied and capable staff, and building a high performing culture.

In 2016/17, the Commission delivered a number of initiatives to improve the health and safety of staff. The Commission's staff induction program includes the completion of mandatory Health and Safety at Work training and a building tour that incorporates occupational health and safety awareness. New and existing staff undertook

first aid officer training, communication accessibility training with Scope, and staff were also provided training on personal security awareness and incident management. The Commission also supports staff to pursue professional development opportunities.

The Commission strongly values diversity and is committed to reflecting this in our culture and organisational frameworks. The People and Culture Plan outlines a series of initiatives that actively supports a safe, inclusive, respectful and supportive workplace for every employee.



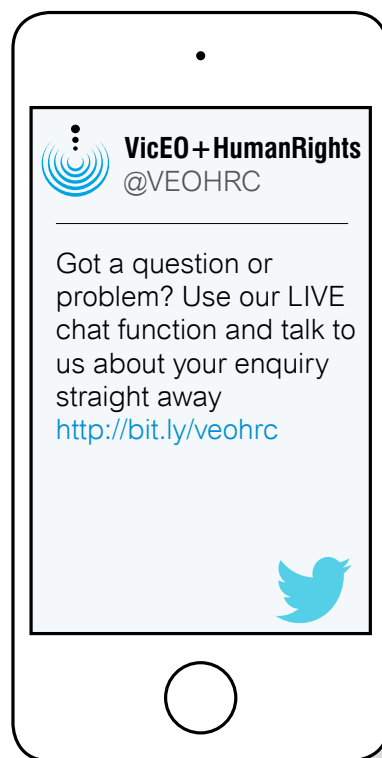
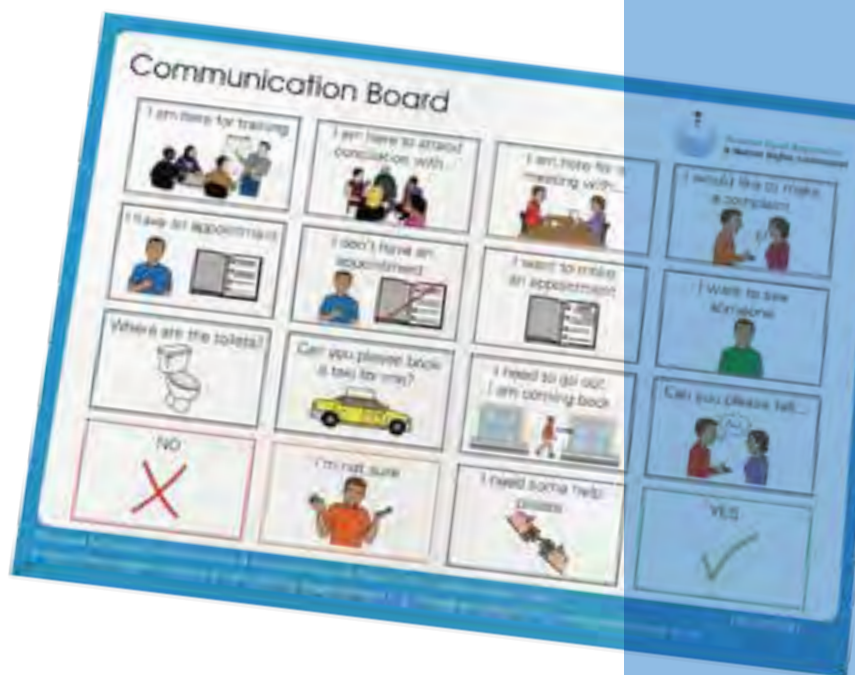
Accessible policies, programs and services

The Commission is committed to implementing best practice in providing access to our services for people with disabilities.

Our building is accessible and we make sure people of all abilities can access our resources and events.

With guidance from our Disability Reference Group, some of the work we have done to ensure accessibility includes:

- achieving Communication Access accreditation from Scope
- providing communication boards at our reception and for use during conciliation sessions
- providing all publications in PDF and Word formats online
- ensuring the Commission's website uses W3C's Web Content Accessibility Guidelines with the goal of Triple-A compliance
- catering to clients who are deaf and hard of hearing through the National Relay Service and TTY and ensuring translation services are also available
- making our Enquiry Line service available through a variety of means, including web chat, phone and email
- ensuring Auslan interpreters attend all relevant events and information is provided in Auslan in videos on the website
- providing Braille-embossed business cards of Commission staff.



Disability Action Plan

The Commission's 2015–17 Disability Action Plan was launched in June 2015 and reflects our obligations under the *Disability Act 2006* by:

- reducing barriers to people with disabilities accessing the Commission's goods, services and facilities
- reducing barriers to people with disabilities obtaining and maintaining employment with the Commission
- promoting inclusion and participation in the community of people with disabilities
- achieving tangible changes in attitudes and practices that discriminate against people with disabilities.

The plan will also form part of the Commission's overall strategy of meeting its obligations under the Equal Opportunity Act, including the duty under section 15 of the Act to take steps to prevent and eliminate discrimination.

The Commission updates progress on the Disability Action Plan on the website at humanrightscommission.vic.gov.au/about-us/disability-action-plan. A report card on the three main objectives can be seen below.

Disability Action Plan Report Card

OBJECTIVE:

To reduce barriers to accessing the Commission's goods, services and facilities.

There are six actions associated with this objective. Four have been completed and two are ongoing as part of the Commission's core business practices.

OBJECTIVE:

To reduce barriers to obtaining and maintaining employment with the Commission.

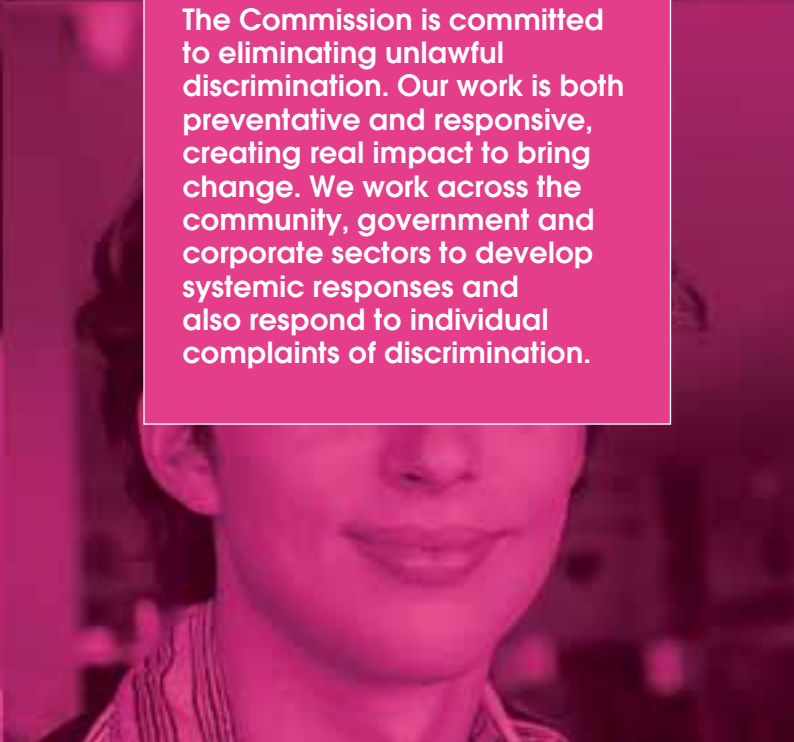
There are five actions associated with this objective. Three are on track and two will commence in the second half of 2017 to improve staff capacity and an inclusive work environment.

OBJECTIVE: To promote inclusion and participation in the community and achieve tangible changes in attitudes and practices that discriminate against people with disabilities.

There are five actions associated with this objective. One, to extend the reach and impact of our education programs, will commence in the second half of 2017. The remaining four actions are on track to be completed.



Part 1: Eliminating discrimination



The Commission is committed to eliminating unlawful discrimination. Our work is both preventative and responsive, creating real impact to bring change. We work across the community, government and corporate sectors to develop systemic responses and also respond to individual complaints of discrimination.

Dispute resolution and information service

The Commission provides a dispute resolution service under the Equal Opportunity Act and Racial and Religious Tolerance Act. We also manage enquiries about the application of the Charter.

The dispute resolution service is central to the Commission's role in protecting and promoting human rights. It is not just about resolving complaints, it is also an opportunity to educate and ensure outcomes are consistent with our laws.

The Commission continues to adapt its dispute resolution service to ensure all Victorians have the opportunity to easily access information about their rights and obligations under our laws and to participate in dispute resolution.

Detailed data on enquiries and complaints can be found in Appendix 1 from page 67.

Enquiries

In 2016/17, the Commission received 8278 enquiries from people raising 11,210 issues.

In the past three years, the Commission received:

| | |
|---------|--------------------------------------|
| 2014/15 | 9175 enquiries raising 13,877 issues |
| 2015/16 | 8170 enquiries raising 11,823 issues |
| 2016/17 | 8278 enquiries raising 11,210 issues |

enquiries received in 2016/17

8278

11,210

discrimination issues raised

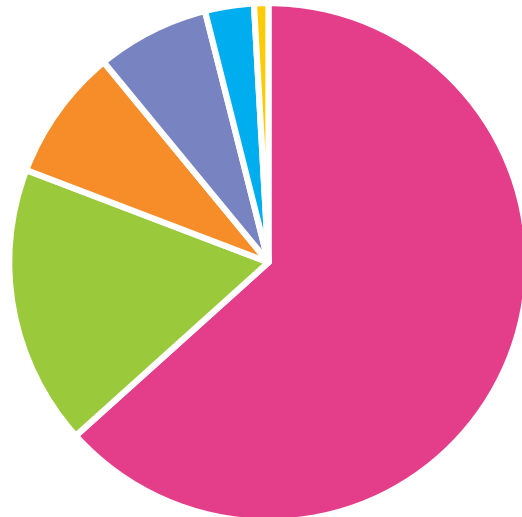
enquiries received via phone

5243
1445

enquiries received via email

Enquiries received by contact mode

| How received | 2014/15 | 2015/16 | 2016/17 |
|-----------------|-------------|-------------|-------------|
| Phone | 6587 | 5799 | 5243 |
| Email | 886 | 889 | 1445 |
| Web form | 756 | 822 | 683 |
| Instant message | 501 | 290 | 581 |
| Letter | 331 | 270 | 252 |
| Other | 114 | 100 | 74 |
| Total | 9175 | 8170 | 8278 |



10 most common issues raised from enquiries

| Issues | Total |
|---------------------|-------|
| Disability | 1749 |
| No jurisdiction* | 1483 |
| Sex | 559 |
| Race | 473 |
| Age | 411 |
| Sexual harassment | 371 |
| Carer status | 321 |
| Victimisation | 300 |
| Employment law | 298 |
| Employment activity | 279 |



* Refers to issues raised that do not fall within the Commission's jurisdiction

Complaints

The commission received the following number of complaint files in the past three years:

2014/15 1060 files raising 2977 complaints

2015/16 865 files raising 2116 complaints

2016/17 748 files raising 1906 complaints

10 most common attributes of complaint under Equal Opportunity Act and Racial and Religious Tolerance Act

| Attribute | Total |
|----------------------|-------|
| Disability | 596 |
| Sex | 172 |
| Victimisation | 164 |
| Sexual harassment | 131 |
| Age | 131 |
| Race | 110 |
| Carer status | 106 |
| Employment activity | 102 |
| Parental status | 83 |
| Physical features | 48 |
| Personal association | 47 |

Complaints finalised

The Commission finalised 694 complaint files in 2016/17.

