

Submission

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Review of organisations under the Equal Opportunity Act 1984

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About Shelter WA

Shelter WA is the peak body for affordable housing and homelessness in Western Australia. It was founded in 1979 as an independent community based peak body committed to accessible, affordable and secure housing for every Western Australian. Shelter WA provides a link between government and the community through consultation, research, systemic advocacy, and policy advice and development. Our role is to provide an independent voice on housing rights and options in the state along the housing continuum. Our work focuses on promoting the development of appropriate affordable housing options for low to moderate income earners, those who are otherwise disadvantaged in the housing market and people experiencing homelessness.

Shelter WA promotes a diverse range of affordable housing options including social housing, housing within the private rental market and affordable home ownership. Shelter WA also provides community education, and advice to government on housing policy issues. Our development of policy recommendations is based on sound research and consultation with housing consumers and organisations working on housing and related issues.

Shelter WA Response

Shelter WA welcomes the opportunity to provide this submission to the Review of Organisations under the Equal Opportunity Act 1984. We strongly support a robust system to administer the Equal Opportunity Act to meet the objectives:

- To eliminate discrimination on the grounds of sex, marital status, pregnancy or breast feeding, family responsibility or family status, race, religion or political conviction, impairment, age, sexual orientation, gender history or spent conviction in the areas of work, accommodation, education, the provision of goods, facilities and services, access to places and vehicles, land and the membership of clubs
- To eliminate sexual and racial harassment in the workplace, educational institutions and accommodation
- To promote community recognition and acceptance of the equality of men and women, and the equality of people of all races, regardless of their sexual orientation, religious or political convictions, their impairments or their age

The Act is comprehensive in its coverage of discrimination as it relates to housing. In Shelter WA's work as the housing and homelessness peak, we often hear from service providers and individuals seeking housing that they have experienced discrimination in accessing housing. The Equal Opportunity Commission in its current form plays a vital role in investigating claims of discrimination, providing evidenced-based research on discrimination in housing, and redressing individual and systemic instances discrimination.

In recent years, the Equal Opportunity Commission has undertaken research into discrimination in housing that has had tremendous value for the sector in raising awareness and ensuring greater compliance with the Equal Opportunity Act. The research projects included *Finding a Place*, relating to discrimination against Aboriginal peoples in public housing; *Accommodating Everyone*, which covered discrimination in the private rental market; and the report *A Better Way*, which was the culmination of an investigation by the EOC on the impact of the Department of Housing's Disruptive Behaviour Management Strategy.

In each case, the value of the EOC research was in its detailed data collection regarding complaints, its authority as a government body, and its independence from other government agencies. The ability to collect and analyse data regarding complaints, the types and categories (i.e. work, accommodation) where the complaint occurred, and the outcomes of those complaints is valuable for policy makers and service providers to reduce discrimination. People in WA need to know they continue to have the opportunity to report complaints and that those complaints will be taken seriously. This is important for individuals, as well as society more broadly, that complaints can be collated and analysed on a systemic level.

Agencies purely focused on individual complaints, such as the State Administrative Tribunal, will do little to address systemic issues of discrimination. Although the Australian Human Rights Commission would presumably have the ability to investigate issues on a systemic level, they have limited presence in WA. People in WA need an independent body with a focus on WA that has the ability to investigate systemic discrimination.

It is unclear from the Review whether a new configuration of the EOC would maintain its ability to resolve complaints, collect data and operate independently. The importance of its independence cannot be overstated. Any organisation tasked with implementing the Equal Opportunity Act must have the authority and independence to investigate complaints in the private sector as well as the public sector. In addition to its independence, the body investigating discrimination claims must have some 'teeth' and be equipped to adequately redress findings of discrimination.

The EOC in its current form also provides valuable training and education. The Review states that in 2012/13 the EOC held 198 training and education sessions attended by 4,404 participants. These sessions provide valuable information and education to those in the public sector, local government and the private sector. Developing community awareness about the principles of equal opportunity and freedom from harassment can help prevent future discrimination.

Funding an independent organisation to provide community education, legal and redress/conciliation, substantive equality, and policy and evaluation demonstrates the state government's commitment to equality of opportunity and transparency and fairness within government and the private sector. It sends a strong message that the State government does not condone discrimination and harassment in the workplace, housing, and access to goods and services.

Conclusion

Shelter WA strongly supports maintaining the Equal Opportunity Commission in its current form, and reinstating the Substantive Equality unit, rather than subsuming its functions within other areas of state or federal government. There may be a way to restructure current functions of the various agencies under review to avoid duplication of services, but in any new arrangement the principles of independence, transparency and accountability must be upheld. This is especially important when dealing with sensitive issues such as those covered under the Equal Opportunity Act 1984.

In relation to housing, Shelter WA has found the Equal Opportunity Commission's work exceptionally valuable, particularly in relation to discrimination in public housing, discrimination in private rentals and in its investigation of the Department of Housing's Disruptive Behaviour Management Strategy. The strength of its work has been in its ability to gather data, its authority as a state government body and its independence from other government agencies.

We urge the Review panel to consider the importance of eliminating discrimination in housing access, through the preservation of the Equal Opportunity Commission. As the population of WA increases and becomes more diverse, there is a growing need to eliminate discrimination and harassment and promote community recognition and acceptance of equality of all people regardless of their race, sexual orientation, religious or political convictions, their impairment or their age.