



Thank you for the opportunity to testify last week.

Sexual harassment is a significant issue in Australia, and we commend the efforts to reduce it. However, if the proposed model were to go forward, we again ask the Government to focus their reforms on sexual harassment and not all cases that fall under the AHRC.

In response to Senator Scarr's question, the Law Council's recommendation of a 'broad-discretion' approach would be a much better approach than introducing the current model across all claims. The reality of politically and ideologically motivated claims means that the courts need some discretion to prevent the process being used as the punishment.

We do not believe that sexual harassment claims are launched vexatiously in a significant number, and we can see the argument for removing the potential of bankruptcy in these matters, and mitigating against the other tools that can be used by those with money to silence those without.

However, other areas of law come under the AHRC, and are within the ambit of this Bill, which do see much higher rates of politically or ideologically motivated claims, and those are the areas of our concern.

While the area of sexual harassment has undergone significant examination in the lead up to this legislation, the same can not be said of the impact on other discrimination claims of this new costs model.

I note in the hearing that other witnesses were asked about their first round of submissions and discussions. Faith communities were not consulted in that earlier process, and have not had the chance to research and provide detailed data about the rate and impact of politically or ideologically motivated claims.

Again, we are asking the Government to focus the tool on fixing the identified problem and limit the legislation to sexual harassment. If there is need to examine costs on wider discrimination claims, then we urge the Government to begin a consultation and data-gathering process with that purpose.

If the scope of the legislation is not to be tightened, then the Law Council's proposal gives the courts greater ability to discern unmeritorious and ideologically motivated claims and respond accordingly.

In response to Senator Scarr's second question, we do not think that having different costs regimes for different elements of law is too much of a burden for the system. The combination of the high benefit from improving outcomes for sexual harassment claims, coupled with avoiding the risk of encouraging spurious claims in other areas of law, far outweighs the potential problems of different costs regimes.

We noted at the hearing that another non-profit testified about the low-resources available to them to push sexual harassment cases, and the high costs that they face. This reality is equally true of small faith institutions who face vexatious claims.

Thank you again for considering our concerns.

Mike Southon
Executive Director
Freedom for Faith