The Commission finalised 70 per cent of complaint files within six months of receipt. Of all complaint files finalised 36 per cent were resolved. Finalised files also consist of those withdrawn by complainant or respondent and where dispute resolution was not offered. Where conciliation was attempted 65.5 per cent were resolved. A customer satisfaction rating of 97 per cent was achieved by the Dispute Resolution Unit.

complaints in 2016/17

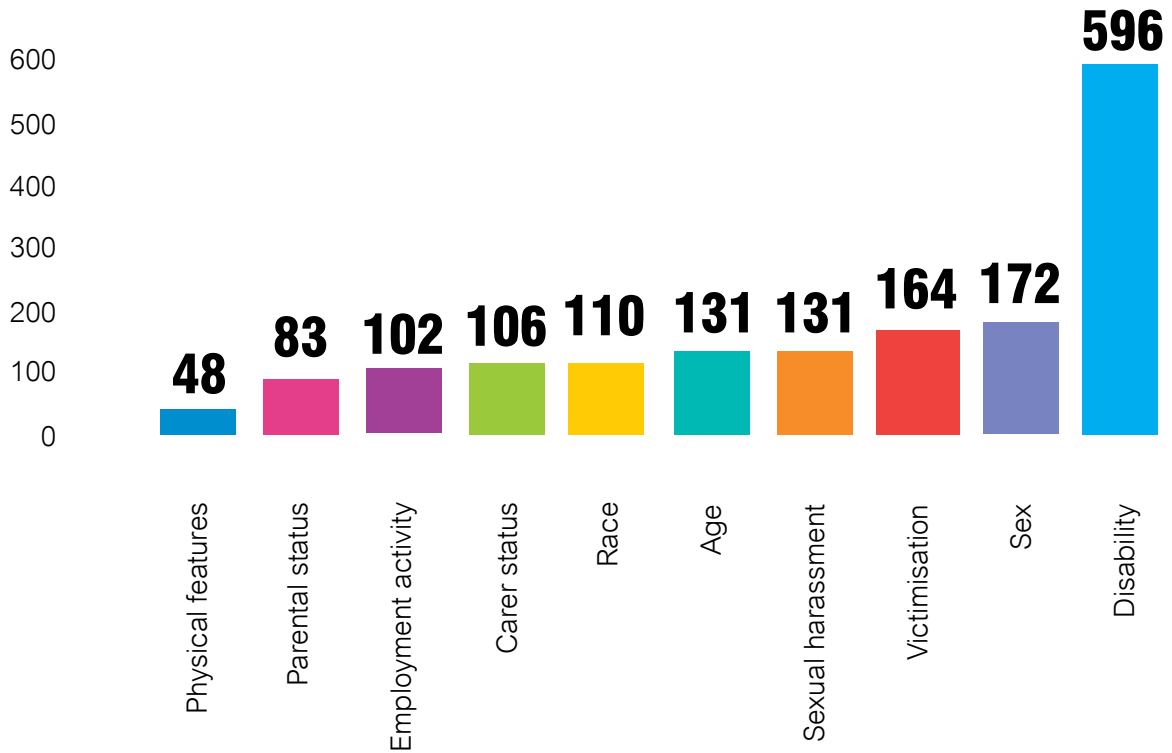
1906
596

complaints about
disability discrimination

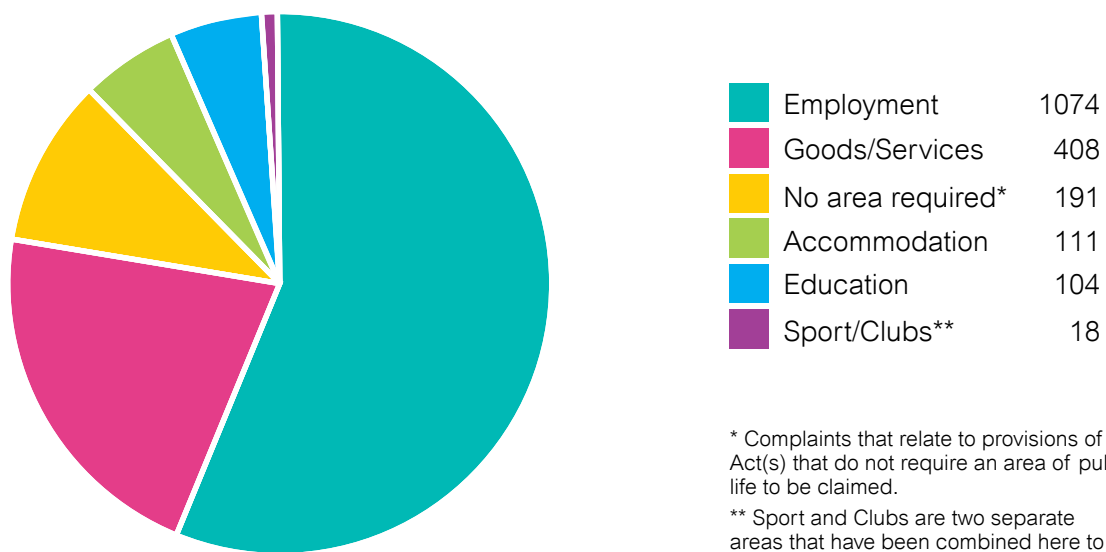
Customer satisfaction rating

97%

10 most common attributes of complaint under the Equal Opportunity Act and Racial and Religious Tolerance Act for 2016/17



Complaints under the Equal Opportunity Act and Racial and Religious Tolerance Act by area for 2016/17



* Complaints that relate to provisions of the Act(s) that do not require an area of public life to be claimed.

** Sport and Clubs are two separate areas that have been combined here to aid the visualisation.

Conciliation in action

The Commission provides an impartial, fast, flexible and free dispute resolution process to help people resolve discrimination complaints and complaints of sexual harassment, and racial and religious vilification.

Conciliation can provide an important outcome to a person who has been discriminated against. We also use the evidence collected through our dispute resolution process to understand where structural discrimination may exist and this informs our education, policy and broader research work.

Through our dispute resolution services we help parties:

- identify the disputed issues
- develop options
- consider alternatives
- try to reach an agreement.

Complaints can be made in any language and the Commission arranges a free language interpreter or a sign language interpreter, if required.

Approximately 2065 people participated in dispute resolution during 2016/17. This includes complainants, primary and individual respondents.

See page 20 for some examples on how the process can bring a result.

Respondent demographics

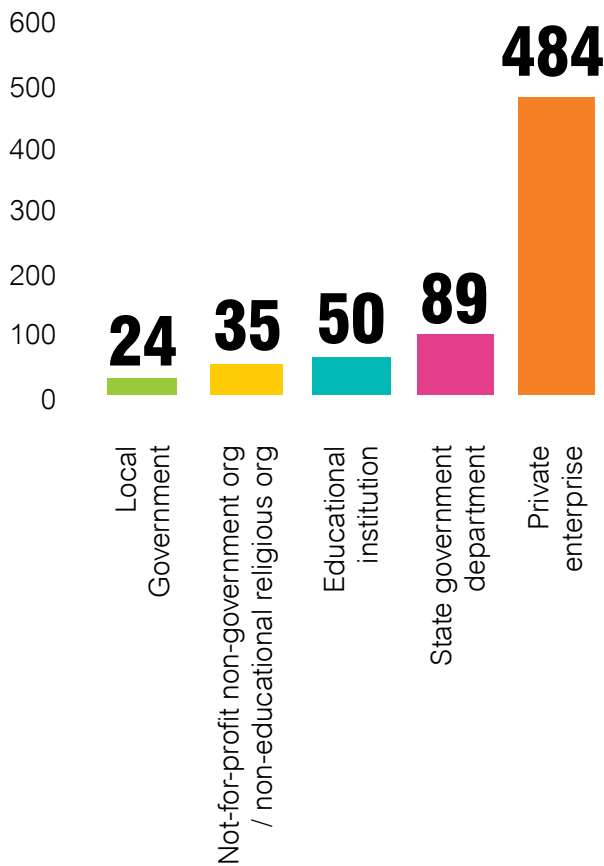
| Respondent Type | EOA* | RRTA** | Total |
|---|------------|----------|------------|
| Clubs / incorporated associations | 19 | | 19 |
| Commonwealth government statutory authority | 2 | | 2 |
| Educational institution | 49 | 1 | 50 |
| Government business enterprise | 9 | | 9 |
| Local government | 24 | | 24 |
| Not-for-profit non-government org. / non-educational religious org. | 33 | 2 | 35 |
| Other | 14 | 1 | 15 |
| Private enterprise | 483 | 1 | 484 |
| State government department | 89 | | 89 |
| State government statutory authority | 1 | | 1 |
| Trade union/professional organisation | 1 | | 1 |
| Grand Total | 724 | 5 | 729 |

* Equal Opportunity Act 2010

** Racial and Religious Tolerance Act 2001

Respondent demographics

Five most common types of respondent



What do people say?

Employers, education and healthcare providers, government authorities and community organisations all access the Commission's dispute resolution service.

Clients:

"Fantastic staff, very impressed. A lot of people like me need help but do not know where to go."

"It would be kinder if resolution could be reached at VEOHRC as it is a much better atmosphere than any court setting."

Respondents:

"Professional and supportive. Thank you for all the support and assistance to resolve the complaint."

"The overall conduct and service given by our conciliator was fantastic."

What does a conciliation look like? It's free, it's simple, it works.

Parental status discrimination in employment

Peta had a job interview that seemed to be going well, until the interviewer asked her if she had children. She said yes and they asked what she would do if her children were sick and if she would have to take time off work. Peta told them she thought fathers probably wouldn't get asked questions like this. Following the interview, she was told her application was unsuccessful.

Peta called the Commission and made a formal complaint of discrimination on the basis of parental or carer status. A conciliation was arranged between Peta, the employer, and a conciliator to talk about what had happened and to explain how discrimination against parents is against the law.

Peta received an apology from the employer, and gained satisfaction from knowing that they now had a better understanding of discrimination and would not presume that working parents are unreliable.

Sexual harassment in employment

Yasmin was working for a fashion designer and loved the job, but her employer started to act inappropriately. He made comments about the way she looked and a few times gave her long hugs that made her feel uncomfortable. When he told her he wanted to kiss her she felt afraid. She quit her job to get away from him.

Yasmin called the Commission's Enquiry Line and made a complaint on the basis of sexual harassment in employment. We organised a conciliation meeting with her employer.

The employer agreed to enforce a sexual harassment policy and to train all staff. Yasmin also received an apology and \$25,000 compensation.

**I DIDN'T PUT UP WITH
THE BOUNCER WHO
WOULDN'T LET ME IN
TO THE NIGHTCLUB
BECAUSE OF MY RACE.
NEITHER SHOULD YOU.**



Race discrimination in goods and services

Joe was having a housewarming party and went to buy a carton of beer from the local bottle shop.

The man behind the counter said he could only have two six-packs, and when Joe asked why, he was told it was a 'new government rule'. Joe questioned that this 'rule' existed and said he thought the man saw that he was Aboriginal and made the decision based on prejudice.

