



Disability Discrimination Act 1992

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About this compilation

This is a compilation of the *Disability Discrimination Act 1992* that shows the text of the law as amended and in force on 27 March 2006 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Presentational changes

The *Legislation Act 2003* provides for First Parliamentary Counsel to make presentational changes to a compilation. Presentational changes are applied to give a more consistent look and feel to legislation published on the Register, and enable the user to more easily navigate those documents.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act relating to discrimination on the ground of disability

Part 1—Preliminary

1 Short title

This Act may be cited as the *Disability Discrimination Act 1992*.

2 Commencement

- (1) Sections 1 and 2 commence on the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), the remaining provisions of this Act commence on a day or days to be fixed by Proclamation.
- (3) If a provision of this Act does not commence under subsection (2) within the period of 12 months beginning on the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.

3 Objects

The objects of this Act are:

- (a) to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:
 - (i) work, accommodation, education, access to premises, clubs and sport; and
 - (ii) the provision of goods, facilities, services and land; and
 - (iii) existing laws; and
 - (iv) the administration of Commonwealth laws and programs; and
- (b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and

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- (c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

4 Interpretation

- (1) In this Act, unless the contrary intention appears:

accommodation includes residential or business accommodation.

administrative office means:

- (a) an office established by, or an appointment made under, a law of the Commonwealth; and
- (b) an office established by, or an appointment made under, a law of a Territory; and
- (c) an appointment made by the Governor-General or a Minister otherwise than under a law of the Commonwealth or of a Territory; and
- (d) an appointment as a director of an incorporated company that is a public authority of the Commonwealth;

but does not include:

- (e) an office of member of the Assembly, member of the Executive, or Minister within the meaning of the *Australian Capital Territory (Self-Government) Act 1988*; or
- (f) an office of member of the Legislative Assembly, member of the Council or Minister of the Territory, within the meaning of the *Northern Territory (Self-Government) Act 1978*; or
- (g) an office of member of the Legislative Assembly within the meaning of the *Norfolk Island Act 1979*; or
- (h) an office or appointment in the Australian Public Service.

associate, in relation to a person, includes:

- (a) a spouse of the person; and
- (b) another person who is living with the person on a genuine domestic basis; and
- (c) a relative of the person; and
- (d) a carer of the person; and

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- (e) another person who is in a business, sporting or recreational relationship with the person.

auxiliary aid means equipment (other than a palliative or therapeutic device) that provides assistance to a person with a disability to alleviate the effect of the disability.

club means an association (whether incorporated or unincorporated) of persons associated together for social, literary, cultural, political, sporting, athletic or other lawful purposes that provides and maintains its facilities, in whole or in part, from the funds of the association.

Commission means the Human Rights and Equal Opportunity Commission established by the *Human Rights and Equal Opportunity Commission Act 1986*.

commission agent means a person who does work for another person as the agent of that other person and who is remunerated, whether in whole or in part, by commission.

Commissioner means the Disability Discrimination Commissioner appointed under section 113.

committee of management, in relation to a club or a registered organisation, means the group or body of persons (however described) that manages the affairs of that club or organisation, as the case may be.

Commonwealth agency means an agency within the meaning of the *Privacy Act 1988*.

Commonwealth employee means a person who:

- (a) is appointed or engaged under the *Public Service Act 1999*;
- (b) holds an administrative office; or
- (c) is employed by a public authority of the Commonwealth; or
- (d) holds an office or appointment in the Commonwealth Teaching Service or is employed as a temporary employee under the *Commonwealth Teaching Service Act 1972*; or

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- (e) is employed under the *Australian Security Intelligence Organisation Act 1979*, the *Commonwealth Electoral Act 1918* or the *Naval Defence Act 1910*; or
- (f) is a member of the Defence Force; or
- (g) is the Commissioner of the Australian Federal Police, a Deputy Commissioner of the Australian Federal Police, an AFP employee or a special member of the Australian Federal Police (all within the meaning of the *Australian Federal Police Act 1979*).

Commonwealth law means:

- (a) an Act, or a regulation, rule, by-law or determination made under an Act; or
- (b) an ordinance of a Territory, or a regulation, rule, by-law or determination made under an ordinance of a Territory; or
- (c) an order or award made under a law referred to in paragraph (a) or (b); or
- (d) a decision of the Australian Fair Pay Commission (within the meaning of the *Workplace Relations Act 1996*).

Commonwealth program means a program conducted by or on behalf of the Commonwealth Government.

contract worker means a person who does work for another person under a contract between the employer of the first-mentioned person and that other person.

Convention means the Discrimination (Employment and Occupation) Convention, 1958 adopted by the General Conference of the International Labour Organization on 25 June 1958, a copy of the English text of which is set out in Schedule 1 of the *Human Rights and Equal Opportunity Commission Act 1986*.

Covenant on Civil and Political Rights means the International Covenant on Civil and Political Rights, a copy of the English text of which is set out in Schedule 2 of the *Human Rights and Equal Opportunity Commission Act 1986*.

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Department means an Agency within the meaning of the *Public Service Act 1999*.

disability, in relation to a person, means:

- (a) total or partial loss of the person's bodily or mental functions; or
- (b) total or partial loss of a part of the body; or
- (c) the presence in the body of organisms causing disease or illness; or
- (d) the presence in the body of organisms capable of causing disease or illness; or
- (e) the malfunction, malformation or disfigurement of a part of the person's body; or
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;

and includes a disability that:

- (h) presently exists; or
- (i) previously existed but no longer exists; or
- (j) may exist in the future; or
- (k) is imputed to a person.

disability discrimination has the meaning given by sections 5 to 9 (inclusive).

discriminate has the meaning given by sections 5 to 9 (inclusive).

document includes any book, register or other record of information, however compiled, recorded or stored.

educational authority means a body or person administering an educational institution.

educational institution means a school, college, university or other institution at which education or training is provided.

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education provider means:

- (a) an educational authority; or
- (b) an educational institution; or
- (c) an organisation whose purpose is to develop or accredit curricula or training courses used by other education providers referred to in paragraph (a) or (b).

employment includes:

- (a) part-time and temporary employment; and
- (b) work under a contract for services; and
- (c) work as a Commonwealth employee; and
- (d) work as an employee of a State or an instrumentality of a State.

employment agency means any person who, or body that, whether for payment or not, assists persons to find employment or other work or assists employers to find employees or workers, and includes the Commonwealth Employment Service.

enactment has the same meaning as in the *Human Rights and Equal Opportunity Commission Act 1986*.

exemption means an exemption granted under section 55.

Federal Court means the Federal Court of Australia.

function includes duty.

institution of tertiary education means a university, technical and further education institution or other institution at which tertiary education or training is provided.

instrumentality of a State means a body or authority established for a public purpose by a law of a State and includes a local government body.

premises includes:

- (a) a structure, building, aircraft, vehicle or vessel; and
- (b) a place (whether enclosed or built on or not); and

- (c) a part of premises (including premises of a kind referred to in paragraph (a) or (b)).

President means President of the Commission.

principal means:

- (a) in relation to a commission agent—a person for whom the commission agent does work as a commission agent; and
- (b) in relation to a contract worker—a person for whom the contract worker does work under a contract between the employer of the contract worker and the person.

principal executive, in relation to a Commonwealth agency, has the same meaning as in Part V of the *Privacy Act 1988*.

proposed enactment has the same meaning as in the *Human Rights and Equal Opportunity Commission Act 1986*.

public authority of the Commonwealth means:

- (a) a body incorporated, whether before or after the commencement of this Act, for a public purpose by a law of the Commonwealth or a law of a Territory, being a body corporate employing staff on its own behalf; or
- (b) an authority or body, not being a body corporate, established, whether before or after the commencement of this Act, for a public purpose by, or in accordance with the provisions of, a law of the Commonwealth or a law of a Territory, being an authority or body employing staff on its own behalf; or
- (c) an incorporated company over which the Commonwealth, or a body or authority referred to in paragraph (a) or (b), is in a position to exercise control.

registered organisation means:

- (a) an organisation within the meaning of Part 2 of Chapter 2 of Schedule 1 to the *Workplace Relations Act 1996*; or
- (b) a transitionally registered association within the meaning of Schedule 10 to the *Workplace Relations Act 1996*.

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relative, in relation to a person, means a person who is related to the first-mentioned person by blood, marriage, affinity or adoption.

services includes:

- (a) services relating to banking, insurance, superannuation and the provision of grants, loans, credit or finance; or
- (b) services relating to entertainment, recreation or refreshment; or
- (c) services relating to transport or travel; or
- (d) services relating to telecommunications; or
- (e) services of the kind provided by the members of any profession or trade; or
- (f) services of the kind provided by a government, a government authority or a local government body.

State, except in subsections 12(11) and (12), includes the Australian Capital Territory and the Northern Territory.

technical and further education institution has the same meaning as that expression has in the *Employment, Education and Training Act 1988*.

Territory, except in subsection 12(12) or in paragraph (c) of the definition of **administrative office** in this subsection, does not include the Australian Capital Territory and the Northern Territory.

this Act includes the regulations.

unjustifiable hardship has the meaning given by section 11.

voluntary body means an association or other body (whether incorporated or unincorporated) the activities of which are not engaged in for the purpose of making a profit, but does not include:

- (a) a club; or
- (b) a body established by a law of the Commonwealth, a State or a Territory; or
- (c) an association that provides grants, loans, credit or finance to its members.

- (2) For the purposes of this Act, refusing or failing to do an act is taken to be the doing of an act and a reference to an act includes a reference to a refusal or failure to do an act.

5 Disability discrimination

- (1) For the purposes of this Act, a person (*discriminator*) discriminates against another person (*aggrieved person*) on the ground of a disability of the aggrieved person if, because of the aggrieved person's disability, the discriminator treats or proposes to treat the aggrieved person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person without the disability.
- (2) For the purposes of subsection (1), circumstances in which a person treats or would treat another person with a disability are not materially different because of the fact that different accommodation or services may be required by the person with a disability.

