

WESTERN AUSTRALIA

EQUAL OPPORTUNITY AMENDMENT ACT 1992

No. 74 of 1992

AN ACT to amend the *Equal Opportunity Act 1984*.

[Assented to 11 December 1992.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Equal Opportunity Amendment Act 1992*.

Commencement

2. (1) Subject to sections 9 (2) and 36 (2) and subsection (2) of this section, this Act comes into operation on the day on which it receives the Royal Assent.

(2) Sections 4-8, 10-31, 33-35 and 37-40 shall come into operation on the 28th day after the day on which this Act receives the Royal Assent.

Principal Act

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

[* *Act No. 83 of 1984.*

For subsequent amendments, see 1991 Index to Legislation of Western Australia, p.66.]

Long title amended

4. The long title to the principal Act is amended by inserting after —

(a) “**pregnancy,**” the following —

“ **family responsibility or family status,** ”;

(b) “**impairment,**” the following —

“ **or age,** ”; and

(c) “**involving sexual**” the following —

“ **or racial** ”.

Section 3 amended

5. Section 3 of the principal Act is amended —

(a) in paragraph (a) —

(i) by inserting after “pregnancy,” the following —

“ family responsibility or family status, ”;

and

(ii) by deleting “or impairment” and substituting the following —

“ , impairment or age ”;

(b) in paragraph (b) by inserting after “sexual harassment” in both places where it occurs the following —

“ and racial harassment ”; and

(c) in paragraph (d) by deleting “impairment” and substituting the following —

“ impairments or ages ”.

Section 4 amended

6. Section 4 of the principal Act is amended in subsection (1) —

(a) by inserting, in the appropriate alphabetical positions, the following definitions —

“ **“age”**, in relation to a person, means
chronological age of the person;

“charitable benefits” means benefits for purposes that are exclusively charitable according to the law in force in Western Australia;

“family responsibility or family status”, in relation to a person, means —

- (a) having responsibility for the care of another person, whether or not that person is a dependant, other than in the course of paid employment;
- (b) the status of being a particular relative; or
- (c) the status of being a relative of a particular person;

“relative”, in relation to a person, means a person who is related to the firstmentioned person by blood, marriage, affinity or adoption and includes a person who is wholly or mainly dependent on, or is a member of the household of, the firstmentioned person;”;

- (b) by deleting “includes an impairment which presently exists or existed in the past but has now ceased to exist” in the definition of “impairment” and substituting the following —

“ includes an impairment —

- (d) which presently exists or existed in the past but has now ceased to exist; or

(e) which is imputed to the person ”;

and

- (c) in the definition of “institution of tertiary education” by deleting “Commonwealth Tertiary Education Commission Act 1977” and substituting the following —

“ *Employment, Education and Training Act 1988* ”.

Section 5 amended

7. Section 5 of the principal Act is amended —

- (a) by inserting after “Part II,” the following —

“ IIA, ”; and

- (b) by deleting “or IVA” and substituting the following —

“ , IVA or IVB ”.

Section 21A inserted

8. The principal Act is amended by inserting after section 21 the following section —

“ **Land**

21A. (1) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground of the sex, marital status or pregnancy of the other person —

- (a) by refusing or failing to dispose of an estate or interest in land to the other person; or

- (b) in the terms or conditions on which an estate or interest in land is offered to the other person.

(2) Without limiting the generality of section 70 (1), this section does not apply in relation to a disposal of an estate or interest in land by will or by way of gift.

”.

Section 24 amended

9. (1) Section 24 of the principal Act is amended by repealing subsection (1) and substituting the following subsection —

“ (1) It is unlawful for a person to harass sexually —

(a) an employee of that or any other person; or

(b) a person who is seeking employment by that or any other person.

”.

(2) To the extent that it affects the application of the principal Act to conduct by a person who was, at the time of the conduct, a Member of Parliament, subsection (1) is deemed to have come into operation immediately after the commencement of the principal Act.

(3) Where a contravention of the principal Act is alleged to have been committed before the day on which this Act receives the Royal Assent and it would not have been a contravention but for subsection (2), the reference in section 83 (4) of the principal Act to the date on which the contravention is alleged to have been committed is to be regarded as a reference to the day on which this Act received the Royal Assent.

