

WESTERN AUSTRALIA

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# **EQUAL OPPORTUNITY AMENDMENT ACT (No. 3) 1997**

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**No. 42 of 1997**

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**AN ACT to amend the *Equal Opportunity Act 1984* and to  
make related amendments to other Acts.**

*[Assented to 9 December 1997.]*

The Parliament of Western Australia enacts as follows:

## **Short title**

**1.** This Act may be cited as the *Equal Opportunity Amendment Act (No. 3) 1997*.

### **Commencement**

2. (1) Subject to subsection (2) this Act comes into operation 28 days after it receives the Royal Assent.

(2) Section 4 is deemed to have come into operation on the day on which the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth came into operation.

### **Principal Act**

3. In this Act the *Equal Opportunity Act 1984*\* is referred to as the principal Act.

*[\* Reprinted as at 16 April 1996.  
For subsequent amendments see 1996 Index to  
Legislation of Western Australia, Table 1, p. 75.]*

### **Section 66ZL amended**

4. Section 66ZL (1) (c) (i) is amended by deleting “*Occupational Superannuation Standards Act 1987*” and substituting the following —

“ *Superannuation Industry (Supervision) Act 1993* ”.

### **Section 66ZM amended**

5. Section 66ZM (1) of the principal Act is amended by inserting after “Division 2” the following —

“ or 3 ”.

**Section 66ZN amended**

**6.** (1) Section 66ZN (1) of the principal Act is repealed and the following subsection is substituted —

“

(1) Nothing in section 66W, 66X, 66Y or 66Z renders it unlawful to offer to a person who is an employee, commission agent, contract worker or partner, on the ground of the person's age, participation in a voluntary phased-in retirement scheme, voluntary retirement scheme, retirement incentives scheme, severance scheme or other like scheme.

”.

(2) Section 66ZN (2) of the principal Act is amended —

- (a) after paragraph (e) by deleting “or”;
- (b) at the end of paragraph (f) by deleting the comma and substituting a semicolon; and
- (c) after paragraph (f) by inserting the following —

“

- (g) President or Commissioner within the meaning of the *Industrial Relations Act 1979*;
- (h) the Judge within the meaning of the *Liquor Licensing Act 1988*; or
- (i) Solicitor-General or acting Solicitor-General within the meaning of the *Solicitor-General Act 1969*,

”.

**Section 75 amended**

7. Section 75 (3) of the principal Act is repealed.

**Amendment of various Acts**

8. The Acts listed in Schedule 1 are amended as set out in that Schedule.

**SCHEDULE 1 — AMENDMENTS TO VARIOUS ACTS**

[Section 8]

***Animal Resources Authority Act 1981***

Section 13 (a) is amended by deleting “, other than by his attaining the age of 65 years,”.

***Builders’ Registration Act 1939***

Section 5AA (2) (b) is amended by deleting “, if the person has not attained the age of 65 years,”.

***Building Societies Act 1976***

1. Section 58 (1) is repealed and the following subsection is substituted —

“  
    (1) A person who is under 21 years of age is not to be appointed as a director of a society.  
”.

2. Section 58 (2), (3), (4), (5) and (6) are repealed.

3. Section 58 (8) is repealed and the following subsection is substituted —

“  
    (8) The rules of a society must not specify an age at which a person becomes —  
        (a) ineligible for appointment as a director; or  
        (b) disqualified from holding office as a director,  
by reason of the person having reached a maximum specified age.  
”.

***Commercial Tribunal Act 1984***

Section 9 (2) (b) is amended by deleting “, if he has not attained the age of 65 years,”.

***Director of Public Prosecutions Act 1991***

1. Section 5 (2) is amended by deleting “who is under 65 years of age”.

2. Clauses 1 (1) and (2) of Schedule 1 are repealed and the following subclause is substituted —

“

(1) Subject to this Act, the Director holds office for a term of 5 years and is eligible for re-appointment for one or more terms each of 5 years.

”.

3. Clause 4 (1) (b) of Schedule 1 is deleted and the following paragraph is substituted —

“

(b) is entitled, if he or she resigns from the office of Director, to be appointed to an office in the Public Service not lower in classification and salary than the office which the person occupied before being appointed as Director.

”.

***Electoral Act 1907***

1. Section 5B (6) is repealed.

2. Section 5E (5) is amended by deleting “, other than by his attaining the age of 65 years,”.

***Government Railways Act 1904***

Section 8 (8) (a) (iv) is amended by deleting “attains the age of sixty-five years,”.

***Grain Marketing Act 1975***

Clause 6 (1) of the Third Schedule is amended —

(a) after the semicolon at the end of paragraph (e) by inserting the following —

“ or ”;

(b) at the end of paragraph (f) by deleting “; or” and substituting a full stop; and

(c) by deleting paragraph (g).

***Herd Improvement Service Act 1984***

1. Section 14 (a) is amended by deleting “, other than by his attaining the age of 65 years,”.
2. Clause 1 (2) of the Schedule is amended by deleting “, unless he is disqualified by age,”.
3. Clause 2 (3) of the Schedule is amended by deleting “attains the age of 70 years,”.

***Law Reform Commission Act 1972***

Section 9 (5) (a) is amended by deleting “, other than by his attaining the age of sixty-five years,”.

***Perth Theatre Trust Act 1979***

Section 17 (4) (a) is amended by deleting “, other than by his attaining the age of sixty-five years,”.

***Racing Penalties (Appeals) Act 1990***

Clause 3 (1) of the Schedule is repealed.

***Salaries and Allowances Act 1975***

Section 5 (4) is amended —

- (a) after the semicolon at the end of paragraph (b) by inserting the following —  
“ or ”;
- (b) at the end of paragraph (c) by deleting “; or” and substituting a comma; and
- (c) by deleting paragraph (d).

***Small Claims Tribunal Act 1974***

1. Section 7 is amended —
  - (a) after the semicolon at the end of paragraph (a) by inserting the following —  
“ and ”;

(b) at the end of paragraph (b) by deleting “; and” and substituting a comma; and

(c) by deleting paragraph (c).

2. Section 8 (1) (g) (iii) is amended by deleting “before he attains the age of 65 years”.

***Strata Titles Act 1985***

1. Section 72 is repealed and the following section is substituted —

“

**Eligibility to hold office as referee**

**72.** A person may be appointed and hold office as a referee if the person is or has been a stipendiary magistrate or is a practitioner within the meaning of the term in the *Legal Practitioners Act 1893*.

”.

2. Section 73 (1) (g) (iii) is amended by deleting “before he attains the age of 65 years”.

***Technology Development Amendment Act 1987***

Clause 1 (4) (a) of Schedule 1 is amended by deleting “, other than by his attaining the age of 65 years,”.

***Technology and Industry Development Act 1983***

Section 18 (a) is amended by deleting “, other than by his attaining the age of 65 years,”.

***Western Australian Greyhound Racing Association Act 1981***

Clause 1 (4) of Schedule 1 is amended —

(a) after the semicolon at the end of paragraph (e) by inserting the following —

“ or ”;

(b) at the end of paragraph (f) by deleting “; or” and substituting a full stop; and

(c) by deleting paragraph (g).



***Western Australian Sports Centre Trust Act 1986***

Clause 1 of Schedule 1 is repealed and the following clause is substituted —

“

**Certain persons ineligible for appointment**

**1.** A person is not eligible to be appointed as a trustee if the person is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy.

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