

2002-2003-2004

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Civil Aviation Amendment (Relationship  
with Anti-discrimination Legislation) Bill  
2004**

**No.     , 2004**

*(Transport and Regional Services)*

**A Bill for an Act to amend the *Civil Aviation Act  
1988*, and for related purposes**



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## Contents

1	Short title .....	1
2	Commencement .....	1
3	Schedule(s) .....	1

### **Schedule 1—Relationship between certain anti-discrimination legislation and regulations under the Civil Aviation Act 1988**

3

#### Part 1—Amendment of the Civil Aviation Act 1988

3

#### Part 2—Provisions dealing with the effect of the Civil Aviation Regulations 1988 and the Civil Aviation Safety Regulations 1998

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1 concerned, and any other item in a Schedule to this Act has effect  
2 according to its terms.

**Schedule 1—Relationship between certain  
anti-discrimination legislation and  
regulations under the Civil Aviation  
Act 1988**

**Part 1—Amendment of the Civil Aviation Act 1988**

**1 After subsection 98(6)**

Insert:

(6A) The regulations may contain provisions relating to medical standards that are inconsistent with the *Sex Discrimination Act 1984* if the inconsistency is necessary for the safety of air navigation.

(6B) The regulations may contain provisions that are inconsistent with the *Disability Discrimination Act 1992* if the inconsistency is necessary for the safety of air navigation.

**Schedule 1** Relationship between certain anti-discrimination legislation and regulations under the Civil Aviation Act 1988

**Part 2** Provisions dealing with the effect of the Civil Aviation Regulations 1988 and the Civil Aviation Safety Regulations 1998

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## **Part 2—Provisions dealing with the effect of the Civil Aviation Regulations 1988 and the Civil Aviation Safety Regulations 1998**

### **2 Definitions**

In this Part:

*amend* includes repeal.

*original Civil Aviation Regulations* means the regulations purportedly made, before the commencement of this Schedule, by Statutory Rules 1988, No. 158, as the *Civil Aviation Regulations 1988*.

*original Civil Aviation Safety Regulations* means the regulations purportedly made, before the commencement of this Schedule, by Statutory Rules 1998, No. 237, as the *Civil Aviation Safety Regulations 1998*.

### **3 Effect of the Civil Aviation Regulations and the Civil Aviation Safety Regulations before the commencement of this Schedule**

- (1) Subject to subitem (3), the rights and liabilities of all persons are, by force of this item, declared to be, and always to have been, the same as if:
- (a) the amendment made by item 1 of this Schedule had been in force during the period:
    - (i) starting immediately before the time when the original Civil Aviation Regulations purported to commence; and
    - (ii) ending on the commencement of this Schedule; and
  - (b) regulations had been in force during that period that were in the same terms as the original Civil Aviation Regulations, as purportedly amended from time to time during that period.
- (2) Subject to subitem (3), the rights and liabilities of all persons are, by force of this item, declared to be, and always to have been, the same as if:
- (a) the amendment made by item 1 of this Schedule had been in force during the period:



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- 1 (i) starting immediately before the time when the original  
2 Civil Aviation Safety Regulations purported to  
3 commence; and  
4 (ii) ending on the commencement of this Schedule; and  
5 (b) regulations had been in force during that period that were in  
6 the same terms as the original Civil Aviation Safety  
7 Regulations, as purportedly amended from time to time  
8 during that period.
- 9 (3) This item does not affect the rights and liabilities arising between  
10 parties to a proceeding heard and finally determined by a court before  
11 the commencement of this Schedule, to the extent that those rights and  
12 liabilities arose from, or were affected by:  
13 (a) the original Civil Aviation Regulations (as purportedly  
14 amended as mentioned in paragraph (1)(b)); or  
15 (b) the original Civil Aviation Safety Regulations (as  
16 purportedly amended as mentioned in paragraph (2)(b)).

#### 17 **4 Effect of the Civil Aviation Regulations and the Civil** 18 **Aviation Safety Regulations on and after the** 19 **commencement of this Schedule**

- 20 (1) The original Civil Aviation Regulations, as purportedly amended up to  
21 the commencement of this Schedule, have effect on and after the  
22 commencement of this Schedule as if the amendment made by item 1 of  
23 this Schedule had been in force during the period:  
24 (a) starting immediately before the time when the original Civil  
25 Aviation Regulations purported to commence; and  
26 (b) ending on the commencement of this Schedule.
- 27 (2) The original Civil Aviation Safety Regulations, as purportedly amended  
28 up to the commencement of this Schedule, have effect on and after the  
29 commencement of this Schedule as if the amendment made by item 1 of  
30 this Schedule had been in force during the period:  
31 (a) starting immediately before the time when the original Civil  
32 Aviation Safety Regulations purported to commence; and  
33 (b) ending on the commencement of this Schedule.
- 34 (3) Regulations under section 98 of the *Civil Aviation Act 1988* may deal  
35 with matters of a transitional, application or saving nature relating to the  
36 fact that the original Civil Aviation Regulations (as purportedly
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**Schedule 1** Relationship between certain anti-discrimination legislation and regulations under the Civil Aviation Act 1988

**Part 2** Provisions dealing with the effect of the Civil Aviation Regulations 1988 and the Civil Aviation Safety Regulations 1998

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|---|----------------------------------------------------------------------------|
| 1 | amended as mentioned in subitem (1)), and the original Civil Aviation      |
| 2 | Safety Regulations (as purportedly amended as mentioned in                 |
| 3 | subitem (2)) are taken to have effect as provided in subitems (1) and (2). |