Section 27 amended

10. Section 27 of the principal Act is amended by inserting after subsection (2) the following subsection —

- “ (3) This section does not apply in relation to a person at a time when the employer or principal concerned already has employees, commission agents or contract workers of the opposite sex to the person —
- (a) who are capable of carrying out the duties of the position concerned;
 - (b) whom it would be reasonable to employ, engage or allow to work on the duties referred to in paragraph (a); and
 - (c) whose numbers are sufficient to meet the likely requirements of that employer or principal in respect of the duties referred to in paragraph (a).
- ”.

Part IIA inserted

11. After Part II of the principal Act the following Part is inserted —

“ **PART IIA — DISCRIMINATION ON THE
GROUND OF FAMILY RESPONSIBILITY
OR FAMILY STATUS**

Division 1 — General

**Discrimination on the ground of
family responsibility or family status**

35A. (1) For the purposes of this Act, a person (in this subsection referred to as the “discriminator”)

discriminates against another person (in this subsection referred to as the “aggrieved person”) on the ground of family responsibility or family status if, on the ground of —

- (a) the family responsibility or family status of the aggrieved person;
- (b) a characteristic that appertains generally to persons having the same family responsibility or family status as the aggrieved person; or
- (c) a characteristic that is generally imputed to persons having the same family responsibility or family status as the aggrieved person,

the discriminator treats the aggrieved person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person who does not have such a family responsibility or family status.

(2) For the purposes of this Act, a person (in this subsection referred to as “the discriminator”) discriminates against another person (in this subsection referred to as the “aggrieved person”) on the ground of family responsibility or family status if the discriminator requires the aggrieved person to comply with a requirement or condition —

- (a) with which a substantially higher proportion of persons not of the same family responsibility or family status as the aggrieved person comply or are able to comply;
- (b) which is not reasonable having regard to the circumstances of the case; and

- (c) with which the aggrieved person does not or is not able to comply.

Division 2 — Discrimination in work

Discrimination against applicants and employees

35B. (1) It is unlawful for an employer to discriminate against a person on the ground of the person's family responsibility or family status —

- (a) in the arrangements made for the purpose of determining who should be offered employment;
- (b) in determining who should be offered employment; or
- (c) in the terms or conditions on which employment is offered.

(2) It is unlawful for an employer to discriminate against an employee on the ground of the employee's family responsibility or family status —

- (a) in the terms or conditions of employment that the employer affords the employee;
- (b) by denying the employee access, or limiting the access of the employee, to opportunities for promotion, transfer or training or to any other benefits associated with employment;
- (c) by dismissing the employee; or
- (d) by subjecting the employee to any other detriment.

(3) Nothing in subsection (1) renders it unlawful for a person to discriminate against another person, on the ground of the other person's family responsibility or family status, in connection with employment to perform domestic duties within a private household in which the employer resides.

(4) Nothing in this section renders it unlawful for a person to do an act a purpose of which is to afford persons with a particular family responsibility or family status rights, benefits or privileges in connection with that family responsibility or family status.

Discrimination against commission agents

35C. (1) It is unlawful for a principal to discriminate against a person on the ground of the person's family responsibility or family status —

- (a) in the arrangements the principal makes for the purpose of determining who should be engaged as a commission agent;
- (b) in determining who should be engaged as a commission agent; or
- (c) in the terms or conditions on which the person is engaged as a commission agent.

(2) It is unlawful for a principal to discriminate against a commission agent on the ground of the commission agent's family responsibility or family status —

- (a) in the terms or conditions that the principal affords the commission agent as a commission agent;

- (b) by denying the commission agent access, or limiting the commission agent's access, to opportunities for promotion, transfer or training, or to any other benefits associated with the position as a commission agent;
- (c) by terminating the agreement; or
- (d) by subjecting the commission agent to any other detriment.

