

Equal Opportunity Amendment (Governance) Act 2009

No. 14 of 2009

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Victoria

Equal Opportunity Amendment (Governance) Act 2009[†]

No. 14 of 2009

[Assented to 7 April 2009]

The Parliament of Victoria enacts:

1 Purpose

The purpose of this Act is to amend the **Equal Opportunity Act 1995** to alter the governance and complaint-handling arrangements for the Victorian Equal Opportunity and Human Rights Commission.

2 Commencement

(1) Subject to subsection (2), this Act comes into operation on a day to be proclaimed.

- (2) If this Act does not come into operation before 1 October 2009, it comes into operation on that day.

3 Principal Act

In this Act, the **Equal Opportunity Act 1995** is called the Principal Act.

See:
Act No.
42/1995.
Reprint No. 5
as at
10 May 2007
and
amending
Act Nos
24/2006,
69/2006,
16/2007,
1/2008 and
12/2008.
LawToday:
www.
legislation.
vic.gov.au

4 Definitions

In section 4(1) of the Principal Act—

- (a) the definitions of *appointed member of the Commission* and *Chief Conciliator* are repealed;

- (b) **insert** the following definitions—

"*appointed member*, of the Board, means a member of the Board other than the Commissioner;

Board means Board of the Commission established under section 163;

Chief Conciliator means the Chief Conciliator within the meaning of this Act as in force immediately before the commencement of section 5 of the **Equal Opportunity Amendment (Governance) Act 2009**;

Commissioner means the Commissioner appointed under section 170;

member of staff, of the Commission, means a member of the staff referred to in section 175;".

5 New Part 9 substituted

For Part 9 of the Principal Act **substitute**—

**"PART 9—VICTORIAN EQUAL OPPORTUNITY
AND HUMAN RIGHTS COMMISSION**

Division 1—The Commission

160 Continuation of Commission

- (1) There continues to be a Victorian Equal Opportunity and Human Rights Commission.
- (2) The Commission—
 - (a) is a body corporate with perpetual succession; and
 - (b) must have an official seal; and
 - (c) may sue and be sued in its corporate name; and
 - (d) may acquire, hold and dispose of real and personal property; and
 - (e) may do and suffer all acts and things that a body corporate may, by law, do and suffer.
- (3) The official seal must be kept as directed by the Commission and must not be used except as authorised by the Commissioner.

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- (4) All courts must take judicial notice of the seal of the Commission on a document and, until the contrary is proved, must presume that the seal was properly affixed.

161 Functions and powers of Commission

- (1) The Commission has the following functions—
- (a) to establish policies and issue guidelines and directions on the manner in which conciliation procedures under this Act should be conducted;
 - (b) to receive and investigate complaints on the manner in which conciliation procedures under this Act have been or are being conducted;
 - (c) to establish and undertake information and education programs;
 - (d) any other functions conferred on it by or under this Act or any other Act, including the Charter of Human Rights and Responsibilities.
- (2) The Commission has all the powers necessary to enable it to perform its functions.

162 Commission's educative and research functions

- (1) The Commission must undertake programs for the dissemination of information for the education of the public with respect to—
- (a) the elimination of discrimination, sexual harassment and vilification on the ground of race or religious belief or activity;

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- (b) the promotion of equality of opportunity;
 - (c) any other matters relevant to the provisions of this Act.
- (2) The Commission may undertake research into any matter arising from, or incidental to, the operation of this Act.
 - (3) If the Commission becomes aware of any provision of an Act that discriminates or has the effect of discriminating against any person, the Commission must notify the Minister responsible for administering that provision or Act as soon as practicable.
 - (4) The Commission may, at any time, submit a report to the Minister on any matter arising from the performance of the Commission's functions under this section.

Division 2—The Board

163 Constitution and functions of Board

- (1) The Commission must have a Board consisting of the following members—
 - (a) the Commissioner; and
 - (b) either 4 or 6 other members appointed by the Governor in Council on the recommendation of the Minister.
- (2) The Board is responsible for—
 - (a) determining the Commission's strategic direction and the general nature of activities to be undertaken by the Commission in performing its functions; and

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- (b) setting policies, priorities and strategies for the Commission in performing its functions.
 - (3) The Board has any other functions conferred on it by or under this or any other Act.
 - (4) The Board has all the powers necessary to enable it to perform its functions.