6 Indirect disability discrimination

For the purposes of this Act, a person (*discriminator*) discriminates against another person (*aggrieved person*) on the ground of a disability of the aggrieved person if the discriminator requires the aggrieved person to comply with a requirement or condition:

- (a) with which a substantially higher proportion of persons without the disability comply or are able to comply; and
- (b) which is not reasonable having regard to the circumstances of the case; and
- (c) with which the aggrieved person does not or is not able to comply.

7 Disability discrimination—palliative and therapeutic devices and auxiliary aids

For the purposes of this Act, a person (*discriminator*) discriminates against another person with a disability (*aggrieved person*) if the

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discriminator treats the aggrieved person less favourably because of the fact that the aggrieved person is accompanied by, or possesses:

- (a) a palliative or therapeutic device; or
- (b) an auxiliary aid;

that is used by the aggrieved person, or because of any matter related to that fact, whether or not it is the discriminator's practice to treat less favourably any person who is accompanied by, or is in possession of, and is the user of:

- (c) such a palliative or therapeutic device; or
- (d) such an auxiliary aid.

8 Disability discrimination—interpreters, readers and assistants

For the purposes of this Act, a person (*discriminator*) discriminates against another person with a disability (*aggrieved person*) if the discriminator treats the aggrieved person less favourably because of the fact that the aggrieved person is accompanied by:

- (a) an interpreter; or
- (b) a reader; or
- (c) an assistant; or
- (d) a carer;

who provides interpretive, reading or other services to the aggrieved person because of the disability, or because of any matter related to that fact, whether or not it is the discriminator's practice to treat less favourably any person who is accompanied by:

- (e) an interpreter; or
- (f) a reader; or
- (g) an assistant; or
- (h) a carer.

9 Disability discrimination—guide dogs, hearing assistance dogs and trained animals

- (1) For the purposes of this Act, a person (*discriminator*) discriminates against a person with:
- (a) a visual disability; or
 - (b) a hearing disability; or
 - (c) any other disability;
- (*aggrieved person*) if the discriminator treats the aggrieved person less favourably because of the fact that the aggrieved person possesses, or is accompanied by:
- (d) a guide dog; or
 - (e) a dog trained to assist the aggrieved person in activities where hearing is required, or because of any matter related to that fact; or
 - (f) any other animal trained to assist the aggrieved person to alleviate the effect of the disability, or because of any matter related to that fact;
- whether or not it is the discriminator's practice to treat less favourably any person who possesses, or is accompanied by, a dog or any other animal.
- (2) Subsection (1) does not affect the liability of a person with a disability for damage to property caused by a dog or other animal trained to assist the person to alleviate the effect of the disability or because of any matter related to that fact.

10 Act done because of disability and for other reason

If:

- (a) an act is done for 2 or more reasons; and
 - (b) one of the reasons is the disability of a person (whether or not it is the dominant or a substantial reason for doing the act);
- then, for the purposes of this Act, the act is taken to be done for that reason.

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11 Unjustifiable hardship

For the purposes of this Act, in determining what constitutes unjustifiable hardship, all relevant circumstances of the particular case are to be taken into account including:

- (a) the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned; and
- (b) the effect of the disability of a person concerned; and
- (c) the financial circumstances and the estimated amount of expenditure required to be made by the person claiming unjustifiable hardship; and
- (d) in the case of the provision of services, or the making available of facilities—an action plan given to the Commission under section 64.

12 Application of Act

- (1) In this section:

Australia includes the external Territories.

limited application provisions means the provisions of Divisions 1, 2 and 3 of Part 2 other than sections 20, 29 and 30.

- (2) Subject to this section, this Act applies throughout Australia.
- (3) This Act has effect in relation to acts done within a Territory.
- (4) The limited application provisions have effect as provided in subsection (3) of this section and the following provisions of this section and not otherwise.
- (5) Sections 15, 16 and 17 have effect in relation to discrimination against:
- (a) Commonwealth employees in connection with their employment as Commonwealth employees; and
 - (b) persons seeking to become Commonwealth employees.

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- (6) Section 19 has effect in relation to discrimination by an authority or body in the exercise of a power under a Commonwealth law to confer, renew, extend, revoke or withdraw an authorisation or qualification.
- (7) The limited application provisions have effect in relation to acts done by, or on behalf of:
 - (a) the Commonwealth or the Administration of a Territory; or
 - (b) a body or authority established for a public purpose by a law of the Commonwealth or a law of a Territory;in the exercise of a power conferred by a law of the Commonwealth or a law of a Territory.
- (8) The limited application provisions have effect in relation to discrimination against a person with a disability to the extent that the provisions:
 - (a) give effect to the Convention; or
 - (b) give effect to the Covenant on Civil and Political Rights; or
 - (c) give effect to the International Covenant on Economic, Social and Cultural Rights; or
 - (d) relate to matters external to Australia; or
 - (e) relate to matters of international concern.
- (9) The limited application provisions have effect in relation to discrimination by a foreign corporation, or a trading or financial corporation formed within the limits of the Commonwealth, or by a person in the course of the person's duties or purported duties as an officer or employee of such a corporation.
- (10) Without limiting the effect of subsection (9), the limited application provisions have effect in relation to discrimination by a trading or financial corporation formed within the limits of the Commonwealth, or by a person in the course of the person's duties or purported duties as an officer or employee of such a corporation, to the extent that the discrimination takes place in the course of the trading activities of the trading corporation or the financial activities of the financial corporation, as the case may be.

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- (11) The limited application provisions have effect in relation to discrimination in the course of, or in relation to, the carrying on of the business of:
 - (a) banking, other than State banking not extending beyond the limits of the State concerned; or
 - (b) insurance, other than State insurance not extending beyond the limits of the State concerned.
- (12) The limited application provisions have effect in relation to discrimination in the course of, or in relation to, trade or commerce:
 - (a) between Australia and a place outside Australia; or
 - (b) among the States; or
 - (c) between a State and a Territory; or
 - (d) between 2 Territories.
- (13) The limited application provisions have effect in relation to discrimination within Australia involving persons or things, or matters arising outside Australia.
- (14) The provisions of Division 3 of Part 2 have effect in relation to acts done within Australia involving persons or things, or matters arising outside Australia.

12A Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* (except Part 2.5) applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

13 Operation of State and Territory laws

- (1) A reference in this section to this Act is a reference to this Act as it has effect because of a provision of section 12.

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- (2) A reference in this section to a law of a State or Territory is a reference to a law of a State or Territory that deals with discrimination on the grounds of disability.
- (3) This Act is not intended to exclude or limit the operation of a law of a State or Territory that is capable of operating concurrently with this Act.
- (4) If:
 - (a) a law of a State or Territory relating to discrimination deals with a matter dealt with by this Act; and
 - (b) a person has made a complaint or initiated a proceeding under that law in respect of an act or omission in respect of which the person would, apart from this subsection, have been entitled to make a complaint under the *Human Rights and Equal Opportunity Commission Act 1986* alleging that the act or omission is unlawful under a provision of Part 2 of this Act;the person is not entitled to make a complaint or institute a proceeding under the *Human Rights and Equal Opportunity Commission Act 1986* alleging that the act or omission is unlawful under a provision of Part 2 of this Act.
- (5) If:
 - (a) a law of a State or Territory deals with a matter dealt with by this Act; and
 - (b) an act or omission by a person that constitutes an offence against that law also constitutes an offence against this Act;the person may be prosecuted and convicted either under that law of the State or Territory or under this Act, but nothing in this subsection renders a person liable to be punished more than once in respect of the same act or omission.

14 Extent to which Act binds the Crown

- (1) This Act binds the Crown in right of the Commonwealth, of each of the States and of Norfolk Island.

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- (2) This Act does not render the Crown in right of the Commonwealth, of a State or of Norfolk Island liable to be prosecuted for an offence.

Part 2—Prohibition of disability discrimination

Division 1—Discrimination in work

15 Discrimination in employment

- (1) It is unlawful for an employer or a person acting or purporting to act on behalf of an employer to discriminate against a person on the ground of the other person's disability or a disability of any of that other person's associates:
 - (a) in the arrangements made for the purpose of determining who should be offered employment; or
 - (b) in determining who should be offered employment; or
 - (c) in the terms or conditions on which employment is offered.
- (2) It is unlawful for an employer or a person acting or purporting to act on behalf of an employer to discriminate against an employee on the ground of the employee's disability or a disability of any of that employee's associates:
 - (a) in the terms or conditions of employment that the employer affords the employee; or
 - (b) by denying the employee access, or limiting the employee's access, to opportunities for promotion, transfer or training, or to any other benefits associated with employment; or
 - (c) by dismissing the employee; or
 - (d) by subjecting the employee to any other detriment.
- (3) Neither paragraph (1)(a) nor (b) renders it unlawful for a person to discriminate against another person, on the ground of the other person's disability, in connection with employment to perform domestic duties on the premises on which the first-mentioned person resides.
- (4) Neither paragraph (1)(b) nor (2)(c) renders unlawful discrimination by an employer against a person on the ground of the person's disability, if taking into account the person's past training,

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qualifications and experience relevant to the particular employment and, if the person is already employed by the employer, the person's performance as an employee, and all other relevant factors that it is reasonable to take into account, the person because of his or her disability:

- (a) would be unable to carry out the inherent requirements of the particular employment; or
- (b) would, in order to carry out those requirements, require services or facilities that are not required by persons without the disability and the provision of which would impose an unjustifiable hardship on the employer.

