
**SUBMISSION TO THE INTERNATIONAL HUMAN RIGHTS
AND ANTI-DISCRIMINATION BRANCH**

**RE: CONSOLIDATION OF COMMONWEALTH ANTI-
DISCRIMINATION LAWS**

General Introductory Comments

The authors of this submission support the consolidation of Commonwealth Anti-Discrimination legislation in order to strengthen the protection of Human Rights across all the protected attributes and areas of life.

Meaning of Discrimination

<p><i>Question 5: Should the public sector organisations have a positive duty to eliminate discrimination and harassment?</i></p>

The authors of this submission support the concept of public sector organisations having a positive duty to eliminate discrimination and harassment.

The elimination of discrimination and harassment at a local government level is particularly important given the range of roles that this level of government has responsibility for.

For example, local government may be a significant employer for regional and remote areas. Local government are controllers of activities such as how development occurs within local government boundaries. Planning Schemes are important local government instruments for ensuring that developers provide universal access to developments. Also, local government are the main providers of public facilities for the community.

We would recommend the Public Sector Equality Duty identified in section 149 of the United Kingdom *Equality Act* (2010) is considered as a possible model for the drafting of a positive duty by the public sector in the consolidation bill.

Interaction with Other Laws and Application to State and Territory Governments

Question 29 – Should the consolidation bill make any amendments to the provisions governing interactions with other Commonwealth State and Territory laws?

It is recommended that the drafting of the consolidation bill results in amendments requiring local government to have a positive duty to eliminate discrimination or harassment.

We also recommend the consolidation bill results in the strengthening or creation of access and equity obligations in local government legislation.

For example, section 4 of the Queensland *Local Government Act* (2009) identifies the following local government principles underpinning the Act: democratic representation, social inclusion and meaningful community engagement.

Additionally, section 13 (3) states:

The chief executive officer has the following extra responsibilities—

- (a) managing the local government in a way that promotes—
 - (i) the effective, efficient and economical management of public resources; and
 - (ii) excellence in service delivery; and
 - (iii) continual improvement;
- (b) managing the other local government employees through management practices that—
 - (i) promote equal employment opportunities; and
 - (ii) are responsive to the local government’s policies and priorities;
- (c) establishing and implementing goals and practices in accordance with the policies and priorities of the local government;
- (d) establishing and implementing practices about access and equity to ensure that members of the community have access to—
 - (i) local government programs.

Section 125 of the Queensland *Local Government Regulations* (2010) requires local government to develop Equal Employment Opportunity (EEO) management plan.

Section 125 states:

- (1) A local government must develop an EEO management plan to ensure appropriate action is taken by it—
 - (a) to promote equal employment opportunity for members of the target groups in employment matters; and
 - (b) to eliminate unlawful discrimination by it against members of the target groups in employment matters.
- (2) The EEO management plan must be—
 - (a) developed in time for implementation of the plan to begin when the local government's 5 year corporate plan is adopted; and
 - (b) published on the local government's website.

Please see our response to Question 5 as to the various roles of local government and implications of these roles in the elimination of discrimination and harassment.

Other recommendations

Action Plans

We recommend the consolidated bill contains a provision similar to section 60 of the *Disability Discrimination Act* which allows for the preparation and implementation of action plans. We understand the UK *Equality Act* contains a similar provision.

Ageing Population

The authors of this submission recommends the *Disability Discrimination Act* - Disability Standards such as the *Disability (Access to Premises Standard – Buildings) Standard* (2010) and the *Disability Standards for Accessible Public Transport* (2002) are extended to cover other groups such as older persons.

We support the recommendation that the duty to make reasonable adjustment in the *Disability Discrimination Act* is clarified but feel unable to make suggestions on how this could be achieved. We would

recommend that this duty is extended to other groups such as older persons.

Extending the Disability Standards and the duty to make reasonable adjustment to older persons would assist the public and private sector to better address the needs of our ageing population, as well as people with disabilities.

In doing so, we are hoping that the consolidated bill will provide enhanced access to premises, goods and services, information and employment and facilitate the development of a fairer, more just and inclusive society.