

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

DISCRIMINATION (AMENDMENT) BILL (No. 3) 1999

EXPLANATORY MEMORANDUM

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Member for Ginninderra

EXPLANATORY MEMORANDUM

Discrimination (Amendment) Bill (No 3)1999

Outline

This Bill amends the *Discrimination Act 1991* (called the Principal Act) to overcome the difficulties highlighted by the ACT Administrative Appeals Tribunal decision in *Vella & Ors [1998] ACTAAT 286*.

The interpretation of section 27 of the Act given in that case has had several unforeseen consequences. It means that people with disabilities cannot make a complaint about services and programs designed to help them and, as a result, they are disadvantaged compared to the rest of the community.

This amendment makes it clear that the exemption is designed to allow for greater rather than lesser provisions for persons under a disability.

Formal Clauses

Clauses 1, 2 and 3 are formal requirements. They refer to the short title of the Bill, commencement date and definition of the Principal Act. The Bill commences on the day it is notified in the *Gazette*.

Measures intended to achieve equality

Clause 4 provides that subsection 27(1) of the Principal Act does not apply to an act to the extent that it discriminates against a member of a relevant class.