Discrimination against contract workers

35D. (1) It is unlawful for a principal to discriminate against a contract worker on the ground of the contract worker's family responsibility or family status —

- (a) in the terms or conditions on which the principal allows the contract worker to work;
- (b) by not allowing the contract worker to work or continue to work;
- (c) by denying the contract worker access, or limiting the contract worker's access, to any benefit associated with the work in respect of which the contract with the employer is made; or
- (d) by subjecting the contract worker to any other detriment.

(2) Nothing in subsection (1) renders it unlawful for a person to discriminate against another person, on the ground of the family responsibility or family status of the other person, in connection with work to perform domestic duties within a private household in which the firstmentioned person resides.

Partnerships

35E. (1) It is unlawful for 6 or more persons being persons who are proposing to form themselves into a partnership to discriminate against a person on the ground of the person's family responsibility or family status —

- (a) in determining who should be invited to become a partner in the partnership; or
- (b) in the terms or conditions on which the person is invited to become a partner in the partnership.

(2) It is unlawful for any one or more of the partners in a partnership consisting of 6 or more partners to discriminate against a person on the ground of the person's family responsibility or family status —

- (a) in determining who should be invited to become a partner in the partnership; or
- (b) in the terms or conditions on which the person is invited to become a partner in the partnership.

(3) It is unlawful for any one or more of the partners in a partnership consisting of 6 or more partners to discriminate against a partner in the partnership on the ground of the partner's family responsibility or family status —

- (a) by denying the partner access, or limiting the partner's access, to any benefit arising from being a partner in the partnership;
- (b) by expelling the partner from the partnership; or

- (c) by subjecting the partner to any other detriment.

Professional or trade organizations, etc.

35F. (1) This section applies to an organization of employees and to an organization of employers.

(2) It is unlawful for an organization to which this section applies or for the committee of management of such an organization or for a member of such a committee of management to discriminate against a person who is not a member of the organization on the ground of the person's family responsibility or family status —

- (a) by refusing or failing to accept the person's application for membership; or
- (b) in the terms or conditions on which the organization is prepared to admit the person to membership.

(3) It is unlawful for an organization to which this section applies or for the committee of management of such an organization or for a member of such a committee of management to discriminate against a person who is a member of the organization on the ground of the person's family responsibility or family status —

- (a) by denying the person access, or limiting the person's access, to any benefit provided by the organization;
- (b) by depriving the person of membership or varying the terms of the person's membership; or

- (c) by subjecting the person to any other detriment.

Qualifying bodies

35G. It is unlawful for an authority or body that is empowered to confer, renew, extend, revoke or withdraw an authorization or qualification that is needed for or facilitates the practice of a profession, the carrying on of a trade or business or the engaging in of an occupation to discriminate against a person on the ground of the person's family responsibility or family status —

- (a) by refusing or failing to confer, renew or extend the authorization or qualification;
- (b) in the terms or conditions on which it is prepared to confer the authorization or qualification or to renew or extend the authorization or qualification; or
- (c) by revoking or withdrawing the authorization or qualification or varying the terms or conditions upon which it is held.

Employment agencies

35H. It is unlawful for an employment agency to discriminate against a person on the ground of the person's family responsibility or family status —

- (a) by refusing to provide the person with any of its services;
- (b) in the terms or conditions on which it offers to provide the person with any of its services; or

- (c) in the manner in which it provides the person with any of its services.

Division 3 — Discrimination in other areas

Education

35L. (1) It is unlawful for an educational authority to discriminate against a person on the ground of the person's family responsibility or family status —

- (a) by refusing or failing to accept the person's application for admission as a student; or
- (b) in the terms or conditions on which it is prepared to admit the person as a student.

(2) It is unlawful for an educational authority to discriminate against a student on the ground of the student's family responsibility or family status —

- (a) by denying the student access, or limiting the student's access, to any benefit provided by the educational authority;
- (b) by expelling the student; or
- (c) by subjecting the student to any other detriment.

(3) Nothing in this section applies to or in respect of *bona fide* benefits, including concessions, provided to a person by reason of his or her family responsibility or family status.