164 Terms of appointment of appointed members

- (1) An appointed member of the Board holds office for the period, not exceeding 5 years, specified in his or her instrument of appointment.
- (2) An appointed member is to be appointed on a part-time basis.
- (3) An appointed member is eligible for reappointment.
- (4) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to an appointed member in respect of the appointment.

165 Resignation and removal

- (1) An appointed member of the Board ceases to hold office if the member—
 - (a) has been convicted in Victoria or elsewhere of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
 - (b) becomes an insolvent under administration; or
 - (c) resigns by writing delivered to the Governor in Council; or

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- (d) is removed from office by the Governor in Council under subsection (2).
- (2) The Governor in Council may remove an appointed member from office on the ground that—
- (a) the member is absent, without leave having been granted by the Board, from 3 consecutive meetings of which reasonable notice has been given to the member, either personally or by post, fax, email or other electronic communication; or
 - (b) the member is incapable of carrying out the duties or functions of office; or
 - (c) the member has engaged in misconduct in carrying out the member's duties or functions of office; or
 - (d) the member has personally engaged in conduct that a court or tribunal has found to be in contravention of an equal opportunity or anti-discrimination law of an Australian jurisdiction and, if the member had engaged in the conduct in carrying out the member's duties or functions of office, the conduct would have amounted to misconduct in carrying out those duties or functions.

166 Acting appointments

- (1) The Governor in Council, on recommendation of the Minister, may appoint a person to act as a member of the Board if an appointed member—
- (a) ceases to hold office before his or her term of appointment expires; or

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- (b) is unable to perform the duties or functions of the office.
 - (2) An acting member holds office—
 - (a) if appointed to act under subsection (1)(a), for the rest of the term of appointment of the member whose place he or she fills; or
 - (b) if appointed to act under subsection (1)(b), for the period that the appointed member is unable to perform the duties or functions of the office.
 - (3) The Governor in Council—
 - (a) subject to this Act, may determine the terms of appointment of an acting member;
 - (b) may at any time terminate the appointment.
 - (4) While the appointment of an acting member remains in force, the acting member has and may exercise all the powers and perform all the duties and functions of the member.

167 Payment of members

- (1) An appointed member of the Board, other than a member who is an employee of the public service, is entitled to receive the fees that are fixed from time to time by the Governor in Council for that member.
- (2) Each appointed member of the Board is entitled to receive the allowances that are fixed from time to time by the Governor in Council.

168 Procedure of Board

- (1) The Commissioner must preside at a meeting of the Board at which the Commissioner is present.
- (2) If the Commissioner is not present, the members present may elect a member to preside.
- (3) The person presiding has a deliberative vote and a second or casting vote.
- (4) A majority of the members of the Board currently holding office constitutes a quorum.
- (5) Subject to this Act, the Board may regulate its own proceedings.

169 Effect of vacancy or defect

An act or decision of the Board is not invalid only because—

- (a) of a vacancy in its membership; or
- (b) of a defect or irregularity in the appointment of any member; or
- (c) in the case of a person appointed to act as a member, the occasion for his or her acting had not arisen or had ceased.

Division 3—The Commissioner

170 Appointment and role of Commissioner

- (1) There is to be a Commissioner appointed by the Governor in Council.
- (2) The Commissioner—
 - (a) has control of the day-to-day administration of the affairs of the Commission in accordance with the

policies, priorities and strategies determined by the Board; and

- (b) has any other functions, powers and duties conferred on the Commissioner by or under this or any other Act.

171 Terms of appointment

- (1) The Commissioner holds office for the period, not exceeding 5 years, specified in his or her instrument of appointment.
- (2) The Commissioner is to be appointed on a full-time basis.
- (3) The Commissioner is eligible for reappointment.
- (4) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to the Commissioner in respect of the appointment.