Joe visited the Commission's website and used the online chat service to talk to a staff member about what had happened. The Commission said he could make a formal complaint about race discrimination and organised conciliations between Joe and the bottle shop manager.

The manager agreed to give his employees training so they don't discriminate against people because of their race, and Joe was given \$750 compensation. He said he felt good knowing that he was heard, and that, hopefully, it won't happen to anyone else.

Age discrimination in employment

Jenny was looking for work through a recruitment agency.

When she met with the agency and told them she was 55 years old and had 30 years' experience as an accountant they said she was too old for any jobs because companies want younger workers. Jenny contacted the Commission and made a complaint on the basis of age discrimination. The Commission contacted the agency and they agreed to negotiate a settlement. Jenny was given a written apology and \$500 compensation. On top of that settlement, the agency committed to giving all staff equal opportunity training so they wouldn't make the same mistake again.



Image from the Commission's March 2017 social media campaign.

Systemic discrimination

At the Commission we use our research and information functions to identify systemic and institutional practices that create the environment in which discrimination occurs. We focus on areas of work where we can bring a human rights and equal opportunity focus to issues affecting members of our community.

Disability Access Bench Book

The *Disability Access Bench Book*, developed in partnership with the Judicial College of Victoria (JCV), provides information and guidance for judicial officers on their role in making the Victorian court system accessible for people with disabilities.

The Bench Book was developed following a recommendation to the JCV from the Commission's report, *Beyond doubt: the experiences of people with disabilities reporting crime*. *Beyond doubt* found that the justice system can be inherently discriminatory in the way it treats people with disabilities.

The Bench Book is the first of its kind in Victoria and it provides detailed guidance for judges, magistrates and tribunal members on making adjustments for people with disabilities in courts and tribunals to ensure they can participate on an equal basis with others.

A Supreme Court decision in 2017 shows how the *Disability Access Bench Book* is helping people with disabilities receive effective access to justice. The decision directly refers to the *Disability Access Bench Book* and said that it is an important contribution to helping ensure effective access to justice for people with disabilities. The Bench Book also includes information about the use of intermediaries in court, which will complement the recent proposal to adopt a formal intermediaries scheme in Victoria.

The Bench Book in action

Maria is a person with a learning disability, which has affected her schooling and limited her language skills. Maria is on a disability pension and her mother, Betty, is her carer.

Maria and Betty were charged with offences under the *Victorian Building Act 1993* because they had failed to secure and demolish their house after an arsonist burnt it down. Maria and Betty appeared unrepresented in the Magistrates' Court. They were ordered to pay thousands of dollars in court costs and have the fire-damaged buildings removed or pay huge fines. Their appeal was refused by a County Court judge.

Maria had the legal capacity to be in the County Court hearings, but her ability to participate was limited due to language and communication difficulties. Maria could not make decisions about what to say and what evidence to give without some direction and assistance from the judge.



Above: The Judicial College of Victoria joined the Commission to launch the Bench Book on 1 December 2016.

On appeal, the Supreme Court decided in *Matsoukatidou v Yarra Ranges Council* [2017] VSC 61 that Maria and Betty's case should be heard again by a different judge because the judge did not give them the right to a fair hearing, and did not give Maria the right to equal protection against discrimination. It said the judge should have recognised that Maria was a person with a disability and considered whether any adjustment was needed.

Victoria's Charter of Human Rights and Responsibilities requires courts and tribunals to adapt procedures so they do not discriminate against people with a disability.

In conducting the hearing the same way as a hearing for an adult without a disability, Maria was disadvantaged. The Supreme Court's decision referred to the *Disability Access Bench Book*, saying it is an important contribution to helping ensure effective access to justice for people with disabilities.

Signs for Health

For many people who are deaf, hard of hearing or deafblind the experience of hospital treatment can fall far short of the expectations of safety, care and inclusion held by most people. It can amount to discriminatory practice under the Equal Opportunity Act.

The Commission heard from deaf, hard of hearing or deafblind people about waking from emergency surgery and not being told what treatment they had undergone, examples of people being kept under anaesthetic for longer than necessary while an interpreter was sourced and people not being given the option to request an interpreter.

To address this and help hospital staff understand how they can better assist people the Commission developed Signs for Health, an online resource that provides information to patients about their rights to an interpreter; guidelines for staff on providing high-quality service to patients who are deaf, hard of hearing or deafblind; and information about the legal obligations of hospital staff with regard to interpreters.

Signs for Health can be accessed at signsforhealth.com.au.



Three or four years ago I went to a public hospital provider and I was there for a week ... and I never actually had access to an interpreter. I got out of my bed and I looked at the file at the end of my bed. It said: 'Does the patient need an interpreter, yes or no'. Someone had ticked 'no' on my behalf. Someone had actually decided on my behalf I did not need access to an interpreter while I was in hospital. I couldn't believe that decision had been made. And I hope this project and this resource will go some way to increasing the awareness in hospitals.

Brent Phillips,
General Manager, Community
& Language Services, Vicdeaf

Right: Brent Phillips, Vicdeaf; the Hon Mary-Anne Thomas MP, Parliamentary Secretary for Health and Carers; Commissioner Kristen Hilton and Sue Matthews, CEO Royal Women's Hospital at the Signs for Health launch.



Guideline: Trans and gender diverse inclusion in sport

In 2017, we revised our 2015 *Guideline: Transgender people and sport*. The update was prompted by notable changes in policies and practices in the sporting sector, as well as recent shifts in terminology. The Commission consulted with advocates and other relevant organisations to improve the terminology used in the guidelines and make them more accessible for sporting clubs and organisations.

The guidelines recognise issues that have risen with regard to discrimination against trans and gender diverse people in the area of sport. It offers guidance on legal rights and obligations – as well as practical advice on a range of issues – for sporting clubs and participants.

The guidelines can be downloaded from humanrightscommission.vic.gov.au/guidelines.



Held Back – five years on

In September 2012 the Commission published *Held back: the experiences of students with disabilities in Victorian schools*. The first report of its kind in Australia, *Held Back* examined how well students with disabilities fare in government, Catholic and independent schools across Victoria.

To respond to a number of positive policy initiatives occurring since *Held Back*'s release as well as ongoing feedback from some stakeholders that there has been insufficient progress to implement the recommendations, the Commission undertook a policy review of progress on implementation of all recommendations from *Held Back*.

The analysis found that while there has been some progress in key areas, such as through the establishment of the Principal Practice Leader to address the use of restraint and seclusion in schools, additional work and a sustained effort on existing initiatives will be needed to ensure real and enduring change for students with disabilities in schools. The analysis includes a number of observations to inform future work from DET and other education authorities to ensure *Held Back* findings and recommendations are addressed.

The report can be found at humanrightscommission.vic.gov.au/heldbackanalysis.





Guideline: Family violence services and accommodation

In March 2016, the Victorian Royal Commission into Family Violence recommended that the Commission issue a guideline under section 148 of the Equal Opportunity Act to guide service providers in meeting their obligations to act inclusively and avoid discrimination when delivering services to all people who are affected by family violence.

In 2017 we consulted with 55 stakeholder organisations, agencies and departments. We also spoke to the Victorian Government LGBTI Taskforce working groups on Justice and Family Violence, and the Family Violence Diverse Communities and Intersectionality Working Group at the Department of Premier and Cabinet to hear about common experiences of discrimination and what key messages should be included in the guidelines about working with diverse communities.

The guidelines focus on practical ways that organisations can meet their positive duty under the Equal Opportunity Act to prevent and eliminate discrimination. They include case studies, links to toolkits and resources to help service providers understand the law and what they can do to prevent discrimination.

The guidelines also focus on how to improve access to services for a range of communities, including Aboriginal or Torres Strait Islander people, older people, culturally and linguistically diverse people, people from different faith communities, people from LGBTI communities, people from regional and rural communities, people with disabilities, male victims, women in prisons and women working in the sex industry.

They are available online at humanrightscommission.vic.gov.au/guidelines.

Independent reviews

The Commission has significant experience in complex human rights and equal opportunity research, including conducting research into equity and diversity in workplace settings. We conduct this work under section 151 of the Equal Opportunity Act and section 41(c) of the Charter.

Conducting reviews into workplace equity and diversity requires considerable expertise and experience in discrimination, sexual harassment and victimisation laws, and complex human rights research. The Commission engages a multi-disciplinary Review team with extensive experience in human rights and equal opportunity law, policy and human rights research from various backgrounds across government, private and community sectors to undertake this work.

Experience tells us that these processes can be challenging but they often act as a catalyst for change that reaps significant benefits for individuals, organisations and the community. It is an opportunity to have an independent body hold up a mirror and reflect back the experiences and perspectives of the people who make up the organisation under review, with the additional benefit of a human rights and equal opportunity overlay to draw together these experiences.

The Commission undertakes these reviews on the request of an organisation or public authority, and can agree on the terms and conditions of the review with them as appropriate to their situation. Under both Acts, the compliance review function allows the Commission to determine compliance with the law and to work with organisations to help them understand their obligations, provide guidance and improve their policy and practice accordingly.

Any organisation or public authority wishing to undergo an Equal Opportunity Act and/or Charter review can contact the Commission via email at information@veohrc.vic.gov.au.

Photo: Copyright Victoria Police 2016. This image may only be used by express permission of Victoria Police.

Creating change in the emergency management sector

In 2016/17 the Commission has undertaken significant pieces of work with organisations in the emergency management sector that have recognised the need for change to increase their diversity. Around the world, organisational reviews have uncovered similar issues, and emergency services have responded by recognising that, in order to prioritise both safety and respect, services need to create more equitable and inclusive workplaces.

Independent Review into sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police

In 2015 Victoria Police approached the Commission to undertake an independent review to examine sex discrimination and sexual harassment, including predatory behaviour, in Victoria Police, as well as the impact the workplace culture of Victoria Police has on women.

During the review, the Commission spoke with hundreds of police employees as well as senior Victoria Police personnel across all areas. We made 20 recommendations, all of which were accepted by Victoria Police. We are now working with the organisation to implement these recommendations.

The advances made by Victoria Police have been numerous. The organisation has set up internal advisory boards and created Safe Space (an external independent support service). It has started baseline reporting against a number of gender equity measures. There have been legislative changes to protect victims through the employment appeals process.

In 2017 Victoria Police announced a 50:50 gender recruitment policy and 200-plus member workforce to be a floating parental leave backfill force to provide support for flexible working arrangements and light duties.

In September 2016, the Commission and Victoria Police reached agreement for the Commission to engage in a continuous disclosure model for the remaining period of the three-year action plan.

Under a continuous disclosure model, the Commission has agreed to monitor Victoria

Male Champions of Change Program for Emergency Services

In April 2017, Commissioner Kristen Hilton commenced facilitating a new Male Champions of Change group comprising 33 Fire and Emergency Services Commissioners across all states and territories. All members are current members of the Australasian Fire and Emergency Service in Australia and New Zealand. This includes women leaders who will join the group as special advisers.

The group is an initiative of the Male Champions of Change Centre and the Male Champions of Change strategy, convened by Former Federal Sex Discrimination Commissioner, Elizabeth Broderick. The centre works with influential leaders to redefine men's role in taking action on gender equality. It activates peer groups of influential male leaders, supports them to step up beside women, and drives the adoption of actions across private sector and government.

