



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

By email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

19 December 2012

Dear Secretary

**Re: Exposure Draft of Human Rights and Anti-Discrimination Bill 2012**

United Voice has seen a draft submission of the Australian Council of Trade Unions (ACTU) in relation to the proposed Human Rights and Anti-Discrimination Bill 2012, United Voice endorses the ACTU's submission. We would also like to take this opportunity to comment on a few aspects of the Bill and how they relate to our members.

Many of United Voice's 120,000 members work in low paid award reliant jobs and stand to benefit from the no costs jurisdiction, that parties by default bear their own costs of any litigation. However, United Voice would like to echo the ACTU's observation that there is no provision in the Bill for unions and other relevant organisations to represent complainants in Federal Court discrimination cases. As the Bill stands United Voice will not be able to represent its members in advancing their complaints even though the members make that request. The effect of this is that the most vulnerable workers, those without the means to represent themselves, will likely shy away from bringing a complaint.

United Voice welcomes the approach to the burden of proof in the Bill. Shifting the burden of proof to the respondent once an applicant has successfully established a prima facie case should assist in United Voice's members' access to justice.

United Voice shares the ACTU's disappointment that domestic violence is missing from the list of protected attributes. Women make up a large portion of United Voice's membership, and unfortunately it is statistically all too probable that many of them will suffer some form of domestic violence. Having domestic violence recognised as a protected attribute would provide some measure of support and reassurance in the workplace in an employee's time of need.

Whilst United Voice recognises that the primary purpose of the Bill is one of consolidating and simplifying the confusing plethora of legislation in the area of discrimination (a purpose which this Bill should achieve) United Voice believes, as enunciated by the ACTU, that there have been some missed opportunities with this Bill. United Voice looks forward to being involved with the Government in the formulation of legislation that does tackle the more substantive issues surrounding discrimination as the ACTU and other interested parties have identified.

Yours faithfully

Louise Tarrant  
National Secretary  
United Voice