

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S PORTFOLIO

**Group: 2**

**Program: Other Agency**

**Question No. BE15/066**

**Senator Carr asked the following question at the hearing on 27 and 28 May 2015:**

1. Given the critical role the Commission played during the development of the Premises Standards what involvement has the Commission had in the development of the Terms of Reference and the structure of the review process?
2. Given the Commission's obligations under section 67 of the Disability Discrimination Act to 'report to the Minister on matters relating to the development of disability standards' and 'to monitor the operation of such standards and report to the Minister the results of such monitoring' what discussions have taken place with the Minister on the current review?
3. What actions will the Commission take to ensure any proposed changes to the Premises Standards are consistent with existing discrimination law and Australia's obligations under the UN Convention on the Rights of Persons with Disabilities?

**The answer to the honourable senator's question is as follows:**

1. The review of the Access to Premises (Disability) Standards is being conducted by the Department of Industry and Science. The Australian Human Rights Commission was not requested to provide input to the Terms of Reference or the structure of the review.

The Australian Human Rights Commission has engaged with the Department of Industry and Science regarding the conduct of the review process in the form of a letter to the Minister for Industry and Science, the Hon Ian Macfarlane, and telephone conversations with departmental staff.

2. The AHRC wrote to the Hon Minister Ian Macfarlane on 18 May 2015 regarding the review and had conversations with the Department of Industry and Science regarding the review.

In the above letter dated 18 May 2015, the Commission raised the issues of the length of time that the public had to make a submission was too short. The Commission also raised concerns that the draft report would not be discussed with relevant stakeholders before finalizing. Consultation of the public, particularly people with disability, on matters that directly impact them, is important to ensure relevant and appropriate decisions are taken. People with disability and relevant experts should have the necessary time to consider the standards, which are quite complex, and make a submission, along with the opportunity to contribute and participate in the finalization of the report. Any changes to the standards will ultimately affect people with disability to a greater extent than people that don't have disability and their full and effective participation on this review process is crucial.

The Commission also raised the issue of the steering committee for the draft report, noting that it didn't include representatives of disability organizations. We suggested that if

possible, it would be good to broaden representation to ensure a more comprehensive outcome and assist the report to more easily achieve its objectives.

3. The Australian Human Rights Commission will meet with the Department of Industry and Science following broader public consultations, as part of the review process. The Australian Human Rights Commission will continue to encourage the review process to ensure people with disability and relevant experts have the opportunity to consult appropriate on the review and report.

The Australian Human Rights Commission will review any proposed changes to the Premises standards with respect to the impact these changes may have on the rights of persons with disabilities in Australia.