Police's progress in implementing the recommendations of the Review in order to support sustained change across the agency.

In 2016/17, the Commission commenced work on the first of the two public audits. This audit will focus on progress made against the recommendations in the first 18 months following the first phase review and will be published in September 2017. This will provide a detailed picture of the implementation work done by Victoria Police to date and provide further guidance on ensuring that the intent of the recommendations is realised.



The role of storytelling

Systemic discrimination can sometimes be a complex topic to describe to people. But, while it can be hard to explain, when you hear the stories of those directly affected it is hard to deny its harm. For that reason, the Commission values the importance of storytelling to understand the issues at the root of systemic problems, as well as a way to explore effective avenues to remedy these issues.

The success of our work over the past two years with Victoria Police has been at least in part because of the stories we were told and able to report in our Phase 1 Review. Following the release of the review, the Commission has heard of the important role of the case studies and quotes – not only on a personal level for those who told their stories, but on a systemic level – as a catalyst for shifting attitudes. A number of senior personnel have spoken of how it was these stories that left a lasting impression on them, and fuelled their commitment to effect cultural change. Some of the participants who confidentially told their stories through the review process have spoken about the importance of having their voices heard and seeing the meaningful change that came from their participation.

Ethical storytelling involves ensuring the person who tells their story remains in control of how their story is used. For all phases of the Independent Review, the Commission is required to obtain ethics approval from the Department of Justice and Regulation Ethics Committee. When the Commission carries out an interview, it provides the participant with clear information about how the information will be recorded, used and stored. Participants are able to withdraw at any time in the process, and are given the opportunity to review the notes in full and make any changes. If direct quotes are used, the Commission checks with the person to ensure the person feels comfortable and that the quote will not identify them.



Photos courtesy of MFB and CFA

Independent Equity and Diversity Review into CFA and MFB

In July 2015, the Victorian Government commissioned David O’Byrne to lead the Fire Services Review and make recommendations concerning the resourcing, operations, management and culture of Victoria’s Metropolitan Fire Brigade (MFB) and Country Fire Authority (CFA).

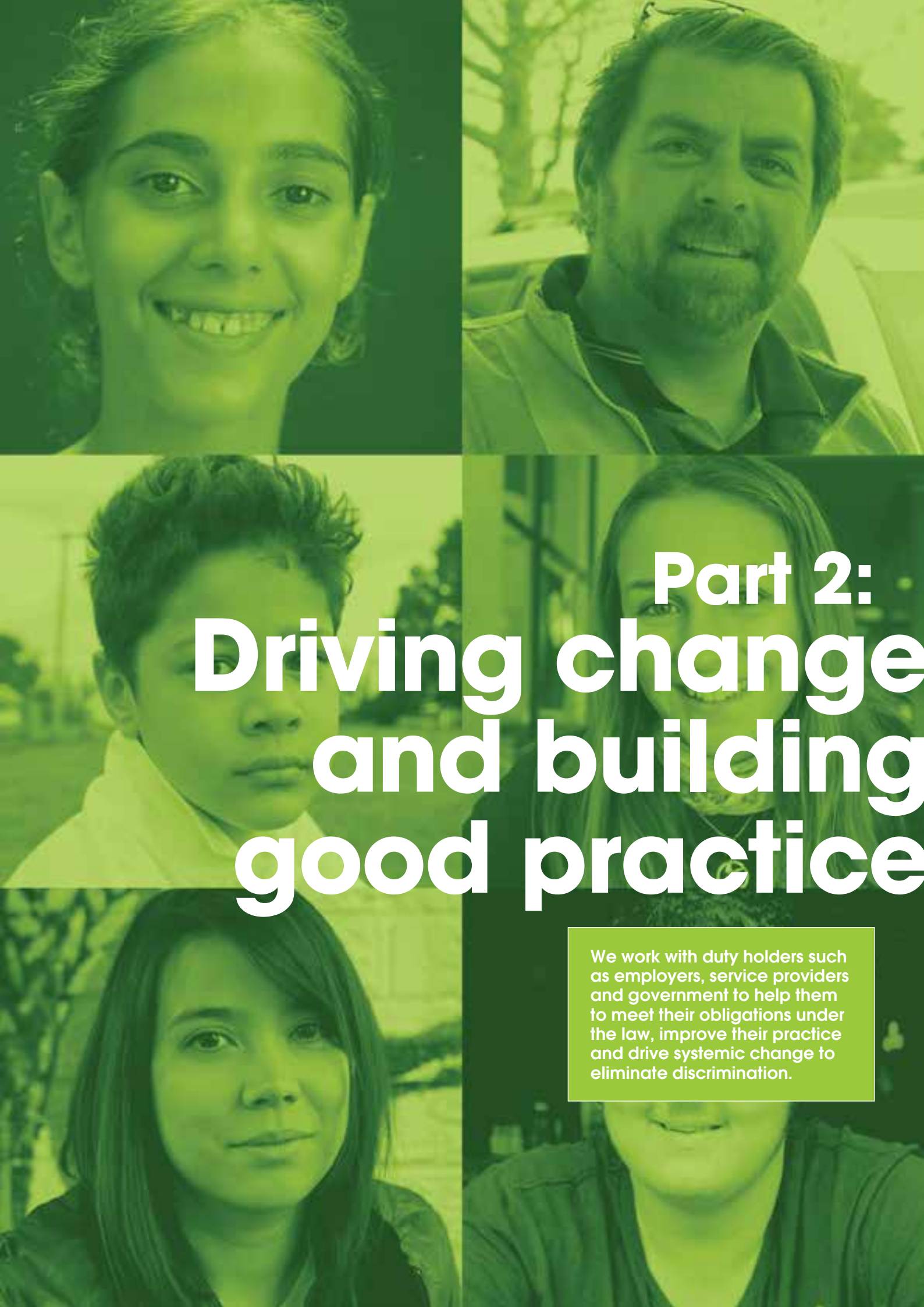
In response to the Fire Services Review report, the government advised that the Commission would undertake an Independent Review to examine discrimination, including bullying, and sexual harassment in CFA and MFB.

The Commission is currently undertaking this review and the findings will inform specific recommendations for each organisation that take into account the different experiences of employees and volunteers. The recommendations will also take into account the type of work that people do and function they perform within each organisation.

The review has involved a team of experts working over the course of over a year to research equity and diversity within the CFA and MFB. The Commission sought multiple sources of information to establish a robust base from which to draw findings.

The review team has heard from employees (including those who left after 2010) from both agencies through written submissions, a survey, site visits, confidential interviews and expert interviews. The review will also draw on workforce data and comprehensive research into all aspects of both agencies, the governing legislation and will look at other fire services across the country and internationally.

We aim to publicly report on the findings in 2017 and work with both organisations to implement any recommendations.



Part 2: Driving change and building good practice

We work with duty holders such as employers, service providers and government to help them to meet their obligations under the law, improve their practice and drive systemic change to eliminate discrimination.

Education and Engagement

The Education and Engagement branch delivers the Commission's human rights and equal opportunity education and training through open enrolment programs, tailored workshops and organisational consultancy. We work extensively with community, corporate and government stakeholders to develop practical approaches to human rights and equal opportunity best practice.

In 2016/17 the Commission delivered 376 education and training sessions to 5267 participants. This included 20 registered sessions, and more than 350 tailored sessions and speaking engagements delivered to a range of organisations including private sector (15 per cent), government (75 per cent) and community (10 per cent).

More information, including online resources and a link to the training calendar, can be found at humanrightscommission.vic.gov.au/training, or to join our mailing list for calendar and training updates please call us on (03) 9032 3415 or email education@veohrc.vic.gov.au.



376

In 2016/17 the Commission delivered 376 education and training sessions to 5267 participants.

5267

Embedding a human rights culture

In July 2016, the Attorney-General announced the Victorian Government's response to the Eight-Year Review of the Charter, which included funding for the Commission and Department of Justice and Regulation's Human Rights Unit to develop human rights resources and deliver education across the public sector and "further embed and improve the human rights culture in Victoria".

In 2017, the Commission and the Department of Justice and Regulation's Human Rights Unit consulted with a range of departments to determine human rights awareness and capability and delivered tailored education initiatives. Through the Human Rights Culture Project we continue to partner with key departments to build further capacity and engagement with the Charter.

We are progressing further initiatives, including:

- developing customised tools and resources
- conducting capacity building workshops
- building human rights practice into governance, strategy and professional development
- building a strong and engaged human rights network across the Victorian Public Sector.

Organisational Design

Through our project work with organisations, we facilitate behaviour shifts and changes in practice to improve human rights and equal opportunity outcomes. This approach incorporates whole-of-organisation or systems-based approaches through planned, systemic, long-range efforts that concentrate on developing and embedding diverse and inclusive organisational processes and culture.

We have conducted organisational reviews with local councils and public authorities as the first step to developing meaningful and customised diversity and inclusion strategies. Consistent with our proactive measures under the *Equal Opportunity Act 2010*, we will support implementation of action plans that will enable these organisations to achieve their full potential as inclusive workplaces that reflect the communities they serve.

Working with government organisations

The Commission continues to lead Victoria in the provision of human rights and equal opportunity education and training, both to duty holders and rights holders in numerous settings.

This year we worked with state government departments providing public housing, youth justice, policing, identity and relationship registration and key complaints handling bodies. We have worked with a range of local governments, from councillors to local laws officers. We provided regular induction programs, introduction and refresher sessions and leadership workshops for senior leaders in council.

Victorian Public Sector Human Rights Network

The Victorian Public Sector (VPS) Human Rights Network aims to provide information, ideas and networking opportunities to public sector employees who are interested in applying human rights in their work. Membership is targeted at public sector workers with an interest in human rights – state government, statutory agencies, local government – or other organisations delivering public services that have obligations under the Charter. The VPS Human Rights Network currently has more than 500 members. The Commission distributes a regular VPS Human Rights Network update by email to members and we are working to increase membership.

In 2017, the Commission commenced work on development of an online hub for the network to facilitate:

- ease of access to human rights resources
- participation in moderated discussion forums
- the sharing and uploading of resources and relevant local stories
- receipt of information on upcoming events
- access and usage of the relevant online education modules.



Above: Former President of the Australian Human Rights Commission Gillian Triggs in conversation with Commissioner Kristen Hilton.

Online education resources

The Commission recognises that greater human rights education is a way to build a human rights culture within the Victorian public service, and so enhance the effectiveness of Victoria's Charter of Human Rights and Responsibilities.

To deliver education on the Charter to the largest possible audience across the public service, we are developing tailored online education modules for:

- frontline service delivery staff
- managers and team leaders of frontline service delivery staff
- policy and legal staff.

We are also developing an 'Introduction to the Charter' module for all other public service staff.

