

CARPENTER, Irene, late of 8 Plume Street, Norlane, Victoria 3214, deceased, who died on 19 August 2011.

CRUSE, Neville Bruce, late of Golden Gate Lodge, Stawell Road, Ararat, Victoria 3377, pensioner, deceased, who died on 28 July 2011.

COOMBS, Garry Richard, also known as Gary Coombs, late of Nagambie Hospital, 22 Church Street, Nagambie, Victoria 3608, retired, deceased, who died on 14 May 2011.

DAVIES, Beryl Osment, late of PO Box 50, Mt Alexander Hospital (High Care Unit), Castlemaine, Victoria 3450, pensioner, deceased, who died on 23 March 2011.

DE GARROOD, Judith, formerly of 22 Cochran Street, North Brighton, but late of Regis Shelton Manor Aged Care Residence, 93 Ashleigh Avenue, Frankston, Victoria 3199, retired, deceased, who died on 6 August 2011.

FERNS, Maurice, late of Kingston Gardens Aged Care, 201 Clarke Road, Springvale, Victoria 3172, pensioner, deceased, who died on 24 August 2011.

GRIERSON, Ian William, late of 5 Kathryn Close, Pakenham, Victoria 3810, deceased, who died on 15 May 2011.

GRIFFITH, Paul Richard, late of Coopers Road, Macclesfield, Victoria 3782, deceased, who died on 27 May 2011.

HILL, Reginald, late of Crest Nursing Home, 11 Johnston Street, Annadale, New South Wales, deceased, who died on 7 June 2011.

LOVICK, Kathryn May, late of Kialla Lakes Estate, 7 Silvan Crest, Shepparton, Victoria 3630, deceased, who died on 30 April 2011.

O'CALLAGHAN, Thomas Michael, late of Waterdale Aged Care Facility, 250 Waterdale Road, Ivanhoe, Victoria 3079, deceased, who died on 2 August 2011.

POLLOCK, Andrew, late of Unit 2, 3 Dundee Drive, West Wodonga, Victoria 3690, pensioner, deceased, who died on 6 June 2011.

PRACHNIAR, Daniel Justin, late of Unit 3, 45 Ormond Road, East Geelong, Victoria 3219, pensioner, deceased, who died on 9 April 2011.

TABOR, Douglas William, late of 21 Fontein Street, West Footscray, Victoria 3012, retired, deceased, who died on 7 September 2011.

VARNYAS, Zsofi, also known as Sofia Varnyas, late of Mecwa, 70 Charles Street, Prahran, Victoria 3181, deceased, who died on 5 January 2011.

WILLIAMS, Barbara Mary, late of 14 Aintree Road, Glen Iris, Victoria 3146, retired, deceased, who died on 15 August 2011.

Dated 31 October 2011

ROD SKILBECK
Manager
Client Services

EXEMPTION

Application No. A248/2011

The Victorian Civil and Administrative Tribunal has considered an application pursuant to section 89 of the **Equal Opportunity Act 2010** (the Act) by 370 Degrees Group Limited (the applicant). The application for exemption is to enable the applicant to advertise for female applicants for Information Technology Traineeships and Cadetships (the exempt conduct).

Upon reading the material filed in support of this application, including the affidavit of Michael Guminski, having heard oral submissions from the applicant and having read and heard submissions from the Victorian Equal Opportunity and Human Rights Commission, the Tribunal is satisfied that it is appropriate to grant an exemption from section 182 of the Act to enable the applicant to engage in the exempt conduct.

In granting this exemption the Tribunal noted:

- The applicant has been granted previous exemptions to engage in the exempt conduct since 2001. The last granted exemption expired on 1 September 2010 and so no current exemption applies.
- The applicant has been and remains keen to encourage females to participate in the Information Technology (IT) sector by applying for traineeships and cadetships. Those roles allow participants to undertake study while working within the industry. The participants are employed by the applicant

and are placed with appropriate employers. In 2007 only 9 women were undertaking IT traineeships in Victoria as compared to 110 males. Since then the participation rate has improved to the point that, as at 2010, 40% of the trainees employed by the applicant were female.

- The applicant currently intends to recruit a total of 20 people in traineeships or cadetships. While the applicant will not reserve any positions for women only, it wishes to advertise in such a way as to encourage females to apply and thereby increase the number of females within the group of potential trainees and cadets. The applicant believes that will ultimately lead to greater participation by females in the IT sector.
- No exception 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 males who view advertising material which specifically targets women. 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 section 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 9 November 2016.

Dated 7 November 2011

A. DEA
Member

EXEMPTION

Application No. A309/2011

The Victorian Civil and Administrative Tribunal has considered an application pursuant to section 89 of the **Equal Opportunity Act 2010** (the Act) by Interchange Loddon Mallee Region Inc. (the applicant). The application for exemption is to enable the applicant to

advertise for and employ only males to provide direct and/or personal care to male clients with disabilities (the exempt conduct).

Upon reading the material filed in support of this application, including the affidavit of Joolee Hughes, the Tribunal is satisfied that it is appropriate to grant an exemption from sections 16, 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 is a non-government, non-profit community based organisation that provides respite, recreation and support, through a range of different programmes, to families who have a child or family member with a disability.
- The applicant's primary funding source is the Department of Human Services. The main programme offered by the applicant includes options for respite and recreation for clients with a disability or care needs. Staff are employed to support clients and the programmes offered may include holidays, camps, weekend and after hours' activities and one-to-one support for those with high support needs.
- The programmes are offered on a one-to-one or small group basis, usually in public settings, and are aimed to increase client self-esteem, independence and to provide recreational leisure options as well as respite. Workers also become positive role models for clients. Male clients usually respond more positively and easily with other males. Usually their progress with goals and aims is faster and sustained when matched up with the 'right' worker.
- The male clients range in ages from adolescents to elderly, and many display challenging behaviours. Some are physically violent and require occasional restraint; some make sexually inappropriate conversation or engage in inappropriate sexual behaviour, for example, by exposing themselves or masturbating. Some are dependent on their support worker for personal care functions including toileting, washing, changing and lifting.