172 Resignation and removal

- (1) The Commissioner ceases to hold office if the Commissioner—
 - (a) resigns by writing delivered to the Governor in Council; or
 - (b) has been convicted in Victoria or elsewhere of an indictable offence or an offence that, if committed in Victoria, would be an indictable offence; or
 - (c) becomes an insolvent under administration; or
 - (d) is removed from office by the Governor in Council under subsection (2).
- (2) The Governor in Council may remove the Commissioner from office on the ground that—

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- (a) the Commissioner is absent, without leave having been granted by the Board, from 3 consecutive meetings of the Board of which reasonable notice has been given to the Commissioner, either personally or by post, fax, email or other electronic communication; or
 - (b) the Commissioner is incapable of carrying out the duties of office; or
 - (c) the Commissioner has engaged in misconduct in carrying out those duties; or
 - (d) the Commissioner has personally engaged in conduct that a court or tribunal has found to be in contravention of an equal opportunity or anti-discrimination law of an Australian jurisdiction and, if the Commissioner had engaged in the conduct in carrying out the Commissioner's duties or functions of office, the conduct would have amounted to misconduct in carrying out those duties or functions.

173 Acting Commissioner

- (1) The Governor in Council may appoint a person to act as Commissioner if the Commissioner—
 - (a) ceases to hold office before his or her term of appointment expires; or
 - (b) is unable to perform the duties or functions of the office.

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- (2) An acting Commissioner holds office—
- (a) if appointed to act under subsection (1)(a), for the rest of the term of appointment of the Commissioner; or
 - (b) if appointed to act under subsection (1)(b), for the period that the Commissioner is unable to perform the duties or functions of the office.
- (3) The Governor in Council—
- (a) subject to this Act, may determine the terms of appointment of an acting Commissioner;
 - (b) may at any time terminate the appointment.
- (4) While the appointment of an acting Commissioner remains in force, the acting Commissioner has and may exercise all the powers and perform all the duties and functions of the Commissioner.

174 Payment of Commissioner

The Commissioner is entitled to receive the remuneration and allowances that are fixed from time to time by the Governor in Council.

Division 4—General provisions

175 Staff of Commission

Any staff that are necessary for the purpose of administering the following Acts are to be employed under Part 3 of the **Public Administration Act 2004**—

- (a) this Act;

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- (b) the Charter of Human Rights and Responsibilities;
 - (c) the **Racial and Religious Tolerance Act 2001**.

Note

Under an Order made by the Governor in Council under section 16 of the **Public Administration Act 2004**, the Commissioner has all the functions of a public service body Head in relation to employees of the Commission.

176 Delegation

- (1) The Commission, by instrument, may delegate to the Commissioner or a member of staff of the Commission any of the Commission's powers, functions or duties under this Act other than this power of delegation.
- (2) The Board, by instrument, may delegate any of the Board's powers, functions or duties under this Act, other than this power of delegation—
 - (a) to an appointed member of the Board; or
 - (b) to the members of a sub-committee of the Board; or

Note

A public entity may form sub-committees under section 83 of the **Public Administration Act 2004**.

- (c) to the Commissioner.
- (3) The Commissioner, by instrument, may delegate to a member of staff of the Commission any of the Commissioner's powers, functions or duties under this Act other than this power of delegation.

177 Secrecy

- (1) This section applies to every person who is or has been—
 - (a) an appointed member of the Board;
 - (b) the Commissioner;
 - (c) a member of the staff of the Commission;
 - (d) a person (other than a person referred to in paragraph (c)) acting under the authority of the Commission, the Board or the Commissioner;
 - (e) a person to whom section 15 of the old Act applied immediately before its repeal;
 - (f) a member of the Commission before the commencement of section 5 of the **Equal Opportunity Amendment (Governance) Act 2009**.
 - (2) This section applies to information concerning the affairs of any person that is or has been obtained by a person to whom this section applies—
 - (a) in the course of performing functions or duties or exercising powers under this Act or the old Act; or
 - (b) as a result of another person performing functions or duties or exercising powers under this Act or the old Act.
 - (3) A person to whom this section applies must not, either directly or indirectly, make a record of, disclose or communicate to any person any information to which this section applies unless it is necessary to do so for the purposes of, or in connection with, the
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performance of a function or duty or the exercise of a power under this Act or the old Act.

Penalty: 10 penalty units.

- (4) A person to whom this section applies must not be required—
- (a) to produce in a court any document containing information to which this section applies; or
 - (b) to disclose or communicate to any court any information to which this section applies—

unless it is necessary to do so for the purposes of, or for a prosecution under or arising out of, this Act or the old Act.

- (5) In this section—

court includes a tribunal, authority or person having power to require the production of documents or the answering of questions;

old Act means the **Equal Opportunity Act 1984** as in force immediately before its repeal;

produce includes permit access to.

