

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN HUMAN RIGHTS COMMISSION

Question No. 1

Senator Fifield asked the following question at the hearing on 18 October 2011:

Mr Innes: ... At this stage, whilst the Australian Railway Association and peak disability organisations have been working on the development of [the accessible rail services code of practice], in fact, it has no legal status but is a commitment, which industry and disability organisations seek to make, to address some of the issues where compliance with the standards is problematic given the need to comply with other areas of law... It is also to clarify some areas where the standards may not cover or may not cover adequately. If such a code were to have any legal effect, there would need to be changes to the Disability Discrimination Act to allow for some form of co-regulation. I understand that that is one of the matters that the government is giving consideration to in the exercise on which it is currently embarked regarding consolidation of discrimination legislation.

Senator FIFIELD: There is a time pressure of sorts in relation to this because I think you or the commission have been granting exemptions to the rail industry, to the public transport sector, that I think expired in December of this year. Is that right?

Mr Innes: I think it is December. It might have been January of next year, because I recall that we granted some of those exemptions very close to Christmas last year. It is either December or January.

Senator FIFIELD: But there could be a number of exemptions with different expiry dates?

Mr Innes: I would have to take that on notice. We have granted a number of different exemptions, so I would have thought that they would have different expiry dates.

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

Current exemptions granted to the Australasian Railways Association by the Australian Human Rights Commission under the Disability Discrimination Act are due to expire on 31 December 2011.