16 Discrimination against commission agents

- (1) It is unlawful for a principal to discriminate against a person on the ground of the person's disability or a disability of any of that person's associates:
 - (a) in the arrangements the principal makes for the purpose of determining who should be engaged as a commission agent; or
 - (b) in determining who should be engaged as a commission agent; or
 - (c) in the terms or conditions on which the person is engaged as a commission agent.
- (2) It is unlawful for a principal to discriminate against a commission agent on the ground of the commission agent's disability or a disability of any of the person's associates:
 - (a) in the terms or conditions that the principal affords the commission agent as a commission agent; or
 - (b) by denying the commission agent access, or limiting the commission agent's access, to opportunities for promotion, transfer or training, or to any other benefits associated with the position as a commission agent; or
 - (c) by terminating the engagement; or
 - (d) by subjecting the commission agent to any other detriment.

- (3) Neither paragraph (1)(b) nor (2)(c) renders unlawful discrimination by a principal against a person on the ground of the person's disability, if taking into account the person's past training, qualifications and experience relevant to engagement as a commission agent and, if the person is already engaged by the principal as a commission agent, the person's performance as a commission agent, and all other relevant factors that it is reasonable to take into account, the person because of his or her disability:
- (a) would be unable to carry out the inherent requirements of a commission agent; or
 - (b) would, in order to carry out those requirements, require services or facilities that are not required by persons without the disability and the provision of which would impose an unjustifiable hardship on the principal.

17 Discrimination against contract workers

- (1) It is unlawful for a principal to discriminate against a contract worker on the ground of the contract worker's disability or a disability of any of the contract worker's associates:
- (a) in the terms or conditions on which the principal allows the contract worker to work; or
 - (b) by not allowing the contract worker to work or continue to work; or
 - (c) by denying the contract worker access, or limiting the contract worker's access, to any benefit associated with the work in respect of which the contract with the employer is made; or
 - (d) by subjecting the contract worker to any other detriment.
- (2) Paragraph (1)(b) does not render it unlawful for a principal to discriminate against a contract worker on the ground of the contract worker's disability, if taking into account the contract worker's past training, qualifications and experience relevant to working as a contract worker and, if the person is already working for the principal as a contract worker, the contract worker's

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performance as a contract worker, and all other relevant factors that it is reasonable to take into account, the person because of the contract worker's disability:

- (a) would be unable to carry out the inherent requirements of a contract worker; or
- (b) would, in order to carry out those requirements, require services or facilities that are not required by persons without the disability and the provision of which would impose an unjustifiable hardship on the principal.

18 Partnerships

- (1) It is unlawful for 3 or more persons who are proposing to form themselves into a partnership to discriminate against another person on the ground of the other person's disability or a disability of any of the other person's associates:
 - (a) in determining who should be invited to become a partner in the partnership; or
 - (b) in the terms or conditions on which the other person is invited to become a partner in the partnership.
- (2) It is unlawful for any one or more of the partners in a partnership consisting of 3 or more partners to discriminate against another person on the ground of the other person's disability or a disability of any of the other person's associates:
 - (a) in determining who should be invited to become a partner in the partnership; or
 - (b) in the terms or conditions on which the other person is invited to become a partner in the partnership.
- (3) It is unlawful for any one or more of the partners in a partnership consisting of 3 or more partners to discriminate against another partner in the partnership on the ground of the other partner's disability or a disability of any of the other person's associates:
 - (a) by denying the other partner access, or limiting the other partner's access, to any benefit arising from being a partner in the partnership; or

- (b) by expelling the other partner from the partnership; or
 - (c) by subjecting the partner to any other detriment.
- (4) Neither paragraph (1)(a), (2)(a) nor (3)(b) renders unlawful discrimination by a person against another person on the ground of the other person's disability, if taking into account the other person's past training, qualifications and experience relevant to the proposed partnership or the partnership and, if the other person is already a partner, the other person's performance as a partner, and all other relevant factors that it is reasonable to take into account, the person because of the other person's disability:
 - (a) would be unable to carry out the inherent requirements of a partner in the proposed partnership or the partnership; or
 - (b) would, in order to carry out those requirements, require services or facilities that are not required by partners without the disability and the provision of which would impose an unjustifiable hardship on the partnership.

19 Qualifying bodies

- (1) It is unlawful for an authority or body that is empowered to confer, renew, extend, revoke or withdraw an authorisation or qualification that is needed for or facilitates the practice of a profession, the carrying on of a trade or the engaging in of an occupation to discriminate against a person on the ground of the person's disability or a disability of any of the person's associates:
 - (a) by refusing or failing to confer, renew or extend the authorisation or qualification; or
 - (b) in the terms or conditions on which it is prepared to confer the authorisation or qualification or to renew or extend the authorisation or qualification; or
 - (c) by revoking or withdrawing the authorisation or qualification or varying the terms or the conditions upon which it is held.
- (2) This section does not render it unlawful for an authority or body to discriminate against a person on the ground of the person's disability, if taking into account the person's past training, qualifications and experience relevant to the particular profession,

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trade or occupation and, if the person is already a member of the profession, carrying on the trade or engaged in the occupation, the person's performance in the profession, trade or occupation, and all other relevant factors that it is reasonable to take into account, the person because of his or her disability, would be unable to carry out the inherent requirements of the profession, trade or occupation.

20 Registered organisations under Schedule 1B to the *Workplace Relations Act 1996*

- (1) It is unlawful for a registered organisation, the committee of management of a registered organisation or a member of the committee of management of a registered organisation to discriminate against a person, on the ground of the person's disability or a disability of any of the person's associates:
 - (a) by refusing or failing to accept the person's application for membership; or
 - (b) in the terms or conditions on which the organisation is prepared to admit the person to membership.
- (2) It is unlawful for a registered organisation, the committee of management of a registered organisation or a member of the committee of management of a registered organisation to discriminate against a person who is a member of the registered organisation, on the ground of the member's disability or a disability of any of the member's associates:
 - (a) by denying the member access or limiting the member's access, to any benefit provided by the organisation; or
 - (b) by depriving the member of membership or varying the terms of membership; or
 - (c) by subjecting the member to any other detriment.

21 Employment agencies

- (1) It is unlawful for an employment agency to discriminate against a person on the ground of the person's disability or a disability of any of the person's associates:
-

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- (a) by refusing to provide the person with any of its services; or
 - (b) in the terms or conditions on which it offers to provide the person with any of its services; or
 - (c) in the manner in which it provides the person with any of its services.
- (2) This section does not render it unlawful for an employment agency to discriminate against a person on the ground of the person's disability, if taking into account the person's past training, qualifications and experience relevant to the work sought, and all other relevant factors that it is reasonable to take into account, the person because of his or her disability, would be unable to carry out the inherent requirements of the work sought.

Division 2—Discrimination in other areas

22 Education

- (1) It is unlawful for an educational authority to discriminate against a person on the ground of the person's disability or a disability of any of the other person's associates:
 - (a) by refusing or failing to accept the person's application for admission as a student; or
 - (b) in the terms or conditions on which it is prepared to admit the person as a student.
- (2) It is unlawful for an educational authority to discriminate against a student on the ground of the student's disability or a disability of any of the student's associates:
 - (a) by denying the student access, or limiting the student's access, to any benefit provided by the educational authority; or
 - (b) by expelling the student; or
 - (c) by subjecting the student to any other detriment.
- (2A) It is unlawful for an education provider to discriminate against a person on the ground of the person's disability or a disability of any of the person's associates:
 - (a) by developing curricula or training courses having a content that will either exclude the person from participation, or subject the person to any other detriment; or
 - (b) by accrediting curricula or training courses having such a content.
- (3) This section does not render it unlawful to discriminate against a person on the ground of the person's disability in respect of admission to an educational institution established wholly or primarily for students who have a particular disability where the person does not have that particular disability.

- (4) This section does not make it unlawful for an education provider to discriminate against a person or student as described in subsection (1), (2) or (2A) on the ground of the disability of the person or student or a disability of any associate of the person or student if avoidance of that discrimination would impose an unjustifiable hardship on the education provider concerned.

23 Access to premises

- (1) It is unlawful for a person to discriminate against another person on the ground of the other person's disability or a disability of any of that other person's associates:
- (a) by refusing to allow the other person access to, or the use of, any premises that the public or a section of the public is entitled or allowed to enter or use (whether for payment or not); or
 - (b) in the terms or conditions on which the first-mentioned person is prepared to allow the other person access to, or the use of, any such premises; or
 - (c) in relation to the provision of means of access to such premises; or
 - (d) by refusing to allow the other person the use of any facilities in such premises that the public or a section of the public is entitled or allowed to use (whether for payment or not); or
 - (e) in the terms or conditions on which the first-mentioned person is prepared to allow the other person the use of any such facilities; or
 - (f) by requiring the other person to leave such premises or cease to use such facilities.
- (2) This section does not render it unlawful to discriminate against a person on the ground of the person's disability in relation to the provision of access to premises if:
- (a) the premises are so designed or constructed as to be inaccessible to a person with a disability; and

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- (b) any alteration to the premises to provide such access would impose unjustifiable hardship on the person who would have to provide that access.

24 Goods, services and facilities

- (1) It is unlawful for a person who, whether for payment or not, provides goods or services, or makes facilities available, to discriminate against another person on the ground of the other person's disability or a disability of any of that other person's associates:
 - (a) by refusing to provide the other person with those goods or services or to make those facilities available to the other person; or
 - (b) in the terms or conditions on which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person; or
 - (c) in the manner in which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person.
- (2) This section does not render it unlawful to discriminate against a person on the ground of the person's disability if the provision of the goods or services, or making facilities available, would impose unjustifiable hardship on the person who provides the goods or services or makes the facilities available.