178 Protection from liability

- (1) This section applies to a person who is or has been—
- (a) the Commissioner; or
 - (b) a member of the staff of the Commission; or

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- (c) a other person (other than a person referred to in paragraph (b)) acting under the authority of the Commission, the Board or the Commissioner; or
 - (d) the Chief Conciliator; or
 - (e) a member of the Commission before the commencement of section 5 of the **Equal Opportunity Amendment (Governance) Act 2009**.
- (2) A person to whom this section applies is not personally liable for anything done or omitted to be done in good faith—
- (a) in the performance of a function or duty or the exercise of a power under this Act; or
 - (b) in the reasonable belief that the act or omission was in the performance of a function or duty or the exercise of a power under this Act; or
 - (c) in the provision of information or advice in relation to this or any other Act or any Commonwealth Act or any Act of another State or of a Territory.
- (3) Any liability resulting from an act or omission that, but for subsection (2), would attach to a person to whom this section applies attaches instead to the Commission.

179 Annual reports

In its report of operations for a financial year under Part 7 of the **Financial Management Act 1994**, the Commission—

- (a) must include information on education programs, research and the review of Acts undertaken under section 162 during that financial year;
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(b) may include any recommendations the Commission considers appropriate for the elimination or modification of discriminatory provisions of Acts.

_____".

6 Consequential amendments

(1) In the Principal Act—

(a) in sections 104, 105, 106, 107 and 108(1), for "Commission" (wherever occurring) **substitute** "Commissioner";

(b) in section 108(1A), for "Commission" (where first occurring) **substitute** "Commissioner";

(c) for section 108(1A)(a) **substitute**—

"(a) to attend before the Commissioner, or a member of the staff of the Commission, for the purpose of discussing the subject matter of the complaint at a reasonable time set out in the notice;"

(d) in section 108(1AB), for "Commission" **substitute** "Commissioner".

(2) For section 108(1AC) of the Principal Act **substitute**—

"(1AC) Nothing in subsection (1A) or (1AB) prevents the Commissioner from inviting any person to attend before the Commissioner, or a member of the staff of the Commission, for the purpose of discussing the complaint or producing any documents."

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- (3) In section 108 of the Principal Act—
- (a) in subsection (2)—
 - (i) for "Commission's" **substitute** "Commissioner's";
 - (ii) for "Commission" **substitute** "Commissioner";
 - (b) in subsections (3), (4), (5) and (6), for "Commission" (wherever occurring) **substitute** "Commissioner".
- (4) In the Principal Act—
- (a) in section 109(2)(a), for "Commission or the Chief Conciliator" **substitute** "Commissioner";
 - (b) in sections 110, 111, 112 and 113, for "Commission" (wherever occurring) **substitute** "Commissioner";
 - (c) in section 113(1), for "it" (where secondly occurring) **substitute** "the Commissioner";
 - (d) in section 113(2) of the Principal Act, for "Commission's" **substitute** "Commissioner's".

7 Further consequential amendments

- (1) In section 112(1) of the Principal Act, for "refer the complaint to the Chief Conciliator" **substitute** "decide to conciliate the complaint".
 - (2) **Insert** the following heading to section 114 of the Principal Act—
"Conciliation by the Commissioner".
 - (3) In sections 114 and 115(1) of the Principal Act, for "Chief Conciliator" (wherever occurring) **substitute** "Commissioner".
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- (4) In section 114(1) of the Principal Act, for "a complaint referred to him or her under section 112 or 122." **substitute**—
"a complaint—
(a) the Commissioner decided under section 112 to conciliate; or
(b) determined under Division 4 to be an expedited complaint."
- (5) In section 117 of the Principal Act—
(a) in subsection (1)—
(i) for "Chief Conciliator" **substitute** "Commissioner";
(ii) **omit** "and the Commission";
(b) in subsections (2), (3), (4) and (5), for "Commission" (wherever occurring) **substitute** "Commissioner".
- (6) In the Principal Act—
(a) in sections 119 and 120, for "Commission" (wherever occurring) **substitute** "Commissioner";
(b) in section 121(1), for "the Commission's" **substitute** "the Commissioner's".

8 New section 122 substituted

For section 122 of the Principal Act **substitute**—

"122 Time limits for conciliation of expedited complaints

- (1) The Commissioner must commence conciliation of an expedited complaint as soon as practicable after the Commissioner or the Tribunal has determined that it is an expedited complaint.

