



22 December 2023

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretary,

Australian Human Rights Commission Amendment (Costs Protection) Bill 2023

The Community and Public Sector Union - PSU Group (CPSU) welcomes the proposed cost reforms introduced in parliament by the Attorney General the Hon. Mark Dreyfus KC on 15 November 2023 in response to recommendation 25 of the Respect@Work report. The CPSU represents Australian Public Service employees and provides a strong voice for our members in key public policy and political debates.

The CPSU is committed to the successful and timely implementation of the Respect@Work report recommendations and endorses equal access in discrimination and sexual harassment matters.

There are many factors that may impede justice for victim-survivors of discrimination and sexual harassment. This was evident in the Respect@Work report, which found the prevalence of sexual harassment in Australia to be “endemic.” Currently, individuals who are unsuccessful in claiming against an employer for workplace discrimination or sexual harassment may be required to pay the defendant’s legal costs. This is an obvious deterrent to victim-survivors seeking redress, with many choosing not to proceed due to the financial risk.

The proposed reforms go a significant way to addressing this and are a substantial improvement on the ‘soft costs neutrality’ model that was originally being considered by

Government. This is particularly relevant for individuals who are already experiencing disadvantages such as power imbalances or resource disparities, as is often the case in unlawful discrimination proceedings.

Importantly, this Bill goes beyond the scope of sex discrimination claims and applies to all discrimination matters under federal law. This avoids increased complexity in discrimination law via the implementation of differing cost models, and addresses the fundamental power imbalances that exist in all forms of discrimination.

If passed, the modified 'equal access' costs model proposed in the *Australian Human Rights Commission Amendment (Costs Protection) Bill 2023* will be important progress for discrimination law in Australia, removing financial barriers that prevent victim-survivors of workplace discrimination and sexual harassment from seeking justice and holding perpetrators to account. As such, the CPSU supports the adoption of the proposed amendments.

The CPSU notes our support for the Power2Prevent submission.

If you require further information, please contact Katie Higgins, Policy and Research Officer, by email at

Sincerely,

Melissa Payne
Deputy National President