25 Accommodation

- (1) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground of the other person's disability or a disability of any of that other person's associates:
 - (a) by refusing the other person's application for accommodation; or
 - (b) in the terms or conditions on which the accommodation is offered to the other person; or

- (c) by deferring the other person's application for accommodation or according to the other person a lower order of precedence in any list of applicants for that accommodation.
- (2) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground of the other person's disability or a disability of any of the other person's associates:
 - (a) by denying the other person access, or limiting the other person's access, to any benefit associated with accommodation occupied by the other person; or
 - (b) by evicting the other person from accommodation occupied by the other person; or
 - (c) by subjecting the other person to any other detriment in relation to accommodation occupied by the other person; or
 - (d) by refusing to permit the other person to make reasonable alterations to accommodation occupied by that person if:
 - (i) that person has undertaken to restore the accommodation to its condition before alteration on leaving the accommodation; and
 - (ii) in all the circumstances it is likely that the person will perform the undertaking; and
 - (iii) in all the circumstances, the action required to restore the accommodation to its condition before alteration is reasonably practicable; and
 - (iv) the alteration does not involve alteration of the premises of any other occupier; and
 - (v) the alteration is at that other person's own expense.
- (3) This section does not apply to or in respect of:
 - (a) the provision of accommodation in premises if:
 - (i) the person who provides or proposes to provide the accommodation or a near relative of that person resides, and intends to continue to reside on those premises; and

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- (ii) the accommodation provided in those premises is for no more than 3 persons other than a person referred to in subparagraph (a)(i) or near relatives of such a person; or
- (b) the accommodation is provided by a charitable or other voluntary body solely for persons who have a particular disability and the person discriminated against does not have that particular disability; or
- (c) the provision of accommodation in premises where special services or facilities would be required by the person with a disability and the provision of such special services or facilities would impose unjustifiable hardship on the person providing or proposing to provide the accommodation whether as principal or agent.

26 Land

- (1) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground of the other person's disability or a disability of any of that person's associates:
 - (a) by refusing or failing to dispose of an estate or interest in land to the other person; or
 - (b) in the terms or conditions on which an estate or interest in land is offered to the other person.
- (2) This section does not apply in relation to a disposal of an estate or interest in land by will or by way of gift.

27 Clubs and incorporated associations

- (1) It is unlawful for a club or incorporated association, the committee of management of a club or a member of the committee of management of a club or incorporated association to discriminate against a person who is not a member of the club or association on the ground of the person's disability or a disability of any of that person's associates:
 - (a) by refusing or failing to accept the person's application for membership; or

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- (b) in the terms or conditions on which the club or association is prepared to admit the person to membership.
- (2) It is unlawful for a club or incorporated association, the committee of management of a club or a member of the committee of management of a club or incorporated association to discriminate against a person who is a member of the club or association on the ground of the member's disability or a disability of any of the member's associates:
 - (a) in the terms or conditions of membership that are afforded to the member; or
 - (b) by refusing or failing to accept the member's application for a particular class or type of membership; or
 - (c) by denying the member access, or limiting the member's access to any benefit provided by the club or association; or
 - (d) by depriving the member of membership or varying the terms of membership; or
 - (e) by subjecting the member to any other detriment.
- (3) Paragraph (2)(c) does not render unlawful discrimination where, because of the person's disability, the person requires the benefit to be provided in a special manner and the benefit cannot without unjustifiable hardship be so provided by the club or incorporated association.
- (4) Neither subsection (1) nor (2) renders it unlawful to discriminate against a person on the ground of the person's disability if membership (however described) of the club or incorporated association is restricted only to persons who have a particular disability and the first-mentioned person does not have that disability.

28 Sport

- (1) It is unlawful for a person to discriminate against another person on the ground of the other person's disability or a disability of any of the other person's associates by excluding that other person from a sporting activity.

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- (2) In subsection (1), a reference to a sporting activity includes a reference to an administrative or coaching activity in relation to any sport.
- (3) Subsection (1) does not render unlawful discrimination against a person:
 - (a) if the person is not reasonably capable of performing the actions reasonably required in relation to the sporting activity; or
 - (b) if the persons who participate or are to participate in the sporting activities are selected by a method which is reasonable on the basis of their skills and abilities relevant to the sporting activity and relative to each other; or
 - (c) if a sporting activity is conducted only for persons who have a particular disability and the first-mentioned person does not have that disability.

29 Administration of Commonwealth laws and programs

It is unlawful for a person who performs any function or exercises any power under a Commonwealth law or for the purposes of a Commonwealth program or has any other responsibility for the administration of a Commonwealth law or the conduct of a Commonwealth program, to discriminate against another person on the ground of the other person's disability, or a disability of any of the other person's associates in the performance of that function, the exercise of that power or the fulfilment of that responsibility.

30 Requests for information

If, because of another provision of this Part (other than section 32), it would be unlawful, in particular circumstances, for a person to discriminate against another person on the ground of the other person's disability, in doing a particular act, it is unlawful for the first-mentioned person to request or require the other person to provide, in connection with or for the purposes of the doing of the act, information (whether by completing a form or otherwise) that persons who do not have a disability would not, in circumstances

that are the same or are not materially different, be requested or required to provide.

31 Disability standards

- (1) The Minister may formulate standards, to be known as disability standards, in relation to:
 - (a) the employment of persons with a disability; and
 - (b) the education of persons with a disability; and
 - (c) the accommodation of persons with a disability; and
 - (d) the provision of public transportation services and facilities by:
 - (i) the Commonwealth; and
 - (ii) a State; and
 - (iii) a Territory; and
 - (iv) a public authority of the Commonwealth; and
 - (v) an instrumentality of a State; and
 - (vi) a public authority of a Territory; and
 - (vii) any other person;to a person with a disability; and
 - (e) the administration of Commonwealth laws and programs in respect of persons with a disability; and
 - (f) the access to or the use of any premises, by persons with a disability, that the public or a section of the public is entitled or allowed to enter or use (whether for payment or not).
- (1A) For the avoidance of doubt, disability standards may require a person or body dealing with persons with disabilities to put in place reasonable adjustments to eliminate, as far as possible, discrimination against those persons.
- (1B) Disability standards in relation to the education of persons with disabilities may require education providers to develop strategies and programs that prevent harassment or victimisation of persons with disabilities, in relation to those disabilities.

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- (1C) For the avoidance of doubt, unjustifiable hardship does not excuse an education provider from complying with a requirement made by disability standards under subsection (1B). This does not affect (by implication) the operation of section 32 in relation to other contraventions of disability standards.
- (2) Disability standards formulated in accordance with this section are to be laid before each House of the Parliament within 15 sitting days of that House after the disability standards are formulated and take effect only as provided by the following provisions of this section.
- (3) If:
- (a) notice of a motion to amend the disability standards is given in either House of the Parliament within 15 sitting days after the disability standards have been laid before that House; and
 - (b) the disability standards, whether or not as amended, are subsequently approved by that House; and
 - (c) the other House approves the disability standards in the form approved by the first-mentioned House;
- the disability standards take effect in the form so approved from the day on which that other House approves the disability standards in that form.
- (4) If no notice of a motion to amend the disability standards is given in the House of Representatives or the Senate within 15 sitting days of the particular House after the disability standards have been laid before that House, the disability standards take effect from the day immediately after that 15th sitting day or, where that day differs in respect of each House, the later of those days.

32 Unlawful to contravene disability standards

It is unlawful for a person to contravene a disability standard.

33 Division 5 generally not to apply to disability standards

Division 5 (other than subsections 55(1A) to (1D) and any reference in that Division to those provisions) does not apply in relation to a disability standard.

34 This Part not to apply if person acts in accordance with disability standards

If a person acts in accordance with a disability standard this Part does not apply to the person's act.

Division 3—Discrimination involving harassment

35 Harassment in employment

- (1) It is unlawful for a person to harass another person who:
 - (a) is an employee of that person; and
 - (b) has a disability;in relation to the disability.
- (2) It is unlawful for a person to harass another person who:
 - (a) is an employee of a person by whom the first-mentioned person is employed; and
 - (b) has a disability;in relation to the disability.
- (3) It is unlawful for a person to harass another person who:
 - (a) is seeking employment by the first-mentioned person or by an employer of the first-mentioned person; and
 - (b) has a disability;in relation to the disability.
- (4) It is unlawful for a person to harass another person who:
 - (a) is a commission agent or contract worker of that person; and
 - (b) has a disability;in relation to the disability.
- (5) It is unlawful for a person to harass another person who:
 - (a) is a commission agent or contract worker of a person of whom the first-mentioned person is a commission agent or contract worker; and
 - (b) has a disability;in relation to the disability.
- (6) It is unlawful for a person to harass another person who:
 - (a) is seeking to become a commission agent or contract worker of the first-mentioned person or of a person of whom the

first-mentioned person is a commission agent or contract worker; and
(b) has a disability;
in relation to the disability.

36 Harassment in employment—associates with disabilities

- (1) It is unlawful for a person to harass another person who:
 - (a) is an employee of that person; and
 - (b) has an associate with a disability;
in relation to the disability.
- (2) It is unlawful for a person to harass another person who:
 - (a) is an employee of a person by whom the first-mentioned person is employed; and
 - (b) has an associate with a disability;
in relation to the disability.
- (3) It is unlawful for a person to harass another person:
 - (a) who is seeking employment by the first-mentioned person or by an employer of the first-mentioned person; and
 - (b) has an associate with a disability;
in relation to the disability.
- (4) It is unlawful for a person to harass another person who:
 - (a) is a commission agent or contract worker of that person; and
 - (b) has an associate with a disability;
in relation to the disability.
- (5) It is unlawful for a person to harass another person who:
 - (a) is a commission agent or contract worker of a person of whom the first-mentioned person is a commission agent or contract worker; and
 - (b) has an associate with a disability;
in relation to the disability.
- (6) It is unlawful for a person to harass another person who:

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- (a) is seeking to become a commission agent or contract worker of the first-mentioned person or of a person of whom the first-mentioned person is a commission agent or contract worker; and
- (b) has an associate with a disability;
in relation to the disability.