Application forms, etc

35J. If, by virtue of a provision of Division 2 or this Division, it would be unlawful, in particular circumstances, for a person to discriminate against another person, on the ground of the other person's family responsibility or family status, in doing a particular act, it is unlawful for the firstmentioned person to request or require the other person to provide, in connection with or for the purposes of the doing of the act, information (whether by way of completing a form or otherwise) that persons with a different family responsibility or family status would not, in circumstances that are the same or not materially different, be requested or required to provide.

Division 4 — Exceptions to Part IIA**Measures intended to meet special needs**

35K. Nothing in Division 2 or 3 renders it unlawful to do an act a purpose of which is to afford a person with a particular family responsibility or of a particular family status access to facilities, services or opportunities to meet their special needs in relation to employment, education, training or welfare, or any ancillary benefits.

Accommodation provided for employees

35L. Nothing in Division 2 renders it unlawful for an employer who provides accommodation to

employees of the employer to provide accommodation of different standards to different employees where —

- (a) the standard of the accommodation provided to each employee is determined having regard to the number of persons in the household of the employee; and
- (b) it is not reasonable to expect the employer to provide accommodation of the same standard for all employees.

Identity of relative

35M. Nothing in Division 2 renders it unlawful for an employer to restrict the employment of a person if —

- (a) that person is a relative of an employee of the employer; or
- (b) that person is a relative of an employee of another employer,

and the firstmentioned employer can demonstrate, after making reasonable enquiries, that there is a significant likelihood of collusion between that person and that person's relative which would result in damage to the business of the firstmentioned employer.

Acts done under statutory authority

35N. (1) Nothing in this Part renders unlawful anything done by a person if it was necessary for the person to do it in order to comply with a requirement

of any other written law which is in force when the *Equal Opportunity Amendment Act 1992* comes into operation, not being —

- (a) the rules of a society registered under the *Co-operative and Provident Societies Act 1903*;
- (b) the rules of a credit union within the meaning of the *Credit Unions Act 1979*;
- (c) the rules of a society registered under the *Friendly Societies Act 1894*; or
- (d) the rules of a building society registered under the *Building Societies Act 1976*.

(2) Subsection (1) shall, except to the extent that regulations made for the purposes of this subsection provide otherwise, cease to be in force at the expiration of 2 years after the coming into operation of section 11 of the *Equal Opportunity Amendment Act 1992*.

(3) Regulations made for the purposes of subsection (2) may provide generally in relation to the application of subsection (1) or may make provision in relation to specified written laws.

”.

Section 36 amended

12. Section 36 of the principal Act is amended by inserting after subsection (1) the following subsection —

“ (1a) For the purposes of this Act, a person (in this subsection referred to as the “discriminator”) discriminates against another person (in this

subsection referred to as the “aggrieved person”) on the ground of race if, on the ground of —

- (a) the race of;
- (b) a characteristic that appertains generally to persons of the same race as; or
- (c) a characteristic that is generally imputed to persons of the same race as,

any relative or associate of the aggrieved person, the discriminator —

- (d) treats the aggrieved person less favourably than in the same circumstances, or in circumstances that are not materially different, the discriminator treats or would treat persons; or
- (e) segregates the aggrieved person from persons,

who are not of that race.

”.

Section 37 amended

13. Section 37 of the principal Act is amended by inserting after subsection (2) the following subsection —

“ (3) Nothing in subsection (1) renders it unlawful for an employer to discriminate against a person, on the ground of the race of the person, in connection with employment to perform domestic duties within a private household in which the employer resides.

”.

Section 47A inserted

14. The principal Act is amended by inserting after section 47 the following section —

“ **Land**

47A. (1) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground of the race of the other person —

- (a) by refusing or failing to dispose of an estate or interest in land to the other person; or
- (b) in the terms or conditions on which an estate or interest in land is offered to the other person.

(2) Without limiting the generality of section 70 (1), this section does not apply in relation to a disposal of an estate or interest in land by will or by way of gift.

”.

Division 3A inserted in Part III

15. Part III of the principal Act is amended by inserting after Division 3 the following Division —

“ ***Division 3A — Discrimination involving
racial harassment***

Racial harassment in employment

49A. (1) It is unlawful for a person (in this subsection referred to as the “harasser”) to harass racially —

- (a) an employee of the harasser;

(b) an employee of a person by whom the harasser is employed; or

(c) a person who is seeking employment by the harasser or by an employer of the harasser.

