

Senate Legal and Constitutional Legislation Committee  
Inquiry into the Provisions of the

Civil Aviation Amendment

(Relationship to Anti-Discrimination Legislation)

Bill 2004

PUBLIC HEARING

WEDNESDAY, 16 JUNE 2004

Questions on Notice from the hearing

Question 1 (Mr Dolan, p.29, *Proof Hansard*)

**Senator LUDWIG**—The other argument is that it seems to me that no-one has talked to HREOC about whether or not you can get a more permanent or wider exemption from the SDA or the DDA. Is that right or have you already discussed that with them? Am I wrong about that?

**Mr Minogue**—It is a policy matter for the minister for transport, so it is not one I can comment on.

**Senator LUDWIG**—Mr Dolan, can you comment on that?

**Mr Dolan**—If it is for the minister, I might have to consult with the minister. If I could answer that one on notice, I would prefer to do so.

**Senator LUDWIG**—Yes, by all means, just to clarify that position.

Response

The decision to amend the *Civil Aviation Act 1988* to ensure the validity of all air safety regulations which may be inconsistent with the SDA and the DDA, as opposed to seeking extended or wider exemptions from HREOC under those Acts, was a decision made in consultation with HREOC.

The Attorney-General's Department have advised the Department that there is no capacity under either the SDA or the DDA to seek a permanent exemption, as the provisions of these Acts allow exemptions to be made for a maximum of five years. The policy underlying exemptions is that they enable the exempt organisation to bring itself into compliance with the relevant legislation over a period of time, or to maintain the status quo while the legislation is amended. Exemptions do not operate to validate otherwise inconsistent legislation.

It is therefore Government policy to pursue separate legislation which will remove the inconsistency between regulations made under the Civil Aviation Act 1988 and the SDA and DDA.

Question 2 (Mr Dolan, p.27, Proof Hansard)

**CHAIR** – Are you sure it reached its intended targets? Would you be surprised that you would send a document on this issue to over 20 organisations, which has prompted at least some of them to make submissions to this committee, and get no feedback on it?

**Mrs Chilvers** – Again it is difficult to know what is in the minds of people when they receive information from government departments.

**CHAIR** – I do not want to know what is in their minds, with respect, Mrs Chilvers, I was wondering what you thought of that.

**Mrs Chilvers** – I must admit I was surprised but assumed that they decided that the submission to your committee was perhaps a more effective way of making their views known.

**CHAIR** – Are you sure that your information paper got to them?

**Mrs Chilvers** – No –

**Mr Dolan** – We are not absolutely sure but we can check and get back to the committee.

Response

The Department has checked its files and can advise that it has not received any 'return to sender' notifications from the organisations and community groups to which the Information Paper was posted.

I would add, however, that in the covering letter sent with the Information Paper, the Department advised recipients about the Committee's inquiry into the Bill, and provided the necessary details to ensure anyone with a concern was aware of the opportunity to make a submission to the Committee.