

LEX LOCI'S TRAVELS

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An ad-hoc one-pager from The Public Land Consultancy

Lex is Discriminated Against at Harkaway Hall

Lex's mates were just planning a bit of a, like, 21st birthday turn at the local hall. A few, like, kegs of beer behind the bar, and a few, like, decibels of doof-doof. What's wrong with that?

The Harkaway Hall Committee had other ideas. They would allow twenty-firsts (and eighteenthths) only if they could be satisfied on matters of supervision, security, transport and measures against gatecrashers.

Into the fray stepped the Victorian Equal Opportunity and Human Rights Commission (VEOHRC), citing the rights of the child under the *Charter of Human Rights and Responsibilities Act 2006*, and the *Equal Opportunity Act 2010*.

The former Act imposes an obligation on public authorities (a term which ropes in the Harkaway Hall Committee) to act in a way which is compatible with human rights.

The latter Act makes it an offence to unreasonably discriminate on the basis of certain attributes, including age – unless with the authority of the Victorian Civil and Administrative Tribunal (VCAT). So that's where the Hall Committee headed to next.



A rowdy lot of grandmas gather at the Harkaway Hall for a quilt-in.

VEOHRC told VCAT it was not convinced that the peaceful enjoyment of nearby homes and concerns about young people's safety should overrule the 'equality right' to party.

The Committee told VCAT that Lex's mates were 'sometimes inebriated.'

'On a number of occasions, damage was done to the Hall and some of the persons leaving the parties engaged in anti-social behaviour and caused damage to the surrounding homes and businesses.'

In the end, VCAT agreed with the Committee, and granted an exemption from the Act.

Lex isn't happy, like.

See you there!
Lex Loci

http://www.humanrightscommission.vic.gov.au/media/k2/attachments/General_Practices_FS_A4.pdf
Government Gazette G12, 22 March 2012, page 540

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