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- (2) Subject to this section, if the conciliation has not been successfully completed within 30 days after that determination, the Commissioner must notify the parties.
 - (3) If the Commissioner receives notice of an application under section 124, he or she must cease to deal with the complaint until the Tribunal has determined the application.
 - (4) If the Tribunal refuses the application, the Commissioner must—
 - (a) commence, or resume, conciliation as soon as practicable after the refusal; and
 - (b) notify the parties if the conciliation has not been successfully completed within 30 days after the refusal.
 - (5) If the Tribunal makes an interim order under section 131, the Commissioner must—
 - (a) commence, or resume, conciliation as soon as practicable after the making of the order; and
 - (b) notify the parties if the conciliation has not been successfully completed within 30 days after the making of the order.
 - (6) The time period in subsection (2) is suspended from the time an application referred to in subsection (4) or (5) is made until the time the Tribunal determines it."
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9 Further consequential amendments

- (1) In the Principal Act—
 - (a) in sections 123 and 131 for "Commission" (wherever occurring) **substitute** "Commissioner";
 - (b) for section 134(1)(a) **substitute**—
 - "(a) referred to it by the Commissioner under section 108, 113, 117 or 123;"
 - (c) in section 134A(2), for "Commission" **substitute** "Commissioner".
 - (2) After section 156(2) of the Principal Act **insert**—
 - "(2A) If, in the course of dealing with a complaint, the Commissioner becomes aware of circumstances where a contravention of Part 3, 5 or 6 of this Act or Part 2 of the **Racial and Religious Tolerance Act 2001** may have occurred (other than the contravention alleged in the complaint), the Commissioner may refer the matter to the Commission for investigation."
 - (3) In section 156(3) of the Principal Act—
 - (a) for "dealing with a complaint or investigating a matter under subsection (1) or (2)" **substitute** "investigating a matter under subsection (1), (2) or (2A)";
 - (b) **omit** "the contravention alleged in the complaint or".
 - (4) In section 157(2) of the Principal Act, for "156(3)" **substitute** "156(2A) or (3)".
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10 New Division 8 of Part 7 inserted

After Division 7 of Part 7 of the Principal Act
insert—

"Division 8—Miscellaneous

137 Complaint etc. made to Commission taken to be made to Commissioner

- (1) This section applies if—
 - (a) under this Act or the **Racial and Religious Tolerance Act 2001** a person is permitted or required to lodge a complaint with, or give a notice to, the Commissioner; and
 - (b) the person lodges the complaint or gives the notice to the Commission.
- (2) The complaint is taken to have been lodged with, or the notice is taken to have been given to, the Commissioner."

11 Investigations by Commission

- (1) After section 158(1) of the Principal Act **insert—**

"(1A) For the purposes of subsection (1), the Commission may seek guidance from the Commissioner about how to conduct the investigation as if it were a complaint."

- (2) For section 158(2) of the Principal Act **substitute—**

"(2) If the Commission, after investigation and consultation with the Commissioner, is satisfied that a person has contravened Part 3, 5 or 6 of this Act or Part 2 of the **Racial and Religious Tolerance Act 2001**, the Commission must refer the matter to the Commissioner for conciliation as if it were a complaint."

12 New sections 201 and 202 substituted

For sections 201 and 202 of the Principal Act
substitute—

"201 Compliance with notice to attend or produce documents

A person must not, without reasonable
excuse, fail to comply with a notice of the
Commissioner under section 108(1A)
or 114(2).

Penalty: 20 penalty units.

202 Obstructing Commission

- (1) A person must not hinder or obstruct a
relevant person who is performing a function
under this Act.

Penalty: 20 penalty units.

- (2) In this section—

performing a function includes exercising a
power;

relevant person means—

- (a) a member of the Board;
- (b) the Commissioner;
- (c) a member of staff of the
Commission."

13 Further consequential amendments

In the Principal Act—

- (a) in section 203, for "Chief Conciliator"
(where twice occurring) **substitute**
"Commissioner";
- (b) in section 210(b), for "Chief Conciliator"
substitute "Commissioner".