(2) It is unlawful for a person (in this subsection referred to as the “harasser”) to harass racially —

(a) a commission agent or contract worker of the harasser;

(b) a commission agent or contract worker of a person of whom the harasser is a commission agent or contract worker; or

(c) a person who is seeking to become a commission agent or contract worker of the harasser or of a person of whom the harasser is a commission agent or contract worker.

(3) A person shall, for the purposes of this section, be taken to harass racially another person if the firstmentioned person threatens, abuses, insults or taunts the other person on a ground referred to in section 49D, and —

(a) the other person has reasonable grounds for believing that objecting to the relevant threats, abuse, insults or taunts would disadvantage the other person in any way in connection with the employment or work, or possible employment or possible work, of the other person; or

(b) as a result of the objection by the other person to the relevant threats, abuse, insults or taunts, the other person is

disadvantaged in any way in connection with the employment or work, or possible employment or possible work, of the other person.

Racial harassment in education

49B. (1) It is unlawful for a person who is a member of the staff of an educational institution to harass racially a person who is a student at the educational institution or is seeking admission to the educational institution as a student.

(2) A person shall, for the purposes of this section, be taken to harass racially another person if the firstmentioned person threatens, abuses, insults or taunts the other person on a ground referred to in section 49D, and —

- (a) the other person has reasonable grounds for believing that objecting to the relevant threats, abuse, insults or taunts would disadvantage the other person in any way in connection with the studies, or the application for admission to an educational institution as a student, of the other person; or
- (b) as a result of the objection by the other person to the relevant threats, abuse, insults or taunts, the other person is disadvantaged in any way in connection with the studies, or the application for admission to an educational institution as a student, of the other person.

Racial harassment related to accommodation

49C. (1) It is unlawful for a person who as principal or agent exercises control or purports to exercise control over accommodation or the letting or other allocation of accommodation to harass racially —

- (a) a person who occupies accommodation over which the firstmentioned person exercises or purports to exercise control; or
- (b) a person who is an applicant for accommodation.

(2) A person shall, for the purposes of this section, be taken to harass racially another person if the firstmentioned person threatens, abuses, insults or taunts the other person on a ground referred to in section 49D, and —

- (a) the other person has reasonable grounds for believing that objecting to the relevant threats, abuse, insults or taunts by the other person would disadvantage the other person in any way in connection with the accommodation, or application for accommodation, of the other person; or
- (b) as a result of the objection by the other person to the relevant threats, abuse, insults or taunts, the other person is disadvantaged in any way in connection with the accommodation, or application for accommodation, of the other person.

Racial grounds

49D. The grounds referred to in this section are —

- (a) the race;
- (b) a characteristic that appertains generally to persons of the race; or
- (c) a characteristic that is generally imputed to persons of the race,

of the other person referred to in section 49A (3), 49B (2) or 49C (2) or of a relative or associate of that person.

”.

**Section 51 repealed and
a section substituted**

16. Section 51 of the principal Act is repealed and the following section is substituted —

“ **Measures intended to achieve equality**

51. Nothing in Division 2 or 3 renders it unlawful to do an act a purpose of which is —

- (a) to ensure that persons of a particular race have equal opportunities with other persons in circumstances in relation to which provision is made by this Act; or
- (b) to afford persons of a particular race access to facilities, services or opportunities to meet their special needs in relation to employment, education, training or welfare, or any ancillary benefits.

”.

Section 66A amended

17. Section 66A of the principal Act is amended —

- (a) by inserting after subsection (1) the following subsection —

“ (1a) For the purposes of this Act, a person (in this subsection referred to as the “discriminator”) discriminates against another person (in this subsection referred to as the “aggrieved person”) on the ground of impairment if, on the ground of —

- (a) the impairment of;
- (b) a characteristic that appertains generally to persons having the same impairment as; or
- (c) a characteristic that is generally imputed to persons having the same impairment as,

any relative or associate of the aggrieved person, the discriminator treats the aggrieved person less favourably than in the same circumstances, or in circumstances that are not materially different, the discriminator treats or would treat a person who does not have such an impairment.