37 Harassment in education

It is unlawful for a person who is a member of the staff of an educational institution to harass another person who:

- (a) is a student at that educational institution or is seeking admission to that educational institution as a student; and
- (b) has a disability;
in relation to the disability.

38 Harassment in education—associates with disabilities

It is unlawful for a person who is a member of the staff of an educational institution to harass another person who:

- (a) is a student at that educational institution or is seeking admission to that educational institution as a student; and
- (b) has an associate with a disability;
in relation to the disability.

39 Harassment in relation to the provision of goods and services

It is unlawful for a person who, whether for payment or not, provides goods or services, or makes facilities available, to harass another person who:

- (a) wants to acquire the goods or services or to make use of the facilities; and
- (b) has a disability;
in relation to the disability.

**40 Harassment in relation to the provision of goods and services—
associates with disabilities**

It is unlawful for a person who, whether for payment or not, provides goods or services, or makes facilities available, to harass another person who:

- (a) wants to acquire the goods or services or to make use of the facilities; and
- (b) has an associate with a disability;
in relation to the disability.

Division 4—Offences

41 Unlawful act not offence unless expressly so provided

Except as expressly provided by this Division, nothing in this Act makes it an offence to do an act that is unlawful because of a provision of this Part.

42 Victimisation

- (1) It is an offence for a person to commit an act of victimisation against another person.

Penalty: Imprisonment for 6 months.

- (2) For the purposes of subsection (1), a person is taken to commit an act of victimisation against another person if the first-mentioned person subjects, or threatens to subject, the other person to any detriment on the ground that the other person:
- (a) has made, or proposes to make, a complaint under this Act or the *Human Rights and Equal Opportunity Commission Act 1986*; or
 - (b) has brought, or proposes to bring, proceedings under this Act or the *Human Rights and Equal Opportunity Commission Act 1986* against any person; or
 - (c) has given, or proposes to give, any information, or has produced, or proposes to produce, any documents to a person exercising or performing any power or function under this Act or the *Human Rights and Equal Opportunity Commission Act 1986*; or
 - (d) has attended, or proposes to attend, a conference held under this Act or the *Human Rights and Equal Opportunity Commission Act 1986*; or
 - (e) has appeared, or proposes to appear, as a witness in a proceeding under this Act or the *Human Rights and Equal Opportunity Commission Act 1986*; or

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- (f) has reasonably asserted, or proposes to assert, any rights of the person or the rights of any other person under this Act or the *Human Rights and Equal Opportunity Commission Act 1986*; or
 - (g) has made an allegation that a person has done an act that is unlawful by reason of a provision of this Part;
- or on the ground that the first-mentioned person believes that the other person has done, or proposes to do, an act or thing referred to in any of paragraphs (a) to (g) (inclusive).

43 Offence to incite doing of unlawful acts or offences

It is an offence for a person:

- (a) to incite the doing of an act that is unlawful under a provision of Divisions 1, 2 or 3; or
- (c) to assist or promote whether by financial assistance or otherwise the doing of such an act.

Penalty: Imprisonment for 6 months.

44 Advertisements

- (1) It is an offence for a person to publish or display, or cause or permit to be published or displayed, an advertisement or notice that indicates, or could reasonably be understood as indicating, an intention by that person to do an act that is unlawful under a provision of Division 1, 2 or 3.

Penalty: \$1,000.

- (2) For the purposes of subsection (1), **advertisement** includes every form of advertisement or notice, whether to the public or not, and whether in a newspaper or other publication, by television or radio, by display of notices, signs, labels, show cards or goods, by distribution of samples, circulars, catalogues, price lists or other material, by exhibition of pictures, models or films or in any other way, and the reference in that subsection to publish or display, in relation to an advertisement, is to be construed accordingly.

Division 5—Exemptions

45 Special measures

This Part does not render it unlawful to do an act that is reasonably intended to:

- (a) ensure that persons who have a disability have equal opportunities with other persons in circumstances in relation to which a provision is made by this Act; or
- (b) afford persons who have a disability or a particular disability, goods or access to facilities, services or opportunities to meet their special needs in relation to:
 - (i) employment, education, accommodation, clubs or sport; and
 - (ii) the provision of goods, services, facilities or land; or
 - (iii) the making available of facilities; or
 - (iv) the administration of Commonwealth laws and programs; or
 - (v) their capacity to live independently; or
- (c) afford persons who have a disability or a particular disability, grants, benefits or programs, whether direct or indirect, to meet their special needs in relation to:
 - (i) employment, education, accommodation, clubs or sport; or
 - (ii) the provision of goods, services, facilities or land; or
 - (iii) the making available of facilities; or
 - (iv) the administration of Commonwealth laws and programs; or
 - (v) their capacity to live independently.

46 Superannuation and insurance

- (1) This Part does not render it unlawful for a person to discriminate against another person, on the ground of the other person's disability, by refusing to offer the other person:

- (a) an annuity; or
 - (b) a life insurance policy; or
 - (c) a policy of insurance against accident or any other policy of insurance; or
 - (d) membership of a superannuation or provident fund; or
 - (e) membership of a superannuation or provident scheme;
- if:
- (f) the discrimination:
 - (i) is based upon actuarial or statistical data on which it is reasonable for the first-mentioned person to rely; and
 - (ii) is reasonable having regard to the matter of the data and other relevant factors; or
 - (g) in a case where no such actuarial or statistical data is available and cannot reasonably be obtained—the discrimination is reasonable having regard to any other relevant factors.
- (2) This Part does not render it unlawful for a person to discriminate against another person, on the ground of the other person's disability, in respect of the terms or conditions on which:
- (a) an annuity; or
 - (b) a life insurance policy; or
 - (c) a policy of insurance against accident or any other policy of insurance; or
 - (d) membership of a superannuation or provident fund; or
 - (e) membership of a superannuation or provident scheme;
- is offered to, or may be obtained by, the other person, if:
- (f) the discrimination:
 - (i) is based upon actuarial or statistical data on which it is reasonable for the first-mentioned person to rely; and
 - (ii) is reasonable having regard to the matter of the data and other relevant factors; or
 - (g) in a case where no such actuarial or statistical data is available and cannot reasonably be obtained—the

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discrimination is reasonable having regard to any other relevant factors.

47 Acts done under statutory authority

- (1) This Part does not render unlawful anything done by a person in direct compliance with:
 - (b) any of the following instruments (an *industrial instrument*) within the meaning given by the *Workplace Relations Act 1996*:
 - (i) an award or a variation or order affecting an award;
 - (ii) a transitional award or a variation or order affecting a transitional award;
 - (iii) a pre-reform certified agreement;
 - (iv) a notional agreement preserving State awards; to the extent to which the industrial instrument has specific provisions relating to the payment of rates of salary or wages to persons, in circumstances in which:
 - (v) if the persons were not in receipt of the salary or wages, they would be eligible for a disability support pension; and
 - (vi) the salary or wages are determined by reference to the capacity of the person;
 - (c) an order, award or determination of a court or tribunal having power to fix minimum wages, to the extent to which the order, award or determination has specific provisions relating to the payment of rates of salary or wages to persons, in circumstances in which:
 - (i) if the persons were not in receipt of the salary or wages, they would be eligible for a disability support pension; and
 - (ii) the salary or wages are determined by reference to the capacity of the person.

Note: A person does not comply with an industrial instrument for the purpose of subsection (1) if that person purports to comply with a provision of that instrument that is void (for example, a term of a pre-reform certified agreement is void to the extent that it contains

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prohibited content prescribed for section 356 of the *Workplace Relations Act 1996*: see section 358 of that Act). Accordingly, the exemption under this subsection for acting in direct compliance with such an instrument would not apply in such circumstances.

- (2) This Part does not render unlawful anything done by a person in direct compliance with a prescribed law.
- (3) During the period beginning at the commencement of this section and ending 3 years after the day this section commences, this Part does not render unlawful anything done by a person in direct compliance with another law.
- (4) In subsection (1):

disability support pension has the same meaning as in the *Social Security Act 1991*.
- (5) In subsection (2):

law means:

- (a) a law of the Commonwealth or of a State or Territory; or
- (b) regulations or any other instrument made under such a law.

Note: See also subsection 98(6B) of the *Civil Aviation Act 1988*, which allows regulations made under that Act to contain provisions that are inconsistent with this Act if the inconsistency is necessary for the safety of air navigation.

48 Infectious diseases

This Part does not render it unlawful for a person to discriminate against another person on the ground of the other person's disability if:

- (a) the person's disability is an infectious disease; and
- (b) the discrimination is reasonably necessary to protect public health.

49 Exemption for charities

- (1) This Part does not:

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- (a) affect a provision in a charitable instrument that confers charitable benefits, or enables charitable benefits to be conferred, wholly or in part on persons who have a disability or a particular disability; or
 - (b) render unlawful any act done to give effect to such provision.
- (2) In this section:

Australia includes the external Territories.

charitable benefits means benefits for purposes that are exclusively charitable according to the law in force in any part of Australia.

charitable instrument means a deed, will or other document, whether made before or after the commencement of this Act, that confers charitable benefits or enables charitable benefits to be conferred on persons.

50 Telecommunications

- (1) This Part does not render it unlawful for:
 - (a) a carrier; or
 - (b) a supplier of an eligible service;to discriminate against another person on the ground of the other person's disability in the provision of telecommunications services through payphones and public payphones.
- (2) In this section:

carrier has the same meaning as in the *Telecommunications Act 1991*.

eligible service has the same meaning as in the *Telecommunications Act 1991*.

payphone has the same meaning as in the *Telecommunications Act 1991*.

public payphone has the same meaning as in the
Telecommunications Act 1991.

