



# **Disability Discrimination Amendment Act 2002**

**No. 62, 2002**

**An Act to amend the *Disability Discrimination Act  
1992*, and for related purposes**

Note: An electronic version of this Act is available in SCALEplus  
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)



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## **An Act to amend the *Disability Discrimination Act 1992*, and for related purposes**

[Assented to 3 July 2002]

The Parliament of Australia enacts:

### **1 Short title**

This Act may be cited as the *Disability Discrimination Amendment Act 2002*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent	3 July 2002
2. Schedule 1	A single day to be fixed by Proclamation, subject to subsection (3).	19 August 2002 ( <i>Gazette</i> 2002, No. GN32)

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table is for additional information that is not part of this Act. This information may be included in any published version of this Act.
- (3) If a provision covered by item 2 of the table does not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Exemption from disability standards**

### *Disability Discrimination Act 1992*

#### **1 Subsection 31(4)**

Omit “guidelines” (twice occurring), substitute “disability standards”.

#### **2 Section 33**

Repeal the section, substitute:

#### **33 Division 5 generally not to apply to disability standards**

Division 5 (other than subsections 55(1A) to (1D) and any reference in that Division to those provisions) does not apply in relation to a disability standard.

#### **3 After subsection 55(1)**

Insert:

(1A) The Commission may, on application by:

(a) a person:

(i) on that person’s own behalf; or

(ii) on behalf of that person and another person or other persons; or

(iii) on behalf of another person or other persons; or

(b) 2 or more persons:

(i) on their own behalf; or

(ii) on behalf of themselves and another person or other persons; or

(iii) on behalf of another person or other persons;

by instrument grant to the person or persons to whom the application relates, as the case may be, an exemption from the operation of section 32, as specified in the instrument.

(1B) An exemption granted under subsection (1A) must be in relation to a specified disability standard and only applies to the extent that the disability standard deals with the provision of public

transportation services and facilities covered by paragraph 31(1)(d).

- (1C) If the regulations prescribe a body as a body that the Commission must consult in relation to the kinds of public transportation services or facilities that will be dealt with in an exemption under subsection (1A), the Commission must consult that body before granting the exemption.
- (1D) The Commission may, before granting an exemption under subsection (1A), consult any other body or person that the Commission considers it appropriate to consult.

**4 Subsection 55(2)**

After “subsection (1)”, insert “or (1A)”.

**5 Subsection 55(3)**

After “exemption” (first occurring), insert “granted under subsection (1) or (1A)”.

**6 After subsection 132(1)**

Insert:

- (1A) Without limiting the generality of subsection (1), the Governor-General may make regulations for the purposes of subsection 55(1C) prescribing a body as a body that the Commission must consult in relation to all or specified kinds of public transportation services or facilities.

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*[Minister’s second reading speech made in—  
House of Representatives on 14 February 2002  
Senate on 19 June 2002]*

(8/02)



