



## Media Release

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### Discrimination Bill: On the right track to a fair go

Today in Sydney public hearings are being held to discuss the Human Rights and Anti-Discrimination Bill. Redfern Legal Centre is providing evidence at today's public hearings, alongside other representatives from the National Association of Community Legal Centres.

Redfern Legal Centre, a community legal centre specialising in discrimination law, welcomes the Bill, which aims to introduce a more efficient and effective regime for organisations and individuals to address unlawful discrimination.

Joanna Shulman, Chief Executive Officer of Redfern Legal Centre and practitioner of discrimination and human rights law said today,

"We work with clients who experience discrimination because of a particular vulnerability, such as limited English, or needing to care for a child who has a disability. Many of these people who experience unlawful discrimination are among the most disadvantaged members of our society. The anti-discrimination Bill provides for an accessible and fairer anti-discrimination regime which improves our human rights protections and assists our most vulnerable to achieve a fair go."

The Bill removes some existing barriers to justice, specifically by introducing the principle that each party in a discrimination matter pays its own legal costs.

"Currently, if you have been discriminated against and you lose in court, you must pay the legal costs of the other party. Our experience is that compensation and court awards in discrimination matters are very low. Legal costs may be up to four times the potential compensation awarded. Matters are much more likely to be brought, and the legislation is more likely to be effective in discouraging discriminatory practices if costs are paid by each party," said Ms Shulman.

In addition, the Bill reverses the onus of proof. People and businesses are not explicit about their discriminatory decisions. Those who aren't promoted or employed because of an unlawful reason do not have access to evidence to prove this was the case. Under the new Bill, an employer or education provider must prove they made a particular decision because of a lawful reason, rather than the onus of proof being with the complainant.

There are some areas in which the Bill can be improved to adequately protect Australians against unlawful discrimination, such as adding domestic violence to the list of protected attributes.

Redfern Legal Centre auspices the Sydney Women's Domestic Violence Court Advocacy Service (Sydney WDVCAS), which supports women seeking Apprehended Violence Orders against partners, former partners and other family members.

"We work with many women dealing with family violence who report their workplaces are not supportive of their need to take time off work and have little understanding of the impact of violence on other aspects of their lives. Adding domestic violence as a protected attribute could assist women to overcome these difficulties and re-establish themselves," said Ms Shulman.

Redfern Legal Centre also supports the removal the word 'offend' from the definition of discrimination. As it is currently drafted, the Bill provides that any conduct that offends is discrimination. "This was a drafting oversight, which extends the law beyond existing obligations, and should be removed," Ms Shulman said.

Redfern Legal Centre welcomes the Bill, which will introduce a more effective and accessible regime for addressing unlawful discrimination in Australia.

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