Consultation and partnerships

Disability Reference Group

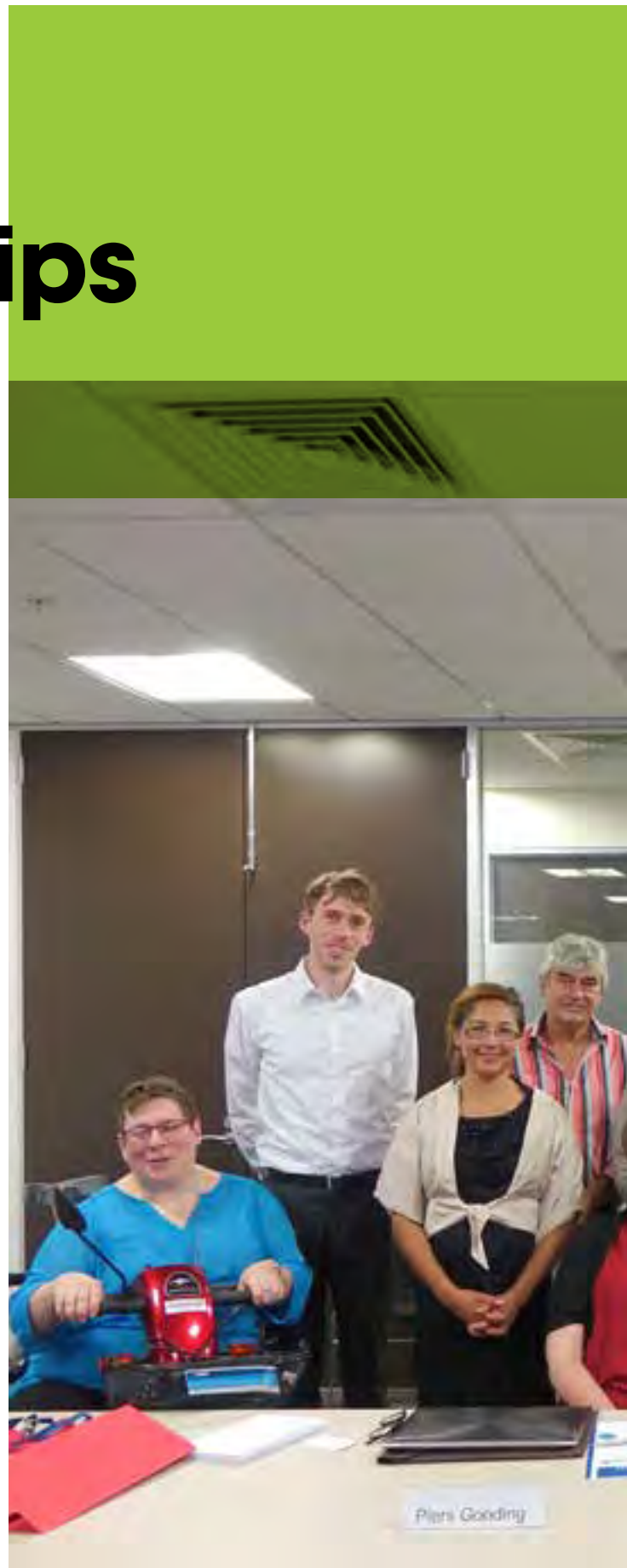
The Disability Reference Group (DRG) was established so the Commission could hear directly from people with disabilities about systemic discrimination and human rights issues that impact upon people with disabilities. The group includes people representing a wide variety of experience in the sector, including people with direct experience of disabilities, family and carers of people with disabilities, service providers and advocates.

Members of the DRG are appointed for terms of two years, and in 2016 we thanked the outgoing group for their invaluable contributions and welcomed a new group for the 2016–18 term.

The DRG has identified that significant human rights issues impacting on people with disabilities are raised in areas of: employment, the criminal justice system (closed environments), the National Disability Insurance Scheme (NDIS) and public transport. The DRG will work with the Commission to address systemic discrimination and to promote positive change in areas that are consistent with the Commission's strategic priorities.

Back row (L-R): Piers Gooding, Policy and Projects Officer Liesl Oliver-Burger, Paul Gianni, Suzanne Lau-Gooley, Brent Phillips, Melissa Hale, Head of Policy and Research Chris Povey, Commissioner Kristen Hilton.

Front row (L-R): Natalie Tomas, Lauren Henley, Vince Pirrottina, Jax Jacki Brown, Jen Blyth.



Disability Reference Group members for 2016–18

John Baxter
Jen Blyth
Jax Jacki Brown
Melissa Hale
Paul Gianni
Piers Gooding

Frank Hall-Bentick
Lauren Henley
Suzanne Lau Gooley
Brent Phillips (co-chair)
Vince Pirrottina
Natalie Tomas



Consultation across government and community

The Commission participates in a range of consultative committees across government and community services.

There are a number of formal consultation mechanisms with key government departments and agencies. These forums progress action on systemic issues as well as collaborating on guidance, education and complaint handling improvements.

Some of these government and community consultative committees include:

- Aboriginal Justice Forum
- Administrative Law and Human Rights Executive Committee of the Law Institute of Victoria
- Australian Council of Human Rights Agencies
- Department of Education and Training and Victorian Equal Opportunity and Human Rights Commission Consultative Committee
- Disability Law Committee of the Law Institute of Victoria
- Electoral Access Advisory Group, Victorian Electoral Commission
- Equal Workplaces Advisory Council
- Federation of Community Legal Centres, Human Rights Working Group
- Independent Agencies of Older Australians
- Migrant Workers Campaign Steering Group
- Ministerial Taskforce on the prevention of family violence and other forms of violence against women
- Play by the Rules – a partnership with the Australian Sports Commission and other human rights commissions providing free online resources, training programs and campaigns promoting fair, safe and inclusive sport
- Public Transport Victoria and Victorian Equal Opportunity and Human Rights Commission Consultative Committee
- VicHealth Health Equity Taskforce
- VicHealth Leading Thinkers Taskforce
- Victoria Police Human Rights Strategic Advisory Committee
- Victoria Police Portfolio Reference Groups (LGBTI, Disability, Seniors)



Part 3: Making human rights real



We reach a wide audience of Victorians who may have had little or no engagement with human rights and equal opportunity by leading community conversations and empowering all Victorians to act.

Engaging with the community

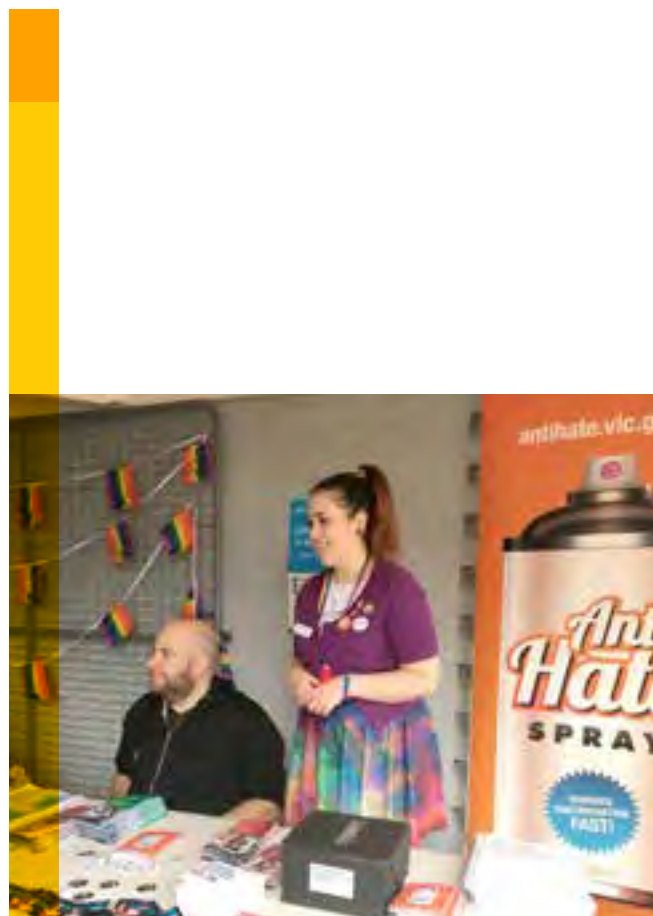
Public events

A community that values, understands and respects human rights and equal opportunity is a community that is diverse, vibrant and engaged, and represents so much of what the Commission works towards.

Community events are opportunities to express and celebrate what can make Victoria such a unique and wonderful place to live, and they are also opportunities to strengthen relationships and build an even more inclusive society.

The Commission is proud to take part in a wide range of public events to educate and raise awareness about people's rights and explain how we can all play a part in creating a fairer society.

The following pages show a small sample of public events the Commission has used to listen to people's stories and concerns, forge working relationships, and also to offer information about our services and our expertise on issues surrounding human rights and equal opportunity.





Above: Cultural diversity consultant Maria Dimopoulos, chair of the Victorian Multicultural Commission Helen Kapalos and Commissioner Kristen Hilton at a multicultural engagement session run by the Commission.

Multicultural engagement

In Victoria we come from many different backgrounds, follow many different religions and speak more languages than there are countries in the world. This diversity is what makes our society so vibrant and progressive and the Commission is working to ensure every Victorian is valued and respected for who they are and afforded the same rights as each other. We celebrate this diversity at Victoria's Multicultural Festival at Federation Square each March and engage with people from across Victoria. We are also proud supporters of the Victorian Government's Multicultural Policy Statement and the initiative Recruit Smarter, which aims to target unconscious bias in recruitment processes.

We are currently working with multicultural communities to help us focus our resources in the most effective way. We know that racism is experienced disproportionately by particular communities in Victoria and we know that the harms of racism are significant.

Every day at the Commission we hear about the effects of racial discrimination. Experiences of racism can undermine an individual's sense of self-worth, leave them feeling vulnerable and isolated, and affect their physical and mental health.

We hear from people vilified because of their faith or the colour of their skin on public transport, in the media and online. We hear from people excluded from jobs or rental

properties, or denied service in a shop. However, we receive a comparatively low number of complaints about racial or religious discrimination. For many people from a non-Anglo background it is part of the fabric of everyday life. We are working with multicultural communities to change that through the development of a Multicultural Engagement Plan and a strategy to reduce racism.

The development of the plan is required to ensure that complaints and enquiries to the Commission reflect the realities of racism and discrimination in the community and to achieve outcomes for both the individuals and communities affected, as well as broader prevention aims. The plan will include an intersectional focus which recognises that there is diversity within diversity.

In partnership with the Victorian Multicultural Commission, we aim to gain a better understanding about the experiences of women, LGBTI communities, young people, older people, people with disabilities and mental health issues and people in rural and regional areas within multicultural communities. We value our strong connections with many communities across Victoria and thank them for their time and commitment to working together to address behaviours that must change.

Working with the LGBTI community

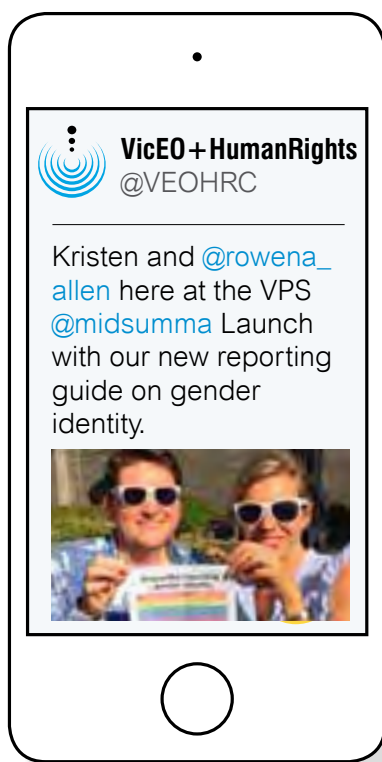
“Misgendering has affected me for days or weeks, because it makes you second guess how you represent yourself. It’s never nice.”