- (3) Subsection (1) ceases to be in force at the end of 3 years after the day this section commences.

51 Pensions and allowances

- (1) This Part does not affect discriminatory provisions relating to pensions, allowances or benefits in:
- (a) the *Defence Service Homes Act 1918*; or
 - (b) the *Papua New Guinea (Member of the Forces Benefits) Act 1957*; or
 - (d) the *Social Security Act 1991*; or
 - (e) the *Veterans' Affairs Legislation Amendment Act 1988*; or
 - (f) the *Veterans' Entitlements Act 1986*; or
 - (g) the *Veterans' Entitlements (Transitional Provisions and Consequential Amendments) Act 1986*; or
 - (h) the *Military Rehabilitation and Compensation Act 2004*; or
 - (i) the *Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004*; or
 - (j) the *Safety, Rehabilitation and Compensation Act 1988* so far as that Act applies to defence-related claims mentioned in Part XI of that Act.
- (2) This Part does not render unlawful anything done by a person in direct compliance with a provision referred to in subsection (1).

52 Migration

Neither Division 1 nor 2:

- (a) affect discriminatory provisions in the *Migration Act 1958* or any regulation made under that Act; or
- (b) render unlawful anything done by a person in relation to the administration of that Act or those regulations.

53 Combat duties and peacekeeping services

- (1) This Part does not render it unlawful for a person to discriminate against another person on the ground of the other person's disability in connection with employment, engagement or appointment in the Defence Force:

- (a) in a position involving the performance of combat duties, combat-related duties or peacekeeping service; or
- (b) in prescribed circumstances in relation to combat duties, combat-related duties or peacekeeping service; or
- (c) in a position involving the performance of duties as a chaplain or a medical support person in support of forces engaged or likely to be engaged in combat duties, combat-related duties or peacekeeping service.

- (2) In this section:

combat duties means such duties as are declared by the regulations to be combat duties for the purposes of this section.

combat-related duties means such duties as are declared by the regulations to be combat-related duties for the purposes of this section.

medical support person means:

- (a) a person exclusively engaged in the search for, or the collection, transport or treatment of, the wounded or sick, or in the prevention of disease; or
- (b) a person exclusively engaged in the administration of medical units and establishments.

peacekeeping service has the same meaning as in the *Veterans' Entitlements Act 1986*.

54 Peacekeeping services by the AFP

- (1) This Part does not render it unlawful for a person to discriminate against another person on the ground of the other person's

disability in connection with selection for peacekeeping duties as part of a Peacekeeping Force.

(2) In this section:

AFP means the Australian Federal Police.

Peacekeeping Force means a force raised or organised for the purpose of peacekeeping in an area outside Australia.

55 Commission may grant exemptions

(1) The Commission may, on application by:

(a) a person:

- (i) on that person's own behalf; or
- (ii) on behalf of that person and another person or other persons; or
- (iii) on behalf of another person or other persons; or

(b) 2 or more persons:

- (i) on their own behalf; or
- (ii) on behalf of themselves and another person or other persons; or
- (iii) on behalf of another person or other persons;

by instrument grant to the person or persons to whom the application relates, as the case may be, an exemption from the operation of a provision of Division 1 or 2 (other than section 31 or 32), as specified in the instrument.

(1A) The Commission may, on application by:

(a) a person:

- (i) on that person's own behalf; or
- (ii) on behalf of that person and another person or other persons; or
- (iii) on behalf of another person or other persons; or

(b) 2 or more persons:

- (i) on their own behalf; or

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- (ii) on behalf of themselves and another person or other persons; or
 - (iii) on behalf of another person or other persons;
- by instrument grant to the person or persons to whom the application relates, as the case may be, an exemption from the operation of section 32, as specified in the instrument.
- (1B) An exemption granted under subsection (1A) must be in relation to a specified disability standard and only applies to the extent that the disability standard deals with the provision of public transportation services and facilities covered by paragraph 31(1)(d).
- (1C) If the regulations prescribe a body as a body that the Commission must consult in relation to the kinds of public transportation services or facilities that will be dealt with in an exemption under subsection (1A), the Commission must consult that body before granting the exemption.
- (1D) The Commission may, before granting an exemption under subsection (1A), consult any other body or person that the Commission considers it appropriate to consult.
- (2) The Commission may, on application by a person to, or in respect of, whom an exemption from a provision of Division 1 or 2 has been granted under subsection (1) or (1A), being an application made before the expiration of the period to which the exemption was granted, grant a further exemption from the operation of that provision.
- (3) An exemption granted under subsection (1) or (1A), or further exemption, from the operation of a provision of Division 1 or 2:
 - (a) may be granted subject to such terms and conditions as are specified in the instrument; and
 - (b) may be expressed to apply only in such circumstances, or in relation to such activities, as are specified in the instrument; and
 - (c) are to be granted for a specified period not exceeding 5 years.

56 Review by Administrative Appeals Tribunal

Applications may be made to the Administrative Appeals Tribunal for a review of decisions made by the Commission under section 55.

57 Notice of decisions to be published

- (1) The Commission, not later than one month after it makes a decision under section 55, is to cause to be published in the *Gazette* a notice of the making of the decision:
 - (a) setting out its findings on material questions of facts; and
 - (b) referring to the evidence on which those findings were based; and
 - (c) giving the reasons for the making of the decision; and
 - (d) containing a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for a review of the decision to which the notice relates by or on behalf of any person or persons whose interests are affected by the decision.
- (2) Any failure to comply with the requirements of subsection (1) in relation to a decision does not affect the validity of the decision.

58 Effect of exemptions

This Part does not render it unlawful for a person who has been granted an exemption from a provision of Division 1 or 2, or a person in the employment or under the direction or control of a person who has been granted such an exemption, to do an act in accordance with the provisions of the instrument by which the exemption was granted.

Part 3—Action plans

59 Interpretation

In this Part:

service provider means a Department, a department of a State, a public authority of the Commonwealth, an instrumentality of a State, an educational institution or a person who:

- (a) provides goods or services; or
 - (b) makes facilities available;
- whether for payment or not.

60 Action plans

A service provider may prepare and implement an action plan.

61 Provisions of action plans

The action plan of a service provider must include provisions relating to:

- (a) the devising of policies and programs to achieve the objects of this Act; and
- (b) the communication of these policies and programs to persons within the service provider; and
- (c) the review of practices within the service provider with a view to the identification of any discriminatory practices; and
- (d) the setting of goals and targets, where these may reasonably be determined against which the success of the plan in achieving the objects of the Act may be assessed; and
- (e) the means, other than those referred to in paragraph (d), of evaluating the policies and programs referred to in paragraph (a); and

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- (f) the appointment of persons within the service provider to implement the provisions referred to in paragraphs (a) to (e) (inclusive).

62 Action plans may have other provisions

The action plan of a service provider may include provisions, other than those referred to in section 61, that are not inconsistent with the objects of this Act.

63 Amendment of action plans

A service provider may, at any time, amend its action plan.

64 Copy of action plan to be given to Commission

A service provider may give:

- (a) a copy of its action plan; or
 - (b) any amendments to the plan;
- to the Commission.

65 Commission to sell action plans to public

The Commission is to sell copies of action plans or amendments to action plans given to it under section 64 to the public for a prescribed fee.

Part 4—Functions of Human Rights and Equal Opportunity Commission

Division 1—Preliminary

67 Functions of Human Rights and Equal Opportunity Commission

- (1) The following functions are conferred on the Commission:
- (c) to exercise the powers conferred on it by section 55;
 - (d) to report to the Minister on matters relating to the development of disability standards;
 - (e) to monitor the operation of such standards and report to the Minister the results of such monitoring;
 - (f) to receive action plans under section 64;
 - (g) to promote an understanding and acceptance of, and compliance with, this Act;
 - (h) to undertake research and educational programs, and other programs, on behalf of the Commonwealth for the purpose of promoting the objects of this Act;
 - (i) to examine enactments, and (when requested to do so by the Minister) proposed enactments, for the purpose of ascertaining whether the enactments or proposed enactments are, or would be, inconsistent with or contrary to the objects of this Act, and to report to the Minister the results of any such examination;
 - (j) on its own initiative or when requested by the Minister, to report to the Minister as to the laws that should be made by the Parliament, or action that should be taken by the Commonwealth, on matters relating to discrimination on the ground of disability;
 - (k) to prepare, and to publish in such manner as the Commission considers appropriate, guidelines for the avoidance of discrimination on the ground of disability;

- (l) where the Commission thinks it appropriate to do so, with the leave of the court hearing the proceedings and subject to any conditions imposed by the court, to intervene in proceedings that involve issues of discrimination on the ground of disability;
- (m) to do anything incidental or conducive to the performance of any of the preceding functions.

Note: For the provisions about inquiries into complaints of discrimination and conciliation of those complaints: see Part IIB of the *Human Rights and Equal Opportunity Commission Act 1986*.

- (2) The Commission is not to regard an enactment or proposed enactment as being inconsistent with or contrary to the objects of this Act for the purposes of paragraph (1)(i) because of a provision of the enactment or proposed enactment that is included for the purpose referred to in section 45.

Part 5—Other offences

107 Failure to provide actuarial data or statistical data

- (1) If a person has engaged in an act of discrimination that would, apart from section 46, be unlawful, the President or the Commission may, by notice in writing served on the person as prescribed, require the person within 28 days after service of the notice on the person, to disclose to the President or to the Commission, as the case may be, the source of the actuarial or statistical data on which the act of discrimination was based and, where the President or the Commission, as the case may be, makes such a requirement of a person, the person must not fail to comply with the requirement.

Penalty: \$1,000.

- (1A) Subsection (1) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).

