

Your rights

Everyone has the right to be treated fairly and with respect. If you have been discriminated against or a health care provider has treated you unfairly, you can do something about it.

There are State, Territory and Federal anti-discrimination laws and State and Territory health complaint laws that outline your rights with regard to discrimination and unfair treatment by a health care provider. There are many differences between State, Territory and Federal laws. You can contact the anti discrimination/equal opportunity commission in your State or Territory for information about your rights under anti-discrimination/equal opportunity laws. The health care complaints commission in your State or Territory can help with information about your rights under health care complaints law.

Discrimination

Generally discrimination is when someone is treated unfairly because of a particular characteristic they have, such as having hepatitis C.

Under Australian anti-discrimination laws hepatitis C is considered to be a 'disability' or 'impairment'. Under these laws it is against the law to discriminate against a person because they have hepatitis C in many different areas of life including:

- employment;
- the provision of goods and services;
- education; and
- provision of accommodation.

It is also against the law to discriminate against a person because they are thought to have a disability or impairment.

Anti-discrimination laws only cover discrimination that occurs in public life.

Whilst it is against the law to discriminate against a person because they have hepatitis C in a wide range of areas of public life, there are exceptions. These exceptions vary under the different State, Territory and Federal laws.

Generally, however, it is lawful to discriminate against a person with hepatitis C if it is necessary to protect public health, and there are certain exemptions for insurance companies.

You can contact the anti-discrimination/equal opportunity commission in your state or territory for information about your rights under anti-discrimination/equal opportunity law.

Anti-discrimination laws around Australia

Federal	States and Territories
<i>Disability Discrimination Act 1992</i>	<i>Anti Discrimination Act 1977 (NSW)</i> <i>Discrimination Act 1991 (ACT)</i> <i>Equal Opportunity Act 1995 (Vic)</i> <i>Anti Discrimination Act 1998 (Tas)</i> <i>Equal Opportunity Act 1984 (SA)</i> <i>Equal opportunity Act 1984 (WA)</i> <i>Anti Discrimination act 1991 (QLD)</i> <i>Anti Discrimination Act 2004 (NT)</i>

Unfair treatment in health care

If you feel a health care provider or service has treated you unfairly or you are unhappy with the quality of service you have received, you have the right to complain. This includes unfair treatment that may or may not be covered by anti-discrimination laws.

In all State and Territories, except South Australia, there are specific health care complaint laws and health care complaints commissions, though they may have different titles. In South Australia, there are no specific health care complaint laws, but there are other options for making health care complaints.

Usually, before you make a complaint to the health care commission, you must try to resolve the complaint directly with the health care provider or service. It's a good idea to contact the health care complaints commission in your State or Territory. They'll discuss your problem with you and give you advice about how to complain directly to the health care provider or service. In South Australia you can contact the Office of the State Ombudsman for advice.

What can I do about discrimination or unfair treatment?

Being discriminated against or treated unfairly can make you feel angry, hurt, humiliated, isolated, anxious and upset. It can be hard to know what to do about the problem. Doing something about discrimination when it occurs can make you feel stronger and it can also lead to changes that can benefit other people.

You need to decide whether you will take action about being discriminated against or being treated unfairly. The decision must be right for you. It's best to decide when you understand the different options that are open to you.

Every situation is different and the steps you take to resolve the problem will depend upon your situation. You may decide to try to resolve the problem yourself in the first instance. This may involve talking to the people concerned, their superiors or an organisations' complaints department.

If you are considering making a discrimination or health care complaint it is advisable to first get information and legal advice. State or Territory anti-discrimination or health care complaints commissions are a useful resource. You can contact them to discuss your problem, get information to help you decide if you want to make a complaint and for advice on whether you are likely to be covered by the laws they administer. It is also advisable to get legal advice.

When considering making a complaint you should consider that most anti-discrimination laws and health care complaint laws require that you make your complaint within a set time period. These time periods vary and you should check with your State and Territory commission.

For information about preparing a complaint and the complaints process download the Hepatitis Australia booklet **My Rights** from the www.hepatitisaustralia.com website or order a copy from your local Hepatitis Council ph. 1300 437 222.

Health Care Complaint Laws around Australia

Health Care Complaints Act 1993 (NSW)
Community and Health Services Complaints Act 1993 (ACT)
Health Services (Conciliation and Review) Act 1987 (Vic)
Health Complaints Act 1995 (Tas)
Health Services (Conciliation and Review) Act 1995 (WA)
Health and Community Services Complaints Act 2003 (NT)
Health Quality and Complaints Commission Act 2006 (Qld)

Life and other insurances

A person with hepatitis C may be refused insurance cover or may have to pay higher premiums, depending on the type of insurance required.

Insurance companies use a risk classification system for calculating the annual premium they should charge. They assess the level of risk involved in insuring a person with hepatitis C in relation to the type of insurance needed. It is advisable to seek information about insurance from a range of companies, as their premiums, level of coverage and access to insurance may differ.

There is no need to discuss hepatitis C status with an insurance company offering coverage of your home, car or other valuables. Nor does any company have the right to refuse insurance for these items if you have hepatitis C.

The Anti-Discrimination Board or Legal Aid Commission in each state and territory may be able to provide advice about unfair discrimination in regard to obtaining insurance cover.

Social security

Centrelink has a range of financial support services designed to assist people who are unable to work because of symptoms related to their illness. Sickness allowances, disability support pensions or carers pensions are available to people who meet specific criteria, and you will most likely have to inform Centrelink that you have hepatitis C if you intend to claim these benefits.

For more information

For further information on hepatitis C please contact the national infoline 1300 HEP ABC (1300 437 222). The infoline diverts to information and support lines at your local state or territory hepatitis council.

Some of the information on hepatitis C above has been abridged from various resources, these resources include:

My Rights (Hepatitis Australia)—can be ordered from your local Hepatitis Council (ph. 1300 437 222) or download PDF from www.hepatitisaustralia.com