

Commissioner's staff, the Commission recommends the abolition of the requirement that the staff be subject to the Public Service Act.

Further comments made in relation to the agencies established by the Act are that:

- An advisory council on equal opportunity would be a useful source of support and community liaison, but there are more pressing needs for the resources required to service it.
- There is no reason to replace the Commissioner by a Commission.
- The Board should be renamed the 'Tribunal' to better reflect its functions. The President of the Tribunal should be a lawyer and should be entitled to determine questions of law which arise in the course of cases before it.

The VLRC recommends that State Government agencies should be under the same legal obligation as

private and local government employers not only to refrain from discriminatory practices but to promote actively equal employment opportunity. It considers that two issues should be considered in more detail by other review committees:

- *Racism*: The Victorian Attorney-General has appointed a committee to advise whether there should be action to combat racial vilification generally so as to cover a wider area than the present prohibition on racist acts and statements in the Act.
- *Sexism*: The VLRC recognises that the publication of sexist material may promote discrimination against women, but acknowledges that prohibiting the publication of such material has significant implications for freedom of expression, and raises constitutional issues. It says that the issues would be better considered at a national level.

Implementation

Reform has been told by the VLRC that the report is currently under consideration by the Victorian government.

Conclusions

The recommendations made in VLRC 36 are significant both in number and in potential impact. An independent review of State equal opportunity/anti-discrimination legislation would seem to be a worthwhile task for the other State law reform commissions to undertake. It is unlikely that any of the statutory bodies created under the various State Acts (for example, the Anti-Discrimination Board in NSW) would have sufficient resources and time to devote to an overview of the type undertaken by the VLRC, as opposed to the rather piecemeal amendment of the legislation which tends to occur at present. □

VLRC champions consumers

'Read the fine print before you sign anything' may be excellent advice as far as it goes, but when it comes to insurance, it may not go far enough. That's according to the VLRC. Chairperson David Kelly pointed out to an insurance industry conference that the problem is not how fine the print but how comprehensible the language on insurance policies. He stressed the absurdity of selling a product to people who cannot understand what they are buying. The problem can be solved, according to Prof Kelly, by requiring insurers to write in plain English.

Prof Kelly was scathing of the industry's support for specialist tribunals to deal with consumer complaints. 'Institutionalised factionalism' was how he described the proposed membership of the tribunals, which would comprise representatives of insurers and consumers. Instead, he urged setting up an Insurance Ombudsman not only to resolve disputes but also to assist insurers to improve their documents.