- (1B) Subsection (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) Subsection 4K(2) of the *Crimes Act 1914* does not apply to this section.

Part 6—Disability Discrimination Commissioner

113 Disability Discrimination Commissioner

- (1) There is to be a Disability Discrimination Commissioner, who is to be appointed by the Governor-General.
- (2) A person is not qualified to be appointed as the Disability Discrimination Commissioner unless the Governor-General is satisfied that the person has appropriate qualifications, knowledge or experience.

114 Terms and conditions of appointment

- (1) Subject to this section, the Commissioner holds office for such period, not exceeding 7 years, as is specified in the instrument of the person's appointment, but is eligible for re-appointment.
- (2) The Commissioner holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Governor-General.

115 Remuneration of Commissioner

- (1) The Commissioner is to be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Remuneration Tribunal is in operation, the Commissioner is to be paid such remuneration as is prescribed.
- (2) The Commissioner is to be paid such allowances as are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

Section 116

116 Leave of absence

- (1) The Commissioner has such recreation leave entitlements as are determined by the Remuneration Tribunal.
- (2) The Minister may grant the Commissioner leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines.

117 Outside employment

The Commissioner must not, except with the approval of the Minister, engage in paid employment outside the duties of the office of Commissioner.

118 Resignation

The Commissioner may resign from the office of Commissioner by writing given to the Governor-General.

119 Termination of appointment

- (1) The Governor-General may terminate the appointment of the Commissioner because of:
 - (a) misbehaviour; or
 - (b) a disability which renders the Commissioner incapable of performing the inherent requirements of the office.
- (2) The Governor-General must terminate the appointment of the Commissioner if the Commissioner:
 - (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit; or
 - (b) is absent from duty, except on leave of absence, for 14 consecutive days or for 28 days in any period of 12 months; or

- (c) engages in paid employment outside the duties of the office of Commissioner otherwise than with the approval of the Minister.

120 Acting Commissioner

- (1) The Minister may appoint a person to act as Commissioner:
 - (a) during a vacancy in the office of Commissioner, whether or not an appointment has previously been made to the office; or
 - (b) during any period, or during all periods, when the Commissioner is absent from duty or from Australia, or is, for any other reason, unable to perform the functions of the office of Commissioner.
- (2) The validity of anything done by a person purporting to act under an appointment made under subsection (1) is not to be called in question on the ground that:
 - (a) the occasion for the person's appointment had not arisen; or
 - (b) there is a defect or irregularity in or in connection with the appointment; or
 - (c) the appointment had ceased to have effect; or
 - (d) the occasion for the person to act had not arisen or had ceased.

Part 7—Miscellaneous

121 Delegation

- (1) The Commission may, by writing under its seal, delegate to:
 - (a) a member of the Commission; or
 - (b) the Commissioner; or
 - (c) a member of the staff of the Commission; or
 - (d) another person or body of persons;all or any of the powers conferred on the Commission under this Act, other than powers in connection with the performance of the functions that, under section 67, are to be performed by the Commissioner on behalf of the Commission.
- (2) The Commissioner may, by writing signed by the Commissioner, delegate to:
 - (a) a member of the staff of the Commission; or
 - (b) any other person or body of persons;approved by the Commission, all or any of the powers exercisable by the Commissioner under this Act.

122 Liability of persons involved in unlawful acts

A person who causes, instructs, induces, aids or permits another person to do an act that is unlawful under Division 1, 2 or 3 of Part 2 is, for the purposes of this Act, taken also to have done the act.

123 Conduct by directors, servants and agents

- (1) If, for the purposes of this Act, it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show:

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- (a) that the conduct was engaged in by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority; and
 - (b) that the director, servant or agent had the state of mind.
- (2) Any conduct engaged in on behalf of a body corporate by a director, servant or agent of the body corporate within the scope of his or her actual or apparent authority is taken, for the purposes of this Act, to have been engaged in also by the body corporate unless the body corporate establishes that the body corporate took reasonable precautions and exercised due diligence to avoid the conduct.
- (3) If, for the purposes of this Act, it is necessary to establish the state of mind of a person other than a body corporate in relation to a particular conduct, it is sufficient to show:
 - (a) that the conduct was engaged in by a servant or agent of the person within the scope of his or her actual or apparent authority; and
 - (b) that the servant or agent had the state of mind.
- (4) Any conduct engaged in on behalf of a person other than a body corporate by a servant or agent of the person within the scope of his or her actual or apparent authority is taken, for the purposes of this Act, to have been engaged in also by the first-mentioned person unless the first-mentioned person establishes that the first-mentioned person took reasonable precautions and exercised due diligence to avoid the conduct.
- (5) If:
 - (a) a person other than a body corporate is convicted of an offence; and
 - (b) the person would not have been convicted of the offence if subsections (3) and (4) had not been enacted;the person is not liable to be punished by imprisonment for that offence.

Section 124

- (7) A reference in subsection (1) or (3) to the state of mind of a person includes a reference to:
 - (a) the knowledge, intention, opinion, belief or purpose of the person; and
 - (b) the person's reasons for the intention, opinion, belief or purpose.
- (8) A reference in this section to a director of a body corporate includes a reference to a constituent member of a body corporate incorporated for a public purpose by a law of the Commonwealth, of a State or of a Territory.
- (9) A reference in this section to engaging in conduct includes a reference to failing or refusing to engage in conduct.

124 Commonwealth taken to be employer

For the purposes of this Act, the Commonwealth is taken to be the employer of all Commonwealth employees.

125 Unlawful act not basis of civil action unless expressly so provided

- (1) This Act does not confer on a person a right of action in respect of the doing of an act that is unlawful under a provision of Part 2 unless a provision of this Act expressly provides otherwise.
- (2) For the purposes of subsection (1), a reference to an act that is unlawful under a provision of Part 2 includes a reference to an act that is an offence under a provision of Division 4 of that Part.

126 Protection from civil actions

- (1) The Commission, a member of the Commission, the Commissioner or a person acting under the direction or authority of the Commission or of the Commissioner or a delegate under section 121 is not liable to an action or other proceeding for damages for or in relation to an act done or omitted to be done in good faith in the performance or purported performance of any

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function, or in the exercise or purported exercise of any power or authority, conferred on the Commission or the Commissioner.

- (2) If a submission has been made, a document or information has been given, or evidence has been given, to the Commission or the Commissioner, a person is not liable to an action, suit or other proceeding in respect of loss, damage or injury of any kind suffered by another person because only that submission was made, the document or information was given or the evidence was given.

127 Non-disclosure of private information

- (1) A person who is, or has at any time been, the Commissioner, a member of the Commission or a member of the staff assisting the Commission or is, or has at any time been, authorised to perform or exercise any function or power of the Commission or the Commissioner or any function or power on behalf of the Commission or the Commissioner, being a function or power conferred on the Commission or on the Commissioner under this Act, must not, either directly or indirectly:
- (a) make a record of, or divulge or communicate to any person, any information relating to the affairs of another person acquired by the first-mentioned person because of that person's office of employment under or for the purposes of this Act or because of that person being or having been so authorised; or
 - (b) make use of any such information as is mentioned in paragraph (a); or
 - (c) produce to any person a document relating to the affairs of another person given for the purposes of this Act.

Penalty: Imprisonment for 2 years.

- (2) A person who is, or has at any time been, the Commissioner, a member of the Commission or a member of the staff assisting the Commission or is, or has at any time been, authorised to perform or exercise any function or power of the Commission or the

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Commissioner or any function or power on behalf of the Commission or the Commissioner, being a function or power conferred on the Commission or on the Commissioner under this Act, must not be required:

- (a) to divulge or communicate to a court any information relating to the affairs of another person acquired by the first-mentioned person because of that person's office or employment under or for the purposes of this Act or because of that person being or having been so authorised; or
- (b) to produce in a court a document relating to the affairs of another person of which the first-mentioned person has custody, or to which that person has access, because of that person's office or employment under or for the purposes of this Act or because of that person being or having been so authorised;

except where it is necessary to do so for the purposes of this Act.

(3) This section does not prohibit a person from:

- (a) making a record of information that is required or permitted by an Act to be recorded, if the record is made for the purposes of or under that Act; or
- (b) divulging or communicating information, or producing a document, to any person in accordance with an arrangement in force under section 16 of the *Human Rights and Equal Opportunity Commission Act 1986*; or
- (c) divulging or communicating information, or producing a document that is required or permitted by an Act to be divulged, communicated or produced as the case may be, if the information is divulged or communicated, or the document is produced, for the purposes of or under that Act.

Note: A defendant bears an evidential burden in relation to a matter in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).

(3A) Subsection (1) does not prevent a person from making a record of, divulging, communicating or making use of information, or producing a document, if the person does so:

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- (a) in the performance of a duty under or in connection with this Act; or
- (b) in the performance or exercise of a function or power conferred on the Commission or on the Commissioner under this Act.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3A) (see subsection 13.3(3) of the *Criminal Code*).

- (4) Subsection (2) does not prevent a person from being required, for the purposes of or under an Act, to divulge or communicate information, or to produce a document, that is required or permitted by that Act to be divulged, communicated or produced.
- (5) In this section:

court includes any tribunal, authority or person having power to require the production of documents or the answering of questions.

produce includes permit access to.

128 Information stored otherwise than in written form

If information is recorded or stored by means of a mechanical, electronic or other device, any duty imposed by this Act to produce the document recording that information is to be construed as a duty to provide a document containing a clear reproduction in writing of the information.

129 Commissioner to give information

The Commissioner must give to the Commission such information relating to the operations of the Commissioner under this Act as the Commission from time to time requires.

131 Courts to ensure just terms

- (1) In any case where, but for this section, the application of any of the provisions of this Act would result in an acquisition of property from any person having been made otherwise than on just terms,

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the person is entitled to such compensation from the Commonwealth as is necessary to ensure that the acquisition is made on just terms.

