

THE CENTRE FOR INTERNATIONAL & PUBLIC LAW (CIPL)
ANU COLLEGE OF LAW PRESENTS:



PUBLIC SEMINAR

CROSSING THE DIVIDE: Why Anti-Discrimination Law Needs to be Public Law

Associate Professor Simon Rice OAM

ANU College of Law



Friday 20 November 2009, 1-2pm

Phillipa Weeks Staff Library

ANU College of Law (Bldg 5), Fellows Rd, ANU

The Australian National University

Please RSVP (by cob Wednesday 18 November) to E: rsvp@law.anu.edu.au

Enquiries to T: (02) 6125 0454

This event is free and open to the public.

Despite its social policy-oriented regulatory nature, anti-discrimination law is essentially a private law activity, even to the extent that it is referred to and analysed as a 'statutory tort'. The public/private divide that it does cross is of a different sort: the nature of the activity that it 'regulates'. But as a regulatory regime anti-discrimination law lacks distinctive features of a true public regulatory activity, such as codification, oversight, inspection, inquiry and penalties. An analogy is occupational health and safety, where the state leads efforts to regulate for safe workplaces, supplemented by a common law right to sue. For a host of reasons—essentially that the current approach doesn't work—it is time to consider, for example, ombudsman and inspection powers, coupled with a positive duty, and to take pursuit of the public policy goal of non-discrimination out of private hands.

Simon is an Associate Professor, and Director of Law Reform and Social Justice at the ANU College of Law. He is Chair of the ACT Law Reform Advisory Council, and a part-time judicial member of the NSW Administrative Decisions Tribunal in the Equal Opportunity Division. He has previously worked extensively in community legal centres, and has been Director of the NSW Law and Justice Foundation, President of Australian Lawyers for Human Rights, a Board member of the NSW Legal Aid Commission, and an honorary consultant to the NSW Law Reform Commission. Simon's teaching, research, publishing and advocacy is concerned principally with anti-discrimination law, human rights, access to justice, and lawyering in the public interest. In 2002 he was awarded a Medal in the Order of Australia for legal services to the economically and socially disadvantaged.

The views expressed in this seminar are those of the presenter and do not necessarily represent the views of The Australian National University.

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