

Our Ref: MM1215380  
(Please quote our reference on all correspondence)  
Direct Line: 9926 0310

4 May 2004



Ms. Louise Gell  
Committee Secretary  
Legal and Constitutional Committee  
Australian Senate  
Parliament House  
Canberra ACT 2600

Dear Ms. Gell,

**Re: Inquiry into the Civil Aviation Amendment (Relationship with Anti-Discrimination Legislation) Bill 2004.**

Thank you for the opportunity to comment to the Senate Committee on this legislation.

The Human Rights Committee of the Law Society has considered the Civil Aviation Amendment (Relationship with Anti-Discrimination Legislation) Bill 2004 and advises that the rationale behind the proposed legislation seems persuasive and that the document seems an appropriate response to the need to comply with Australia's obligations under the *Convention on International Civil Aviation*, ratified by Australia on 1 March 1947.

The legislation provides the regulations may be inconsistent with anti-discrimination legislation if "*the inconsistency is necessary for the safety of air navigation.*" Given the paramount importance of making legislation as consistent with anti-discrimination legislation as possible, the Human Rights Committee considered the term "*necessary for the safety of air navigation*" ought to be read as narrowly as possible.

The Committee noted that any future regulations inconsistent with anti-discrimination legislation would be subject to clearance by the Human Rights Branch of the Attorney-General's Department and considered this was an important safeguard. As always, any legislation inconsistent with Anti-Discrimination legislation ought to receive intense scrutiny.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Gordon Salier".

**Gordon Salier**  
President.