

DEPARTMENT OF FINANCE AND DEREGULATION SUBMISSION TO THE
INQUIRY INTO THE HUMAN RIGHTS AND ANTI-DISCRIMINATION BILL 2012 –
EXPOSURE DRAFT LEGISLATION

The Department of Finance and Deregulation welcomes the release of the exposure draft *Human Rights and Anti-Discrimination Bill 2012*. This Bill was developed through a Better Regulation Ministerial Partnership between the Attorney-General and the Minister for Finance and Deregulation to streamline Commonwealth anti-discrimination legislation into a single Act.

The Bill provides better protections and clearer, simpler legislation that will be easier to understand and comply with, delivering regulatory benefits to business. The consolidated legislation will increase certainty for and reduce costs to business by addressing gaps, removing inconsistencies, reducing complexity and streamlining the complaints process.

While the Bill proposes that the highest current standard for protected attributes is adopted and additional protected attributes are introduced, the overall regulatory burden on business is unlikely to increase as these standards and protected attributes already exist under either the Commonwealth *Fair Work Act 2009* or current state and territory legislation. The shifting burden of proof and the greater scope for the Australian Human Rights Commission (the Commission) to dismiss unmeritorious complaints at an early stage should mean that businesses will need to contend with fewer unmeritorious complaints.

The introduction of a co-regulatory framework will also improve certainty for business through the certification of industry codes or standards by the Commission for businesses and industries that choose to participate. Participating businesses that comply with their certified codes or standards would have a complete defence against complaints of discrimination. The Bill also enables the Commission to provide greater support and guidance to business upon request, including through Commission reviews or audits of business policies and practices.

Overall, the Bill provides a balance between the obligations it places on businesses and the rights of an individual to protection from discriminatory behaviour.