NRA Submission to the Attorney General's Department

Exposure Draft – Human Rights and Anti-Discrimination Bill 2012

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About the NRA

The National Retail Association (NRA) is Australia's largest and most representative retail industry organisation, and has been representing the interests of the retail, fast food and broader retail service sector for almost 100 years. NRA delivers critical information and advice to thousands of businesses nationally, ranging in size from small independent retailers, retail franchise networks, and the majority of Australia's major retail chains to independent retail businesses.

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NRA is a member of the Australian Chamber of Commerce and Industry (ACCI), the peak council of employer organisations representing 37 separate member-based organisations. ACCI represents Australian business in all major facets and operations.

ACCI has made extensive submissions in relation to the exposure draft and NRA supports ACCI in its representations.

Of particular concern for NRA members is the proposal for a shifting onus of proof.

The draft bill imposes a shifting onus of proof more closely aligned with the general protections provisions contained in the *Fair Work Act (Cth)* 2009 (FW Act).

The NRA does not support this position and considers that such onerous provisions are manifestly unfair to employers, and will likely lead to an increase in complaints given the relative ease with which an application may be made. Amendments to the cost provisions of the FW Act have already been required to deter the making of unmeritorious claims.

It is small business retailers without access to in-house human resources specialists that will be particularly affected by these changes, in circumstances where such businesses are already struggling to survive in the current economic climate.

The NRA submits that, while it is important to balance the requirements of applicants and respondents, the proposed reverse onus of proof is an unnecessary change, to the detriment of the respondent.

THE END