



# **Australian Human Rights Commission Regulations 2019**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 05 September 2019

David Hurley  
Governor-General

By His Excellency's Command

Christian Porter  
Attorney-General

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## Part 1—Preliminary

### 1 Name

This instrument is the *Australian Human Rights Commission Regulations 2019*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 October 2019.	1 October 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under the *Australian Human Rights Commission Act 1986*.

### 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

### 5 Definitions

In this instrument:

*Act* means the *Australian Human Rights Commission Act 1986*.

*disability* has the same meaning as in the *Disability Discrimination Act 1992*.

*marital or relationship status* has the same meaning as in the *Sex Discrimination Act 1984*.

## Part 2—Declared discrimination

### 6 Other distinctions, exclusions or preferences that constitute discrimination

For the purposes of subparagraph (b)(ii) of the definition of *discrimination* in subsection 3(1) of the Act, the following are declared to constitute discrimination for the purposes of the Act:

- (a) any distinction, exclusion or preference made on the ground of:
  - (i) age; or
  - (ii) a medical record; or
  - (iii) an irrelevant criminal record; or
  - (iv) disability; or
  - (v) marital or relationship status; or
  - (vi) nationality; or
  - (vii) sexual orientation; or
  - (viii) trade union activity;
- (b) any distinction, exclusion or preference made on one or more of the grounds specified in subparagraphs (a)(iii) to (viii) which existed in relation to a person but which has ceased to exist in relation to that person;
- (c) any distinction, exclusion or preference made on the basis of the imputation to a person of any ground specified in paragraph (a) or (b).

## **Part 3—Application and transitional provisions**

### **7 Application of discrimination grounds**

- (1) Section 6 applies in relation to distinctions, exclusions or preferences made on or after 1 October 2019.
- (2) Despite the repeal of the *Australian Human Rights Commission Regulations 1989* by Schedule 1 to this instrument, regulation 4 of the *Australian Human Rights Commission Regulations 1989* continues to apply on and after 1 October 2019 in relation to distinctions, exclusions or preferences made before that day.

## **Schedule 1—Repeals**

### ***Australian Human Rights Commission Regulations 1989***

#### **1 The whole of the instrument**

Repeal the instrument.