14 Supreme Court—limitation of jurisdiction

- (1) Section 211(b) and (c) of the Principal Act are **repealed**.
- (2) At the end of section 211 of the Principal Act **insert—**
 - "(2) It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to prevent the bringing before the Supreme Court of any action in relation to a complaint dismissed by the Commissioner under section 108, 110, 113, 117 or 123."

15 Regulations

In section 212(a) of the Principal Act, for "or the Chief Conciliator" **substitute** ", the Board or the Commissioner".

16 New sections 227 and 228 inserted

After section 226 of the Principal Act **insert—**

"227 Transitional provisions—Equal Opportunity Amendment (Governance) Act 2009

- (1) A person who, immediately before the commencement day, was an appointed member of the Commission is taken, on and after the commencement day, to be an appointed member of the Board for the remainder of the person's term of office, and subject to the same terms of appointment, as if the person had been appointed under section 163 on the day on which the person was appointed as an appointed member of the Commission.
 - (2) Despite subsection (1), the appointed member of the Commission who, immediately before the commencement day,
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was chairperson of the Commission does not become chairperson of the Board on the commencement day.

- (3) On and after the commencement day, this Act as amended by the **Equal Opportunity Amendment (Governance) Act 2009** applies to a complaint whether the complaint was lodged before, on or after the commencement day.
- (4) Without limiting subsection (3), a complaint or a request for a referral made to the Chief Conciliator or the Commission and not finally dealt with immediately before the commencement day is taken on and from the commencement day to have been made to the Commissioner.
- (5) In this section—

appointed member of the Commission has the meaning it had in section 4(1) as in force immediately before the commencement day;

commencement day means the day on which the **Equal Opportunity Amendment (Governance) Act 2009** comes into operation.

228 Additional transitional provision—Equal Opportunity Amendment (Governance) Act 2009

- (1) This section applies to any act done by the Commission or Chief Conciliator before the commencement day that, on and from the commencement day, may or must be done by the Commissioner.
 - (2) On and from the commencement day, the act is taken to have been done by the Commissioner.
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(3) In this section—

commencement day means the day on which the **Equal Opportunity Amendment (Governance) Act 2009** comes into operation."

17 Consequential amendments to Racial and Religious Tolerance Act 2001

(1) In section 3 of the **Racial and Religious Tolerance Act 2001**, after the definition of *Commission* insert—

"*Commissioner* means the Commissioner appointed under section 170 of the **Equal Opportunity Act 1995**;"

(2) In sections 19, 20, 21, 23 and 23A of the **Racial and Religious Tolerance Act 2001**, for "Commission" (wherever occurring) substitute "Commissioner".

(3) After section 23A(6) of the **Racial and Religious Tolerance Act 2001** insert—

"(6A) If a notification under subsection (6) is given to the Commission, the notification is taken to have been given to the Commissioner."

18 Consequential amendments to Victorian Civil and Administrative Tribunal Act 1998

(1) In Part 7 of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998**, before clause 13 insert—

"12B Commissioner

In this Part—

Commissioner means the Commissioner appointed under section 170 of the **Equal Opportunity Act 1995**."

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- (2) In clauses 15, 16, 20, 22 and 23 of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998**, for "Victorian Equal Opportunity and Human Rights Commission" (wherever occurring) **insert** "Commissioner".
 - (3) In the heading to clause 15 of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998**—
 - (a) for "**Commission**" **substitute** "**Commissioner**"; and
 - (b) for "**its**" **substitute** "**Commissioner's**".
 - (4) In clause 15 of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998** for "made by it" **substitute** "made by the Commissioner".
 - (5) In clause 22 of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998**, for "it is" **substitute** "the Commissioner is".
 - (6) In the heading to clause 22 of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998**, for "**Commission**" **substitute** "**Commissioner**".

19 Repeal of amending Act

This Act is **repealed** on 1 October 2010.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

ENDNOTES

† *Minister's second reading speech—*

Legislative Assembly: 4 December 2008

Legislative Council: 5 February 2009

The long title for the Bill for this Act was "A Bill for an Act to amend the **Equal Opportunity Act 1995** to alter the governance and complaint-handling arrangements for the Victorian Equal Opportunity and Human Rights Commission and for other purposes."

Constitution Act 1975:

Section 85(5) statement:

Legislative Assembly: 4 December 2008

Legislative Council: 5 February 2009

Absolute majorities:

Legislative Assembly: 5 February 2009

Legislative Council: 31 March 2009