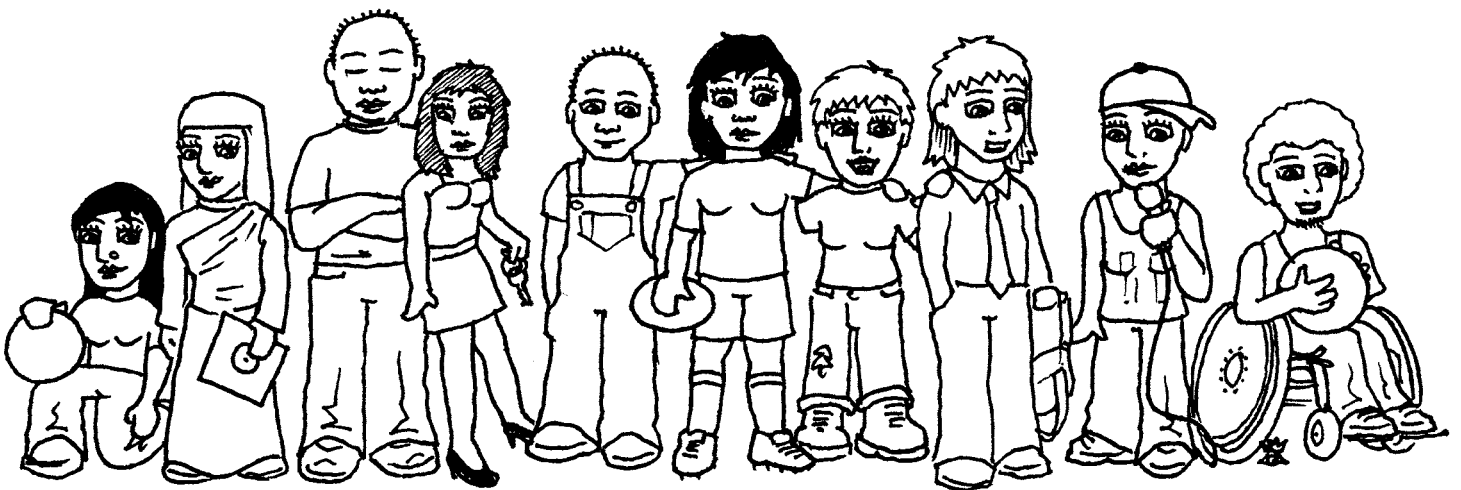


Opening the doors

*A 'Do It Yourself' Access and Equity manual
for working with young people*



*Produced by YAPA and the Access Project Reference Group
for the Nepean Better Futures Strategy*

Opening the Doors

This is one chapter of **Opening the Doors**. The other chapters are:

- What is Access and Equity?
- What does the law require me to do about Access & Equity?
- What does my funding body require me to do about Access & Equity?
- Young people with a disability
- Aboriginal and Torres Strait Islander young people
- Gay, lesbian, bi-sexual and transgender young people
- Early school leavers
- Rural and geographically isolated young people
- Young women
- Young parents
- Refugee and migrant young people
- Young people with mental health issues
- Young people involved with the juvenile justice system

Opening the Doors is only available online. You can:

- browse the publication in a series of web pages
- download individual chapters as PDF files
- download the whole publication as a PDF (large file: 2.4 MB – broadband recommended).

www.yapa.org.au/openingdoors

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Disclaimer: This manual is a general guide for NSW services designed specifically for the Nepean Region (Blue Mountains Penrith & Hawkesbury). The producers of the manual took reasonable care to ensure that all information was correct as of 2005. However government regulations, laws and standards are complex and do change over time. This document is not intended as legal advice. You should seek clarification on legal matters through other publications and authorities.

What does the law require me to do about access and equity?

There are a number of NSW and Australian laws which relate to access and equity.

In summary, these laws say:

Under the *NSW Anti Discrimination Act 1977* it is unlawful to discriminate against someone on the basis of race, sex, disability, homosexuality, transgender grounds, age, marital status or carer responsibilities.

Discrimination means that you treat someone less favourably than you would treat another person in the same or similar circumstances.

It is unlawful to discriminate in the provision of goods and services (such as youth services) by refusing to provide someone with those goods or services or by discriminating in the terms by which you provide the goods or services.

It is unlawful to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the basis of race, homosexuality, transgender or HIV/AIDS status. This includes threatening physical harm towards a person, group of persons or their property.

It is unlawful to sexually harass another person by making an unwelcome sexual advance, request or conduct where a reasonable person would anticipate that the person would be offended, humiliated or intimidated.

You should be aware that your organisation has a legal responsibility to prevent vilification and harassment from occurring.

Under the *Commonwealth Disability Discrimination Act 1992* it is unlawful to discriminate against a person with a disability in the provision of work, accommodation, education, access to premises, sport, goods, facilities and services.

Under the *Commonwealth Racial Discrimination Act 1975* it is unlawful for someone to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

It is unlawful to discriminate in the provision of goods, services and access to places and facilities.

It is unlawful to do a public act which is likely to offend, insult, humiliate or intimidate another person or group of people on the basis of race, colour or national or ethnic origin.

Under the *Commonwealth Sex Discrimination Act 1984* it is unlawful to discriminate in the provision of goods, services or facilities on the basis of sex, marital status, pregnancy or potential pregnancy.

It is unlawful to sexually harass another person by making an unwelcome sexual advance, request or conduct where a reasonable person would anticipate that the person would be offended, humiliated or intimidated.

Direct and indirect discrimination

Direct and indirect discrimination are both against the law.

Direct discrimination = treating someone in a way that is obviously unfair. For example by refusing to offer membership to someone just because they have a disability.

Indirect discrimination = having a requirement that treats everyone the same but unfairly affects some people. For example, by requiring a driver's licence as the only accepted form of identification for a membership application. This would have an unfair impact on many people with disabilities who are unable to drive.

More information about discrimination is available from the NSW Anti-Discrimination Board at www.lawlink.nsw.gov.au/adb