- (2) The Federal Court has jurisdiction with respect to matters arising under subsection (1) and that jurisdiction is exclusive of the jurisdiction of all other courts, other than jurisdiction of the High Court under section 75 of the Constitution.

132 Regulations

- (1) The Governor-General may make regulations prescribing matters:
- (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (1A) Without limiting the generality of subsection (1), the Governor-General may make regulations for the purposes of subsection 55(1C) prescribing a body as a body that the Commission must consult in relation to all or specified kinds of public transportation services or facilities.
- (2) Before making any regulations for the purposes of section 31 or 47, the Governor-General is to take into consideration any comments made to the Minister by a Minister of a State or Territory who is responsible for matters relating to disability discrimination.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment

Endnotes

Endnote 1—About the endnotes

can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Disability Discrimination Act 1992	135, 1992	5 Nov 1992	s 1 and 2: 5 Nov 1992 (s 2(1)) s 3–14, 59–65, 67(1)(d)–(m), 113–120, 126, 127, 129 and 132: 26 Nov 1992 (s 2(2) and gaz 1992, No S346) Remainder: 1 Mar 1993 (s 2(2) and gaz 1992, No S346)	
Sex Discrimination and other Legislation Amendment Act 1992	179, 1992	16 Dec 1992	s 4 and Sch (amdt to s 4): 13 Jan 1993 (s 2(1), (2)(a)) Sch (remainder): 1 Mar 1993 (s 2(2)(b))	s 4
Law and Justice Legislation Amendment Act 1993	13, 1994	18 Jan 1994	s 4 and 5: 18 Jan 1994 (s 2(1))	s 4(2)
Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act (No. 2) 1994	164, 1994	16 Dec 1994	Sch 6: 16 Dec 1994 (s 2(1))	—
Human Rights Legislation Amendment Act 1995	59, 1995	28 June 1995	s 4, 5 and Sch (items 1, 2, 24): 28 June 1995 (s 2(1))	s 4 and 5
Workplace Relations and Other Legislation Amendment Act 1996	60, 1996	25 Nov 1996	Sch 11 (item 61): 31 Dec 1996 (s 2(2) and gaz 1996, No S535), Sch 19 (item 18): 25 Nov 1996 (s 2(1))	—

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Defence Legislation Amendment Act (No. 1) 1999	116, 1999	22 Sept 1999	Sch 5 (item 2): 1 Jan 2001 (s 2(4))	—
as amended by				
Statute Law Revision Act 2002	63, 2002	3 July 2002	Sch 2 (item 9): 1 Jan 2001 (s 2(1) (item 38))	
Human Rights Legislation Amendment Act (No. 1) 1999	133, 1999	13 Oct 1999	s 4–16 and Sch 1 (items 3–32): 13 Apr 2000 (s 2(3)) s 21: 13 Oct 1999 (s 2(1))	s 4–16 and 21
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Sch 1 (items 394–396): 5 Dec 1999 (s 2(1), (2))	—
Australian Security Intelligence Organisation Legislation Amendment Act 1999	161, 1999	10 Dec 1999	Sch 3 (items 1, 25): 10 Dec 1999 (s 2(2))	—
Australian Federal Police Legislation Amendment Act 2000	9, 2000	7 Mar 2000	Sch 2 (item 28) and Sch 3 (items 20, 24, 34, 35): 2 July 2000 (s 2(1) and gaz 2000, No S328)	Sch 3 (items 20, 24, 34, 35)
Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000	137, 2000	24 Nov 2000	Sch 2 (items 176, 177, 418, 419): 24 May 2001 (s 2(3))	Sch 2 (items 418, 419)
Law and Justice Legislation Amendment (Application of Criminal Code) Act 2001	24, 2001	6 Apr 2001	s 4(1), (2) and Sch 24: 24 May 2001 (s 2(1)(a))	s 4(1) and (2)

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Disability Discrimination Amendment Act 2002	62, 2002	3 July 2002	Sch 1: 19 Aug 2002 (s 2(1) item 2)	—
Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002	105, 2002	14 Nov 2002	Sch 3 (item 41): 12 May 2003 (s 2(1) item 23)	—
Age Discrimination (Consequential Provisions) Act 2004	40, 2004	21 Apr 2004	Sch 2 (item 26): never commenced (s 2(1) item 7)	—
Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004	52, 2004	27 Apr 2004	Sch 3 (item 20): 1 July 2004 (s 2(1) item 6)	—
Disability Discrimination Amendment (Education Standards) Act 2005	19, 2005	1 Mar 2005	Sch 1:10 Aug 2005 (s 2(1) item 2)	—
Civil Aviation Amendment Act 2005	86, 2005	6 July 2005	Sch 1 (item 2): 6 July 2005 (s 2)	—
Number and year	Registration or Assent	Commencement	Application, saving and transitional provisions	
50, 2006	17 Mar 2006 (F2006L00820)	Sch 35: 27 Mar 2006 (r 2(b))	—	

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 4.....	am No 179, 1992; No 60, 1996; No 116, 1999; No 133, 1999; No 146, 1999; No 161, 1999; No 9, 2000; No 105, 2002; No 19, 2005; SLI 2006 No 50
s 12A.....	ad No 24, 2001
s 13.....	am No 133, 1999
Part 2	
Division 1	
s 20.....	am No 60, 1996; No 105, 2002
Division 2	
s 22.....	am No 19, 2005
s 31.....	am No 133, 1999; No 62, 2002; No 19, 2005
s 33.....	rs No 62, 2002
Division 4	
s 42.....	am No 133, 1999
s 43.....	am No 24, 2001
Division 5	
s 47.....	am No 60, 1996; No 133, 1999; No 86, 2005; SLI 2006 No 50
s 51.....	am No 164, 1994; No 52, 2004
s 55.....	am No 62, 2002
Part 4	
Part 4 heading	rs No 133, 1999
Division 1	
s 66.....	rep No 133, 1999
s 67.....	am No 133, 1999
s 68.....	rep No 133, 1999
s 69.....	am No 179, 1992
	rep No 133, 1999
s 70.....	rep No 133, 1999

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
Division 2	rep No 133, 1999
s 71.....	rep No 133, 1999
s 72.....	rep No 133, 1999
s 73.....	rep No 133, 1999
s 74.....	rep No 133, 1999
s 75.....	rep No 133, 1999
s 76.....	rep No 133, 1999
Division 3	rep No 133, 1999
s 77.....	rep No 133, 1999
s 78.....	rep No 133, 1999
s 79.....	rep No 133, 1999
s 80.....	rep No 133, 1999
s 81.....	rep No 133, 1999
s 82.....	rep No 133, 1999
s 83.....	rep No 133, 1999
s 84.....	rep No 133, 1999
s 85.....	rep No 133, 1999
s 86.....	rep No 133, 1999
s 87.....	rep No 133, 1999
s 88.....	rep No 133, 1999
s 89.....	rs No 179, 1992
	rep No 133, 1999
s 90.....	rs No 179, 1992
	rep No 133, 1999
s 90A.....	ad No 179, 1992
	rep No 133, 1999
s 91.....	am No 179, 1992
	rep No 133, 1999
s 92.....	rs No 179, 1992
	rep No 133, 1999
s 93.....	rep No 133, 1999

Endnote 4—Amendment history

Provision affected	How affected
s 94.....	rep No 133, 1999
s 95.....	rep No 133, 1999
s 96.....	rep No 133, 1999
s 97.....	rep No 133, 1999
s 98.....	am No 179, 1992
	rep No 133, 1999
s 99.....	rep No 133, 1999
s 100.....	rep No 133, 1999
s 101.....	rep No 133, 1999
s 102.....	am No 179, 1992
	rep No 133, 1999
s 103.....	am No 179, 1992
	rep No 133, 1999
s 104.....	rs No 179, 1992
	rep No 133, 1999
s 104A.....	ad No 179, 1992
	rep No 59, 1995
s 104B.....	ad No 179, 1992
	am No 13, 1994
	rep No 59, 1995
s 104C.....	ad No 179, 1992
	rep No 59, 1995
s 105.....	rep No 133, 1999
Division 3A.....	ad No 59, 1995
	rep No 133, 1999
Subdivision A	
s 105A.....	ad No 59, 1995
	rep No 133, 1999
s 105B.....	ad No 59, 1995
	rep No 133, 1999
Subdivision B	

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 105C	ad No 59, 1995 rep No 133, 1999
s 105D	ad No 59, 1995 rep No 133, 1999
s 105E	ad No 59, 1995 rep No 133, 1999
s 105F	ad No 59, 1995 rep No 133, 1999
s 106	am No 179, 1992; No 13, 1994 rs No 59, 1995 rep No 133, 1999
Division 4	ad No 179, 1992 rep No 133, 1999
s 106A	ad No 179, 1992 rep No 133, 1999
s 106B	ad No 179, 1992 rep No 133, 1999
s 106C	ad No 179, 1992 rep No 133, 1999
s 106D	ad No 179, 1992 rep No 133, 1999
s 106E	ad No 179, 1992 rep No 133, 1999
s 106F	ad No 179, 1992 rep No 133, 1999
Part 5	
s 107	am No 133, 1999; No 24, 2001
s 108	rep No 133, 1999
s 109	rep No 133, 1999
s 110	rep No 133, 1999
s 111	rep No 133, 1999

Endnote 4—Amendment history

Provision affected	How affected
s 112.....	am No 133, 1999 rep No 137, 2000
Part 6	
s 113.....	am No 59, 1995
s 116.....	am No 146, 1999
Part 7	
s 123.....	am No 133, 1999
s 126.....	am No 133, 1999
s 127.....	am No 24, 2001
s 130.....	rep No 133, 1999
s 132.....	am No 62, 2002