

HUMAN RIGHTS LIST

2 April 2013

VCAT Reference: A42/2013

**Flat Out Inc
ATT: Michele Old
54 Pin Oak Crescent
FLEMINGTON VIC 3031**

Dear Ms Old,

RE: Flat Out Inc Exemption Application

In regards to the above application, please find enclosed a copy of the Victorian Civil and Administrative Tribunal's (VCAT) order dated 26 March 2013.

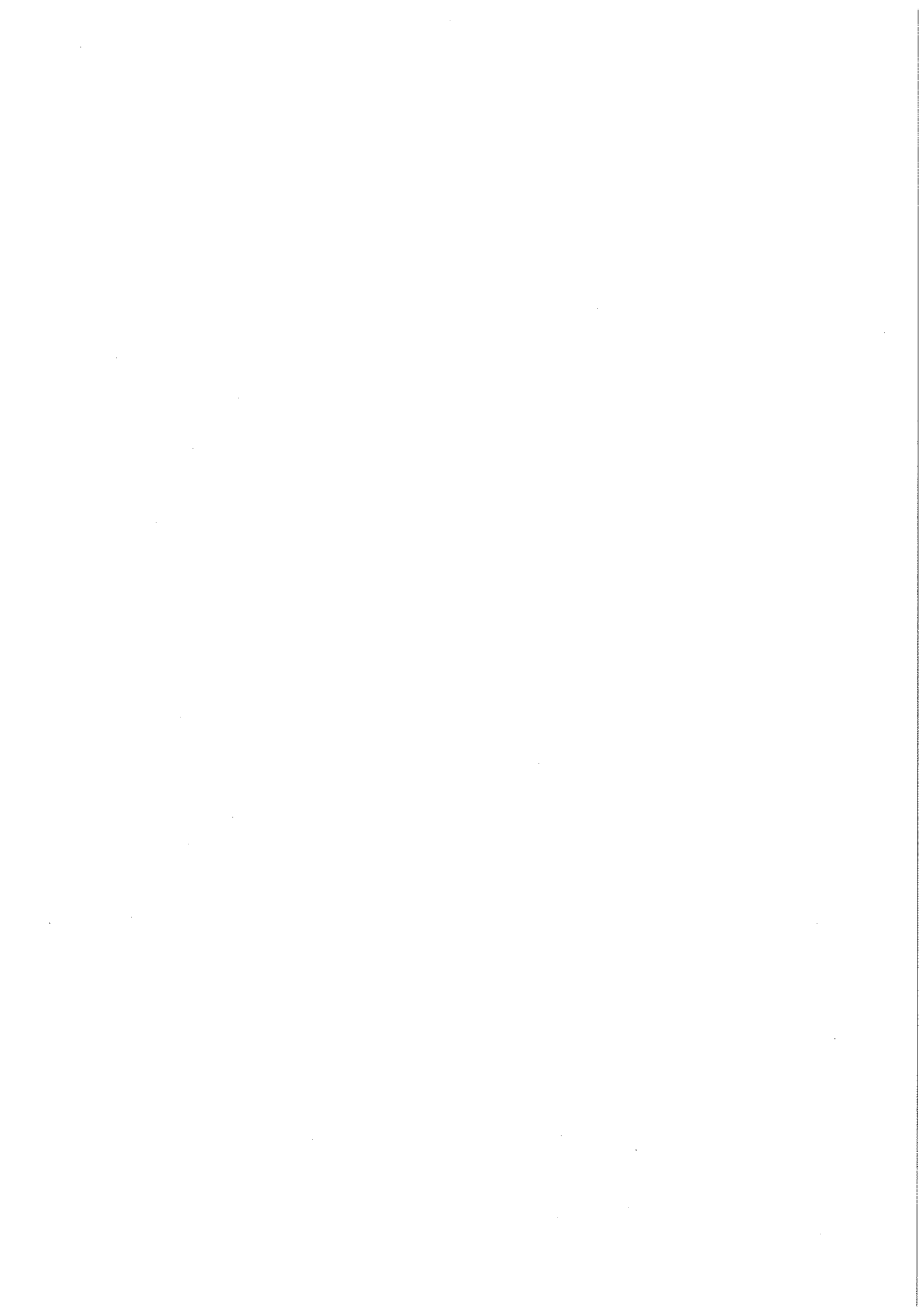
If you have any queries, please contact our customer service team on the number below and quote VCAT reference number **A42/2013**.

Yours sincerely,



**Judy O'Connor
Registrar
Human Rights Division
TW**

Encl: Copy of order dated 26 March 2013.



HUMAN RIGHTS LIST

EXEMPTION

APPLICATION NO A42/2013

The Victorian Civil & Administrative Tribunal has considered an application pursuant to section 89 of the Equal Opportunity Act 2010 (the Act) by Flat Out Inc (the applicant). The application for exemption is to enable the applicant to:

- (a) employ only women within the applicant organisation (other than as Outreach Support & Advocacy Workers) and
- (b) only provide services to women and
- (c) advertise these matters

(the exempt conduct)

UPON READING the material filed in support of this application, including the affidavit of Michelle Old, the Tribunal is satisfied that it is appropriate to grant an exemption from sections 16, 18, 44, 107 and 182 of the Act to enable the applicant to engage in the exempt conduct.

In granting this exemption the Tribunal noted:

- The applicant organisation is a community based organisation which was established in 1988. Its primary task is to support women who are exiting prison or who are at risk of being imprisoned. It provides services including access to appropriate and affordable housing. It links women with support, education and information to re-establish them in the community post-release. It also works with women to prevent their re-incarceration.
- The women's prison population comprises women who have experienced significant levels of violence and sexual assault. As a consequence, those women are reluctant to disclose their personal histories and that disclosure is necessary for relevant services and referrals to be provided. In these circumstances, it is preferable that the staff who work with and interact with these clients are also women.
- The applicant is currently governed by women only. In so far as it provides services to women, including those involved in its governance, it is appropriate that those services be provided to women only.
- The applicant currently has an exemption in respect to Outreach Support & Advocacy Workers which expires on 29 August 2017. That exemption does not cover other roles within the applicant organisation. No exception or current exemption applies to the exempt conduct and in the absence of an exemption the exempt conduct would amount to prohibited discrimination.
- When making decisions about exemptions, the Tribunal is required to give proper consideration to relevant human rights as set out in the Charter of Human Rights and Responsibilities Act 2006 (Charter). Arguably, this exemption limits the right to equality and in particular the right to equal and effective protection against discrimination of men who would wish to be employed by the applicant. I am satisfied that, in the circumstances discussed above, the limit imposed by this exemption is reasonable and justified under the Charter.

The Tribunal hereby grants an exemption from the operation of sections 16, 18, 44, 107 and 182 of the Act to enable the applicant to engage in the exempt conduct.

This exemption is to remain in force from the day on which notice of the exemption is published in the Government Gazette until 3 April 2018.

Dated this 26th day of March 2013