– Rory Blundell, Minus 18

The Commission has many connections and valued relationships with stakeholders and community members working to address rights and equality for LGBTI people. As well as the work behind the scenes that we are engaged in, each year we join thousands of Victorians to celebrate Midsumma Festival and the Pride March. It is a highlight on our calendar and 2017 was no exception. We hosted a stall at Carnival Day and engaged with people from around Victoria who turned out to celebrate the strength and diversity of lesbian, gay, bisexual, trans and intersex communities.

This year the Commission developed a gender identity reporting guide to help journalists when reporting on transgender issues. Getting the language right is respectful and easy to achieve. Despite great advances in recent years, misgendering still occurs in the media and can be particularly harmful to trans people. The guide can be found at humanrightscommission.vic.gov.au/respectfulreporting.

We also joined forces with the Victorian Public Service Pride Network for Pride March, a spectacular act of solidarity in a world where many go without rights, dignity and visibility. Marching down Fitzroy Street in St Kilda, it was fantastic to see so many people turn out to cheer and show their support for the Commission’s work.







Human Rights Oration

The best four words you can say to someone with disabilities who is seeking employment are ‘You start on Monday’.

– Dr Graeme Innes AM

The Human Rights Oration is an annual event to encourage discussion about human rights issues and acknowledge International Human Rights Day.

Former federal Disability Discrimination Commissioner Dr Graeme Innes AM delivered the keynote address in 2016 on the topic of employment for people with disabilities, issuing a challenge to all people present to provide more opportunities in their workplaces.

He noted that: “the right to work has been acknowledged internationally since at least 1944. As part of a recommendation on employment during the global transition from war to peace, the International Labor Organisation (ILO) stated that disabled workers, ‘whatever the origin of their disability, should be provided with

full opportunities for rehabilitation, specialized vocational guidance, training and retraining, and employment on useful work”.

However, despite this and other international conventions, including the 2006 UN *Convention on the Rights of Persons with Disabilities*, many people with disabilities still face large and systemic hurdles while trying to find work.

The address was followed by a panel discussion, with valuable insight from Maryanne Diamond, the General Manager of Media, Communications and Engagement at the National Disability Insurance Agency; musician Neill Duncan of Single Hand Studios; and Juliet Bourke, Lead Partner for Diversity, Inclusion and Leadership at Deloitte Australia. Commissioner Kristen Hilton moderated the discussion.

Full video of the event, audio streaming and a transcript of the keynote address can be found on the Commission’s website at humanrightcommission.vic.gov.au/oration.



Above: Commissioner Kristen Hilton introduces the panel discussion with (L-R) Neill Duncan, Juliet Bourke, Maryanne Diamond and Dr Graeme Innes AM.



Human rights in a changing world

As well as the Human Rights Oration each year, the Commission takes part in a range of events with the broader community to acknowledge International Human Rights Day. In 2016, Commissioner Kristen Hilton delivered a speech to a whole-of-Victoria-Government audience on the topic 'Human rights in a changing world'. The speech explored how the changing political landscape has brought a sharp focus to the importance of valuing human rights.

Each year Human Rights Day is celebrated on 10 December. It's a day to remind people that human rights are not just a concept but a living, breathing part of our society – and something that relates to all of us by virtue of the fact we are all human. Even in the face of significant world events, change is felt most acutely when it is personal. And this is true of human rights, too.

They mean most when they are personal, when they are close, when we can see the individual impact that a decision or action has.

Part of what I want to share today is how we need to get better at making human rights resonate not just in this room but in sports clubs in Shepparton, in hospitals in Bendigo, in schools in Morwell, in prisons in Barwon, in workplaces across the state. This is not just the role of the Commission. I believe it is part of your job, as policy influencers, decision makers, educators – employers."

– Kristen Hilton, Victorian Equal Opportunity and Human Rights Commissioner

Full text of the speech can be accessed at [linkedin.com/pulse/human-rights-changing-world-kristen-hilton](https://www.linkedin.com/pulse/human-rights-changing-world-kristen-hilton).



What matters to regional areas



As part of the Commission's strategic planning process in early 2017 we visited regional areas across Victoria to find out how we can help and remind people that discrimination is against the law and we can all work to address it.

Service providers, police, community organisations and local councils joined us for a series of forums to hear about the priorities and to help guide us in our work. Among other issues, we heard about discrimination in housing, real estate, employment and because people are LGBTI or have a disability. We thank everyone who came and spoke to us and for their insights into how the Commission can better serve regional areas of Victoria.

The Commission also visited many different areas across the state to hear people's stories to help inform our ongoing work with Victoria Police, as well as in the Independent Equity and Diversity Review into Fire Services. We have found this to be an incredibly valuable foundation for our work, and we are grateful to all who have offered to tell their stories so that we may work towards eliminating discrimination.




From top to bottom: Commissioner Kristen Hilton addresses a Rotary conference in Shepparton; a strategic planning consultation with members of the Shepparton community; participants from the Morwell community consultation.

If you've been
treated unfairly
because of



We've got
your back



It's free
It's simple. It works.



**If you have a question about discrimination, we can help.
Call 1300 292 153 or email enquiries@veohrc.vic.gov.au**

Connecting

Media

Over the past year, we have continued to harness the media as a powerful platform to achieve our mission of eliminating discrimination and building a community that respects and promotes human rights and equal opportunity throughout Victoria.

Our contact with the media allows us to amplify our work, ensuring that our campaigns, reports, reviews and interventions reach many more people in communities throughout Victoria. It also allows us to contribute to and change the public discourse on human rights, discrimination and equal opportunity.

Our media releases and public commentary are available on our website at humanrightscommission.vic.gov.au.

“Schools are extensions of our society. They should be proud to promote their diversity and celebrate the many cultures that make up our society.”

– Kristen Hilton,
The Guardian,
31 March 2017

Public comment: School uniforms

The Commission regularly provides comments to the media, allowing us to promote and protect human rights and equal opportunity on a large scale, positively shift the public debate and build the profile of the Commission, further cementing the Commission as the leading authority on these issues in Victoria and the place for people to come for help and support.

In March 2017 there was significant media attention around school uniform policies that failed to respect their students’ cultural diversity. Namely, two female high school students of South Sudanese descent were asked by their school to remove their braids.

The school justified that this was a blanket policy applied to all students, however Commissioner Kristen Hilton argued this policy was not getting the balance right and could amount to discrimination, saying to the media: “While Victorian law allows schools and educational authorities to set reasonable standards of dress, schools must balance this with their obligations not to discriminate on the basis of race or physical features. Schools are extensions of our society. They should be proud to promote their diversity and celebrate the many cultures that make up our society.”

After such issues were brought to the school’s attention, the headmaster reversed the ban and allowed the students to keep their braids, while the public conversation continued on the need for all schools not to discriminate and instead respect and embrace their students’ diversity.

Social media

Like us. Follow us. Share us. We are tapping into the power of online conversations and value the engagement we can have with the community through social media. As it continues to grow its influence in people's lives, the Commission has worked to build our presence on different platforms and engage daily with our followers to participate in the conversations taking place. It is immediate and helps us play our part in the work being done to call out injustice and promote our presence as the experts in discrimination and human rights issues in Victoria.

International Transgender Day of Visibility (31 March 2017) is a good example of how we harnessed social media to share our messages, with positive engagement and comment.

We know hearing from someone with lived experience is the most powerful way of sharing messages – so we called on some experts to take part in some short videos sharing advice on the power of visibility and the ways people can access support. We asked five trans people “Why is being visible important?” These are some of the answers we got:

- Jordan Fenton (Victorian Equal Opportunity and Human Rights Commission) (She/her) “Being visible is important for a lot of reasons ... one of the key ones for me is that you can show ... you are not alone.”
- Aram Hosie (cohealth) (he/him) “If you see me and get to know me, it's much harder to tell me I shouldn't have the same rights and protections as you.”
- Sam Lilit (Y-gender) (they/them) “Being visible is the first step to showing people that being trans can include having a good life and doing great things and being fully ourselves.”
- Ti Butler (Radio presenter) (they/them) “Seeing that there are other trans and gender diverse people out there living happy, healthy lives shows that it is totally OK to be trans or gender diverse.”
- Brenda Appleton (Transgender Victoria) (She/her) “Being visible is about being out and proud and demonstrating that there is nothing to be fearful about the trans and gender diverse community.”

The videos can be found via the Commission's YouTube channel at youtube.com/user/VEOHRC.

We also supported a campaign to encourage Victorian businesses to put up trans flag stickers as a sign that trans and gender diverse people are welcome and that their business is a transphobia-free zone. (pictured below).

Follow us

We are growing fast – in the past year, our Facebook page increased to 6135, which is an increase of 55 per cent. Our Twitter followers grew to 4771 which is a 20 per cent increase from last year.

Find us at:

Facebook: facebook.com/veohrc
Twitter: [@veohrc](https://twitter.com/veohrc)
[@kristenahilton](https://twitter.com/kristenahilton)
YouTube youtube.com/veohrc
LinkedIn bit.ly/LI_veohrc





Aram Hosie (he/him)
cohealth



Brenda Appleton (she/her)
Transgender Victoria



Jordan Fenton (she/her)
Victorian Equal Opportunity
and Human Rights Commission



Ti Butler (they/them)
Radio presenter



Public complaints campaign - Don't put up with it

The Commission has a free Enquiry Line for people to call and ask questions about issues of discrimination. Each year we take thousands of calls and provide information on our laws.

In early 2017 we launched a campaign on social media to encourage people to call us and tell us about their experiences of discrimination. The slogans 'Discrimination. Don't Put Up With It' and "Call us. It's simple. It's free. It works." aim to empower people to understand when unfair treatment crosses the line into discrimination and how to do something about it.

The ads give real examples of discrimination – and resolution – and show how they fit into the definition under the Equal Opportunity Act.

**I DIDN'T PUT UP WITH IT
WHEN THE SHOPKEEPER
KICKED ME OUT, SAYING
'YOU PEOPLE ARE ALWAYS
CAUSING TROUBLE'.
NEITHER SHOULD YOU.**



**I DIDN'T PUT
UP WITH THE
RESTAURANT THAT
WOULDN'T LET MY
ASSISTANCE DOG IN.
NEITHER SHOULD YOU.**



**I DIDN'T PUT UP WITH
MY BOSS WHO
TRIED TO KISS ME
AFTER WORKING
LATE.
NEITHER SHOULD YOU.**



I didn't put up with:

- my boss who tried to kiss me after working late
- the bouncer who wouldn't let me in to the nightclub because of my race
- the teacher who wouldn't take my child on camp because of his disability
- the bus driver who didn't stop for me because I'm in a wheelchair
- my boss who said dads weren't serious about their career if they needed to pick up the kids
- the guy in the shop who told me to take off my hijab or go back to my own country
- the recruitment firm who told me no one wanted to employ people with names like mine
- my boss who said I couldn't apply for the manager's job because I was too gay
- the cafe that wouldn't hire me because I'm a middle-aged man
- my boss who fired me when I got pregnant
- the café that told me to get out because I was breastfeeding
- my boss who put me on night shift when I came back to work after maternity leave.

Human Rights Are ... #2

What are human rights? It can be a deceptively complex question, and that's why in 2016 we asked groups of students what they thought about human rights. Their answers are spot on – and take the complexity out of a simple concept.