”;

and

- (b) in subsection (2) by inserting after —

- (i) “subsection (1)” the following —

“ or (1a) ”; and

- (ii) “who has”, where it first occurs, the following —

“ , or has a relative or associate who has, ”.

Section 66Q amended

18. Section 66Q of the principal Act is amended in subsection (1) (a) by deleting “the work” and substituting the following —

“ work reasonably ”.

Part IVB inserted

19. After Part IVA of the principal Act the following Part is inserted —

“ **PART IVB — DISCRIMINATION ON THE
GROUND OF AGE**

Division 1 — General

Discrimination on ground of age

66V. (1) For the purposes of this Act, a person (in this subsection referred to as the “discriminator”) discriminates against another person (in this subsection referred to as the “aggrieved person”) on the ground of age if, on the ground of —

- (a) the age of the aggrieved person;
- (b) a characteristic that appertains generally to persons of the same age as the aggrieved person; or

- (c) a characteristic that is generally imputed to persons of the same age as the aggrieved person,

the discriminator treats the aggrieved person less favourably than in the same circumstances, or in circumstances that are not materially different, the discriminator treats or would treat a person who is not of that age.

(2) For the purposes of sections 66ZE, 66ZF and 66ZG, a person (in this subsection referred to as the “discriminator”) discriminates against another person (in this subsection referred to as the “aggrieved person”) on the ground of age if, on the ground of —

- (a) the age of;
- (b) a characteristic that appertains generally to persons of the same age as; or
- (c) a characteristic that is generally imputed to persons of the same age as,

any relative or associate of the aggrieved person, the discriminator treats the aggrieved person less favourably than in the same circumstances, or in circumstances that are not materially different, the discriminator treats or would treat a person who is not of such an age.

(3) For the purposes of this Act, a person (in this subsection referred to as the “discriminator”) discriminates against another person (in this subsection referred to as the “aggrieved person”) on the ground of age if the discriminator requires the aggrieved person to comply with a requirement or condition —

- (a) with which a substantially higher proportion of persons who are not of the

same age as the aggrieved person comply or are able to comply;

- (b) which is not reasonable having regard to the circumstances of the case; and
- (c) with which the aggrieved person does not or is not able to comply.

Division 2 — Discrimination in work

Discrimination against applicants and employees

66W. (1) It is unlawful for an employer to discriminate against a person on the ground of the person's age —

- (a) in the arrangements made for the purpose of determining who should be offered employment;
- (b) in determining who should be offered employment; or
- (c) in the terms or conditions on which employment is offered.

(2) It is unlawful for an employer to discriminate against an employee on the ground of the employee's age —

- (a) in the terms or conditions of employment that the employer affords the employee;
- (b) by denying the employee access, or limiting the employee's access, to opportunities for promotion, transfer or training, or to any other benefits associated with employment;

- (c) by dismissing the employee; or
- (d) by subjecting the employee to any other detriment.

(3) Nothing in subsection (1) renders it unlawful for a person to discriminate against another person, on the ground of the other person's age, in connection with employment to perform domestic duties within a private household in which the employer resides.

Discrimination against commission agents

66X. (1) It is unlawful for a principal to discriminate against a person on the ground of the person's age —

- (a) in the arrangements the principal makes for the purpose of determining who should be engaged as a commission agent;
- (b) in determining who should be engaged as a commission agent; or
- (c) in the terms or conditions on which the person is engaged as a commission agent.

(2) It is unlawful for a principal to discriminate against a commission agent on the ground of the commission agent's age —

- (a) in the terms or conditions that the principal affords the commission agent as a commission agent;
- (b) by denying the commission agent access, or limiting the commission agent's access, to opportunities for promotion, transfer or training, or to any other benefits associated with the position as a commission agent;

- (c) by terminating the engagement; or
- (d) by subjecting the commission agent to any other detriment.

Discrimination against contract workers

66Y. (1) It is unlawful for a principal to discriminate against a contract worker on the ground of the contract worker's age —

- (a) in the terms or conditions on which the principal allows the contract worker to work;
- (b) by not allowing the contract worker to work or continue to work;
- (c) by denying the contract worker access, or limiting the contract worker's access, to any benefit associated with the work in respect of which the contract with the employer is made; or
- (d) by subjecting the contract worker to any other detriment.

