

I would also appreciate your advice on whether any more formal response is required to the matters I undertook to take on notice or whether the following information by email suffices:

1. Senator Ludwig asked for information on numbers of exemptions granted.

A list of exemption decisions under the DDA (including 17 exemptions granted as well as a number of applications refused or withdrawn) is published at www.humanrights.gov.au/disability_rights/exemptions/exemptions.html .

A list of SDA exemptions granted (showing 24 exemptions granted) is available at http://www.humanrights.gov.au/legal/sda_exemption/sda.html . In addition 36 exemptions granted in relation to superannuation are listed at http://www.humanrights.gov.au/legal/sda_exemption/super.html .

Of these, the exemptions relevant to aviation safety issues are:

Civil Aviation Safety Authority (granted 26 November 2002; expires 26 November 2007) : DDA, SDA

Airnorth (granted October 2003; expires October 2005): DDA

Kendell Airlines (granted 17 August 2000; expires 17 August 2005): DDA

2. Senator Mason asked whether there were any legislative precedents providing for the Governor-General to make regulations inconsistent with anti-discrimination legislation. In evidence I stated that there could be precedents in the immigration area. The provision to which I intended to refer was s.507 of the Migration Act. Sub-section (1) of that section provides:

"(1) The Sex Discrimination Act 1984, to the extent that it applies to the status or condition of being married or being the de facto spouse of another person, does not operate in relation to:

(a) regulations, or the making of regulation, that for the purposes of dealing with an application for a visa, specify:

(i) the nature and incidents of the relationship between a person and another person; or

(ii) the period for which a relationship of a specified kind must have existed between a person and another person;

before the person is taken to be the de facto spouse of the other person; or

(b) the performance of any function, the exercise of any power or the fulfilment of any responsibility, in connection with the administration of any such regulation."

It will be seen that this provision is different in form to the Bill under present consideration, in that it specifies a result in relation to the SDA itself, rather than speaking only to the validity of regulations under another Act.