



**Victorian Equal Opportunity
& Human Rights Commission**

Your Ref:
Our Ref: 3089916

27 June 2011

PRIVATE & CONFIDENTIAL

Grant Delahoy
President
MRAVIC
PO Box 12905
MELBOURNE VIC 3001

Dear Mr Delahoy,

**Complaint by Damien Codognotto against Motorcycle Riders Association of Australia
Inc t/as MRAVIC
File No: 3089916**

On 27 June 2011, the Commissioner of the Victorian Equal Opportunity and Human Rights Commission decided to decline to entertain Damien Codognotto's complaint of discrimination on the basis of political belief or activity in the area of clubs and victimisation against Motorcycle Riders Association of Australia Inc t/as MRAVIC.

The Commissioner made this decision pursuant to section 108(1) (a) of the *Equal Opportunity Act 1995* (the Act) on the basis that it considers the complaint is misconceived.

The reasons for the decision are:

The Equal Opportunity Act 1995 defines a club as a social, recreational, sporting or community service club, or a community service organisation that occupies any crown land or that directly or indirectly receives any financial assistance from the State or a municipal council.

The Commissioner considered the information provided by the parties. It would not appear, on the basis of this information, that MRAVIC meets the definition of a club under the Equal Opportunity Act 1995 as it does not occupy crown land or directly or indirectly receives any financial assistance from the State or local council.

Victimisation occurs when a person subjects another to a detriment because they have raised allegations of a breach of the Act. Mr Codognotto's complaint does not indicate that he made a complaint of discrimination to MRAVIC and that as a result MRAVIC subjected him to a detriment.

Please note that the Commissioner does not have the power to review her decision to decline your complaint. Similarly, she cannot re-open a file on the basis that there is a disagreement concerning the decision she has made.

humanrightscommission.vic.gov.au

Enquiry Line 1300 292 153

3/204 Lygon Street Carlton Vic 3053

Telephone 1300 891 848 Fax 1300 891 858 TTY 1300 289 621 Interpreters 1300 152 494

Email information@veohrc.vic.gov.au

Under section 108(2) of the Act Damien Codognotto may, within 60 days of receiving this notice, require the Commissioner to refer the complaint to the Victorian Civil and Administrative Tribunal, Anti-discrimination List (VCAT) for hearing. You will be advised whether or not this occurs.

If Damien Codognotto does not request referral the Commissioner may dismiss the complaint and no further action may be taken in relation to the subject matter of the complaint.

Section 109 of the Act gives Motorcycle Riders Association of Australia Inc t/as MRAVIC the right to apply to VCAT to have the complaint struck out if you believe it is frivolous, vexatious, misconceived or lacking in substance.

Yours sincerely,

A handwritten signature in black ink that reads "M. Mead". The signature is written in a cursive, slightly slanted style.

Michelle Mead
Delegate of the Commissioner