Here's what some of the students had to say:

- 'Human rights is something everyone is entitled to.'
- 'Everyone deserves to be treated the same.'
- 'Everyone should be nice to each other.'
- 'Everyone should be equal.'
- 'Respect each other because we don't want each other to get hurt.'
- 'It means people can do what they feel like – as long as it's not anything bad.'
- 'Everyone has the freedom to believe in what they want to ... Santa, the Tooth Fairy ...'

The second video in this series was released in July 2016 and featured students from Fitzroy High School and Melbourne Girls' College. With nearly 10,000 views across Facebook and YouTube, the video served as a reminder of the value placed on human rights in our community, and a conversation starter for young people to think about what rights mean to them.



Informing

eNews

Our eNews speaks to people who are engaged and interested in human rights and equality. It's a fantastic opportunity to discuss and promote work being done by people throughout Victoria and Australia, as well as keeping subscribers abreast of our own news. We take submissions from other organisations and help promote the great work being done in communities focused on social justice, the legal sector and government departments and agencies.

To subscribe visit humanrightscommission.vic.gov.au/enews

Anti-Hate – spray back

There is no place for hate. It's a simple message that we continue to share every time we see discrimination playing out in our community.

Our Anti-Hate campaign calls for the community to report instances of racism and discrimination, and to empower people to stand up to such behaviour when they experience it.

This year we handed out materials at the Victorian Multicultural Festival, Pride March and Midsumma and the Commission still regularly supplies members of the public and organisations with Anti-Hate kits to help promote the initiative.

It's a popular resource and we love hearing how people stand up to the haters and stand side-by-side with people facing discrimination.

You can find it at antihate.vic.gov.au.



Anti-Hate
antihate.vic.gov.au

Online

The Commission's website, humanrightscommission.vic.gov.au, hosts information and tools to equip community members, employees, employers, government, business and service providers with the knowledge to advocate for rights, achieve compliance and develop good practice. In addition to an online toolkit, surveys and registrations for workshops and events, the site also provides versions of all Commission publications in accessible formats, including videos of information on discrimination in Auslan.

Total visits to the website in 2016/17 were 582,309, which was 22 per cent more than the previous year.

Come In, We're Accessible: improving accessibility in retail and hospitality

Everyone needs to access businesses, regardless of whether they have a disability or not, which is why we created the Come In, We're Accessible resource. It provides information to businesses – owners, landlords, managers and staff – on how they can improve accessibility to meet their obligations under the Equal Opportunity Act.

The resource also includes a self-assessment tool that enables businesses to find out how accessible they currently are, as well as a suite of fact sheets for staff and resources for customers with disabilities.

Throughout 2016/17 the Commission continued to meet with local councils and businesses across Melbourne to raise awareness about accessibility for people with disabilities.

The resource is available at accessiblebusiness.com.au.



Part 4: Advocating for our laws

The Commission advocates for human rights and equal opportunity by influencing the development and application of the law, reporting on compliance and engaging in government policy processes.

Influencing case law

The Commission's right to intervene


The Charter and the Equal Opportunity Act provide the Commission with a right to intervene in legal proceedings initiated by other parties.

Under the Charter, the Commission may intervene in any proceeding that involves the application of the Charter. The Victorian Attorney-General also has the power to intervene in proceedings that involve the application of the Charter.

Under the Equal Opportunity Act, the Commission may intervene in proceedings that involve issues of equal opportunity, discrimination, sexual harassment or victimisation, with the

permission of the Court or the Victorian Civil and Administrative Tribunal (VCAT). The Equal Opportunity Act requires applicants seeking exemption from the Act to give a copy of the application to the Commission.

The purpose of the Commission's power to intervene is to be an independent advocate in relation to the interpretation and application of the Charter and the Equal Opportunity Act. In its interventions, the Commission aims to promote the protection of human rights and eliminate discrimination, sexual harassment and victimisation to the greatest possible extent.



“While Victorian law allows schools and educational authorities to set reasonable standards of dress, schools must balance this with their obligations under law not to discriminate on the basis of race or physical features.”

– Kristen Hilton,
The Age, 2 April 2017

The Charter and youth justice

Throughout 2016 and 2017 the Commission intervened in several cases relating to youth justice to ensure the rights of children, as protected under the Charter, were considered when decisions were made about their incarceration.

In 2016, a riot caused serious property damage and loss of 60 beds at Melbourne Youth Justice Centre in Parkville, placing significant strain on the youth justice system. In response, and through Orders in Council, the Government established the Grevillea Unit at Barwon Prison as both a remand centre and youth justice centre for use as emergency accommodation and transferred young people to the unit.

In December 2016 the Supreme Court found that the Victorian Government failed to give proper consideration to children's human rights when making the decision to establish the Grevillea unit at Barwon Prison and transfer young people there after damage to the Parkville Youth Justice Centre.

The Supreme Court found in May 2017 that the Victorian Government acted unlawfully under the Charter in the *Certain Children v Minister for Families and Children (No.2)* [2017] VSC 251 case. The Commission intervened in this case to ensure that the children's human rights were considered and protected in the transfer of young people to an adult prison facility.

The Government appealed against the Supreme Court, but this was dismissed by the Court of Appeal, which ordered that the Government remove the children from Barwon and place them in a remand centre or youth justice centre lawfully established under the *Children Youth and Families Act 2005*.

The court found that holding children in a maximum security adult prison, subjecting them to long periods of isolation in adult cells, and failing to consider how this environment heightens their risk of mental health problems is not compatible with our human rights laws.



This is the first time that the Charter has been enforced in this way and sets a strong precedent. It shows that the Charter is a powerful mechanism to ensure Victoria's youth justice framework is underpinned by human rights principles and protects children's best interests.

This is a significant remedial outcome upholding Charter rights, and demonstrates the capacity under the Charter to realise and give effect to human rights in practice for Victorians. The Commission intervened in this case to ensure the Court knew what tests to apply when determining whether the Government had acted compatibly with the Charter.

The Commission's role in intervening is also strengthened by this outcome.

The limitations on the human rights imposed on the detainees was not demonstrably justified in a substantive sense as reasonable in a free and democratic society based on human dignity, equality and freedom.”

– Justice Dixon



Key legal interventions

Charter and Equal Opportunity Act

Gembrook Views Estate Pty Ltd v Cardinia City Council (VCAT, Environment and Planning List)

This case involved a developer who sought declarations from the Victorian Civil and Administrative Tribunal (VCAT) that agreements it had made with a council and a planning permit, each restricting ownership and/or occupation of land in Gembrook to people over 55 years of age, amounted to age discrimination under sections 50 and 52 of the Equal Opportunity Act.

The council argued that the conduct was a special measure or was not discriminatory, and that making the declarations sought was outside VCAT's jurisdiction.

This was the first time VCAT's Planning and Environment List had considered the Equal Opportunity Act so the Commission intervened to make submissions regarding definitions of discrimination, the interpretation of sections 50 and 52 of the Equal Opportunity Act, the proper approach to special measures, and the potential for other exceptions to apply to the conduct.

VCAT handed down its decision on 4 May 2017, dismissing the application, holding that there was no jurisdiction to decide the matters raised under the Equal Opportunity Act when this matter was being heard in the Planning and Environment list VCAT.

VCAT did not make findings regarding whether there was a breach of the Equal Opportunity Act but made some interesting observations about the intersection between the planning scheme and the Equal Opportunity Act.

Berry Street Victoria (VCAT, Human Rights List)

This was an exemption application by Berry Street to employ only women in their family violence services. The Commission intervened and filed submissions on 28 February 2017 about the meaning of “women only services”, to clarify whether it included transgender women. The Commission’s submissions sought that VCAT, in granting an exemption, be clear about the type of discrimination being exempted, for example, discrimination on the basis of sex and/or gender identity, if that was relevant. The Commission also made submissions that employing women only front line women’s family violence services is likely to be covered by an exception (section 26 – employment for special needs/welfare services).

VCAT’s orders were made on 6 April 2017 striking the application out on the basis that the section 26 exception applied and no exemption was necessary. VCAT did make clear it was referring to both sex and gender identity in its orders.

Bowls Victoria, Albert Park Bowls Club Inc (VCAT, Human Rights List)

This matter involved an exemption under the Equal Opportunity Act made by Bowls Victoria to allow it to conduct single-sex lawn bowls competitions.

Section 71 of the Equal Opportunity Act provides that a person must not discriminate against another person by excluding the other person from participation in a sporting activity.

The Commission filed written submissions regarding the exception at section 72 (1B) permitting single-sex competitive sporting activities where the exclusion or restriction is intended to facilitate participation by people of a particular sex, and it is reasonable to do so having regard to certain specified factors. The applicants withdrew their application on 13 October 2016 and the matter did not proceed. The Commission is working with Bowls Victoria to develop and disseminate an addendum to our resource on single-sex bowls competitions, to provide guidance to clubs on the operation of the exceptions for single-sex competitions.

Earl Baker (a pseudonym) v DPP (2017) VSCA 58(Court of Appeal)

The Victorian Supreme Court of Appeal handed down its decision in an appeal of criminal proceedings where the accused was alleged to have had sex with the complainant when he was 17 and she was 14. After the accused turned 18, the complainant went to the police and charges were subsequently laid after the accused turned 19 years old.

Baker sought a permanent stay of charges in the County Court, arguing that the delay between offending and when charges were laid meant that he lost the chance for the matter to be heard in the Children’s Court. The County Court dismissed the application. Baker appealed to the Court of Appeal. Arguments made relating to the Charter included that, in failing to commence proceedings against the applicant before he turned 19, Victoria Police acted incompatibly with the applicant’s right to protection in the best interests of the child, pursuant to Charter section 17(2) in breach of Charter section 38(1).

Further, in failing to take into account the applicant’s right to protection under section 17(2) in determining the priority given to the completion of the investigation, Victoria Police breached its obligations under Charter section 38(1) to give proper consideration to the applicant’s right to protection.

The Commission made submissions regarding the scope of the right of a child to the protection of their best interests under section 17(2) and the right to be charged without delay under section 25(2)(c). On 22 March 2017, the Court of Appeal dismissed the appeal, finding that the Director of Public Prosecutions (as the relevant public authority) did not breach the Charter. It ordered the proceeding in the County Court be expedited for Baker to remain eligible for detention in a youth justice centre in the event the County Court made a confinement order.



Charter interventions

A party to a proceeding in the Supreme Court or County Court must give notice to the Attorney-General and the Commission where the Charter is an issue in the proceedings. The Attorney-General and the Commission have the right to intervene in any court cases in Victoria that raise Charter issues.

Through its interventions, the Commission aims to contribute to building a body of case law that clarifies the Charter's operation, the meaning of the rights in the Charter, and when limitations on rights can be justified.

| Year | 08/09 | 09/10 | 10/11 | 11/12 | 12/13 | 13/14 | 14/15 | 15/16 | 16/17 |
|---------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Notifications | 49 | 44 | 55 | 31 | 30 | 17 | 25 | 26 | 29 |
| Interventions | 5 | 7 | 9 | 5 | 6 | 5 | 3 | 4 | 5 |

Charter Report 2015

Our annual Charter Report brings the Charter to life and illustrates how making decisions with a human rights lens can change people's lives. It presents a great opportunity to reflect on the ways this unique piece of legislation impacts the Victorian community.

The Commission's *2015 report on the Charter of Human Rights and Responsibilities* was tabled in Parliament on 11 October 2016 and identifies a critical need for greater investment in human rights education and the development of a stronger human rights culture across government.

The report incorporates information received from consultations with state government departments and agencies, local governments, community organisations and courts and tribunals. It focuses on the protection and promotion of four fundamental rights under the Charter: the right to equality, the right to protection of families and children, cultural rights and the right to liberty and security.

The report highlights some compelling examples of human rights leadership, particularly in advancing gender equality, including: Victoria Police commissioning an independent review into sex discrimination and sexual harassment; the Department of Environment, Land, Water and Planning's commitment to flexible work practices; the establishment of a Gender and Sexuality Commissioner and LGBTI taskforce.

While human rights belong to all Victorians, they are particularly important to the most vulnerable people in our community. And the report shows that protecting human rights not only leads to better outcomes for individuals, it strengthens the Victorian community for everyone.



Submissions

The Commission has a role in commenting on proposed amendments to and the development of law and policy to ensure the principles of equality and human rights are prioritised. In 2016/17 the Commission made submissions to the following inquiries, reviews and committees:

- Submission to the Department of Justice and Regulation's Review of Equality and Fairness in Jury Selection – July 2016
- Submission to the Inquiry into Ride Sourcing Services – August 2016
- Submission to the Inquiry into Freedom of Speech – December 2016
- Submission to Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill – January 2017
- Submission to the Education and Training Reform Regulations 2017 – March 2017
- Submission on the Victoria Police Restorative Engagement and Redress Scheme – May 2017
- Submission on the Human Rights Certificate in relation to Regulation 25 of the Education and Training Reform Regulations 2017 – May 2017
- Submission to the Review of the Defined Benefits Scheme
- Submission on the Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017 – June 2017



Appendix Complaints data



Complaints under the Equal Opportunity Act and Racial and Religious Tolerance Act by area and attribute for 2014/15, 2015/16, 2016/17

| Attribute | Area | | | | | | | | | | | |
|------------------------------------|------------|------------|------------|----------|----------|----------|-----------|------------|------------|-------------|-------------|-------------|
| | Accomm | | | Clubs | | | Education | | | Employment | | |
| | 14/15 | 15/16 | 16/17 | 14/15 | 15/16 | 16/17 | 14/15 | 15/16 | 16/17 | 14/15 | 15/16 | 16/17 |
| Age | 15 | 7 | 4 | | | 2 | 2 | 4 | 2 | 90 | 83 | 82 |
| Authorising and assisting | | | | | | | | | 4 | | | |
| Breastfeeding | | | | | | | | 3 | | 1 | 5 | 3 |
| Carer status | 7 | 12 | 7 | | 1 | | 5 | 3 | | 99 | 62 | 76 |
| Disability | 79 | 38 | 69 | 1 | 2 | 2 | 53 | 47 | 68 | 355 | 258 | 289 |
| Discriminatory information request | | | | | | | | | | | | |
| Employment activity | | | | | | | | | | 188 | 114 | 102 |
| Expunged homosexual Conviction | | | | | | | | | | | | |
| Gender identity | 1 | 1 | | | | | | 2 | | 9 | 1 | 10 |
| Industrial activity | | | | | | | | | | 20 | 17 | 16 |
| Lawful sexual activity | 2 | | | | | | | | | 3 | 1 | 11 |
| Marital status | 4 | 6 | 2 | | | | 1 | | | 21 | 10 | 10 |
| Parental status | 4 | 11 | 4 | | 1 | | 5 | 4 | 3 | 93 | 66 | 60 |
| Personal association | 5 | 4 | 15 | | | 1 | 3 | 1 | 1 | 23 | 9 | 7 |
| Physical features | 7 | | | | | | 3 | 11 | 2 | 100 | 62 | 31 |
| Political belief or activity | | | | | | | | | | 2 | 3 | 2 |
| Pregnancy | 1 | | 1 | | | | 1 | 3 | | 35 | 33 | 38 |
| Race | 18 | 16 | 4 | | | 1 | 15 | 20 | 12 | 174 | 100 | 56 |
| Racial vilification | | | | | | | | | | | | |
| Religious belief or activity | 3 | 1 | | | | | 5 | 16 | 4 | 39 | 22 | 22 |
| Religious vilification | | | | | | | | | | | | |
| Sex | 2 | 7 | 4 | | | | 4 | 8 | 5 | 184 | 130 | 121 |
| Sexual harassment | 1 | 3 | 1 | | | | 1 | 1 | 3 | 170 | 138 | 116 |
| Sexual orientation | 3 | 1 | | | | | 1 | 3 | | 61 | 25 | 22 |
| Victimisation | | | | | | | | | | | | |
| Total | 152 | 107 | 111 | 1 | 4 | 6 | 99 | 126 | 104 | 1667 | 1139 | 1074 |

* Complaints that relate to any provision of the Act(s) that do not require an area of public life to be claimed. That is, prohibited conduct that can occur in any context.

| Area | | | | | | | | | | | | Total | | |
|----------------|------------|------------|-------------|----------|----------|-------------------|------------|------------|-----------|----------|-----------|-------------|-------------|-------------|
| Goods/Services | | | Local Gov't | | | No area required* | | | Sport | | | 14/15 | 15/16 | 16/17 |
| 14/15 | 15/16 | 16/17 | 14/15 | 15/16 | 16/17 | 14/15 | 15/16 | 16/17 | 14/15 | 15/16 | 16/17 | 14/15 | 15/16 | 16/17 |
| 36 | 29 | 37 | | | | | | | 2 | | 4 | 145 | 123 | 131 |
| | | | | | | 33 | 22 | 14 | | | | 33 | 22 | 18 |
| | | 7 | | | | | | | | | | 1 | 8 | 10 |
| 12 | 15 | 23 | | | | | | | | 1 | | 123 | 94 | 106 |
| 262 | 197 | 163 | | | | | | | 2 | 2 | 5 | 752 | 544 | 596 |
| | | | | | | 12 | 5 | 5 | | | | 12 | 5 | 5 |
| | | | | | | | | | | | | 188 | 114 | 102 |
| | | | | | | | | | | | | | | |
| 5 | 6 | 7 | | | | | | | | | | 15 | 10 | 17 |
| | | | | | | | | | | | | 20 | 17 | 16 |
| 1 | 5 | 3 | | | | | | | | | | 6 | 6 | 14 |
| 5 | 8 | 5 | | | | | | | | | | 31 | 24 | 17 |
| 9 | 9 | 16 | | | | | | | | 1 | | 111 | 92 | 83 |
| 41 | 22 | 23 | | | | | | | | | | 72 | 36 | 47 |
| 17 | 39 | 15 | | | | | | | | | | 127 | 112 | 48 |
| 4 | 5 | | 1 | 2 | | | | | | | | 7 | 10 | 2 |
| 6 | 2 | 1 | | | | | | | | | | 43 | 38 | 40 |
| 98 | 60 | 36 | | | | | | | 2 | | 1 | 307 | 196 | 110 |
| | | | | | | 45 | 9 | 3 | | | | 45 | 9 | 3 |
| 31 | 15 | 11 | 1 | | | | | | 2 | | | 81 | 54 | 37 |
| | | | | | | 37 | 4 | 5 | | | | 37 | 4 | 5 |
| 31 | 49 | 40 | | | | | | | 14 | 1 | 2 | 235 | 195 | 172 |
| 10 | 28 | 11 | | | | | | | | | | 182 | 170 | 131 |
| 9 | 12 | 10 | 1 | | | | | | | | | 75 | 41 | 32 |
| | | | | | | 329 | 192 | 164 | | | | 329 | 192 | 164 |
| 577 | 501 | 408 | 3 | 2 | 0 | 456 | 232 | 191 | 22 | 5 | 12 | 2977 | 2116 | 1906 |

Issues raised from enquiries for 2014/15, 2015/16, and 2016/17

| Issue | 2014/15 | 2015/16 | 2016/17 | 3 Year Total |
|---|--------------|--------------|--------------|--------------|
| Age | 500 | 402 | 411 | 1313 |
| Authorising and assisting | 63 | 30 | 47 | 140 |
| Breastfeeding | 30 | 27 | 31 | 88 |
| Carer status | 377 | 308 | 321 | 1006 |
| Charter of Human Rights | 264 | 157 | 242 | 663 |
| Child protection | 28 | 14 | 34 | 76 |
| Court | 86 | 70 | 72 | 228 |
| Criminal record | 62 | 39 | 42 | 143 |
| Disability | 2178 | 1808 | 1749 | 5735 |
| Discriminatory advertisement | 7 | 3 | 15 | 25 |
| Discriminatory information request | 88 | 56 | 73 | 217 |
| Education | 46 | 13 | 35 | 94 |
| Employment activity | 387 | 273 | 279 | 939 |
| Employment law | 404 | 266 | 298 | 968 |
| Equal Opportunity Act – information provided | * | * | 1060 | 1060 |
| Expunged homosexual conviction | * | * | 2 | 2 |
| Family Court | 28 | 28 | 23 | 79 |
| Gender identity | 72 | 59 | 81 | 212 |
| Government – federal | 52 | 39 | 58 | 149 |
| Government – local | 19 | 8 | 18 | 45 |
| Government – state | 20 | 12 | 29 | 61 |
| Homelessness | 9 | 4 | 12 | 25 |
| Indigenous | 20 | 2 | 15 | 37 |
| Industrial activity | 72 | 60 | 50 | 182 |
| Information provided | 2779 | 3359 | 1308 | 7446 |
| Involuntary patient | 42 | 30 | 34 | 106 |
| Lawful sexual activity | 26 | 30 | 55 | 111 |
| Marital status | 99 | 76 | 104 | 279 |
| Media | 37 | 6 | 12 | 55 |
| No jurisdiction | 1369 | 1045 | 1483 | 3897 |
| Parental status | 358 | 289 | 261 | 908 |
| Personal association | 144 | 99 | 105 | 348 |
| Physical features | 271 | 243 | 184 | 698 |
| Police | 74 | 78 | 109 | 261 |
| Political belief or activity | 38 | 59 | 29 | 126 |
| Pregnancy | 159 | 140 | 110 | 409 |
| Prisons | 40 | 28 | 66 | 134 |
| Privacy | 27 | 17 | 21 | 65 |
| Publications – Commission | 171 | 81 | 72 | 324 |
| Race | 850 | 608 | 473 | 1931 |
| Racial vilification | 129 | 66 | 54 | 249 |
| Religious belief or activity | 233 | 181 | 146 | 560 |
| Religious vilification | 93 | 28 | 27 | 148 |
| Racial and Religious Tolerance Act – information provided | * | * | 36 | 36 |
| Sex | 590 | 472 | 559 | 1621 |
| Sexual harassment | 542 | 437 | 371 | 1350 |
| Sexual orientation | 155 | 139 | 98 | 392 |
| Tenancy | 204 | 204 | 125 | 533 |
| Training requests | 82 | 42 | 61 | 185 |
| Transport | 2 | 0 | 1 | 3 |
| Victimisation | 518 | 382 | 300 | 1200 |
| WorkCover | 33 | 6 | 9 | 48 |
| Total | 13877 | 11823 | 11210 | 36910 |



Victorian Equal Opportunity & Human Rights Commission

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