(2) Nothing in subsection (1) renders it unlawful for a person to discriminate against another person, on the ground of the other person's age, in connection with work to perform domestic duties within a private household in which the principal resides.

Partnerships

66Z. (1) It is unlawful for 6 or more persons being persons who are proposing to form themselves into a

partnership to discriminate against a person on the ground of the person's age —

- (a) in determining who should be invited to become a partner in the partnership; or
- (b) in the terms or conditions on which the person is invited to become a partner in the partnership.

(2) It is unlawful for any one or more of the partners in a partnership consisting of 6 or more partners to discriminate against a person on the ground of the person's age —

- (a) in determining who should be invited to become a partner in the partnership; or
- (b) in the terms or conditions on which the person is invited to become a partner in the partnership.

(3) It is unlawful for any one or more of the partners in a partnership consisting of 6 or more partners to discriminate against a partner in the partnership on the ground of the partner's age —

- (a) by denying the partner access, or limiting the partner's access, to any benefit arising from being a partner in the partnership;
- (b) by expelling the partner from the partnership; or
- (c) by subjecting the partner to any other detriment.

Professional or trade organizations, etc.

66ZA. (1) This section applies to an organization of employees and to an organization of employers.

(2) It is unlawful for an organization to which this section applies or for the committee of management of such an organization or for a member of such a committee of management to discriminate against a person who is not a member of the organization on the ground of the person's age —

- (a) by refusing or failing to accept the application of the person for membership; or
- (b) in the terms or conditions on which the organization is prepared to admit the person to membership.

(3) It is unlawful for an organization to which this section applies or for the committee of management of such an organization or for a member of such a committee of management to discriminate against a person who is a member of the organization on the ground of the person's age —

- (a) by denying the person access, or limiting the person's access, to any benefit provided by the organization;
- (b) by depriving the person of membership or varying the terms of the membership of the person; or
- (c) by subjecting the person to any other detriment.

Qualifying bodies

66ZB. It is unlawful for an authority or body that is empowered to confer, renew, extend, revoke or withdraw an authorization or qualification that is needed for or facilitates the practice of a profession, the carrying on of a trade or business or the engaging in of an occupation to discriminate against a person on the ground of the person's age —

- (a) by refusing or failing to confer, renew or extend the authorization or qualification;
- (b) in the terms or conditions on which it is prepared to confer the authorization or qualification or to renew or extend the authorization or qualification; or
- (c) by revoking or withdrawing the authorization or qualification or varying the terms or conditions upon which it is held.

Employment agencies

66ZC. It is unlawful for an employment agency to discriminate against a person on the ground of the person's age —

- (a) by refusing to provide the person with any of its services;
- (b) in the terms or conditions on which it offers to provide the person with any of its services; or
- (c) in the manner in which it provides the person with any of its services.

Division 3 — Discrimination in other areas**Education**

66ZD. (1) It is unlawful for an educational authority to discriminate against a person on the ground of the person's age —

- (a) by refusing or failing to accept the application of the person for admission as a student; or
- (b) in the terms or conditions on which it is prepared to admit the person as a student.

(2) It is unlawful for an educational authority to discriminate against a student on the ground of the student's age —

- (a) by denying the student access, or limiting the student's access, to any benefit provided by the educational authority;
- (b) by expelling the student; or
- (c) by subjecting the student to any other detriment.

(3) It is unlawful for an educational authority or other person to discriminate against a person (in this subsection referred to as "the aggrieved person") on the ground of the aggrieved person's age —

- (a) by refusing or failing to accept the aggrieved person's application for a scholarship or like benefit provided by the educational authority or other person;

- (b) by refusing or failing to award a scholarship or like benefit referred to in paragraph (a) to the aggrieved person; or
- (c) in the terms or conditions on which the educational authority or other person is prepared to award a scholarship or like benefit referred to in paragraph (a) to the aggrieved person.

(4) Nothing in this section applies to or in respect of a refusal or failure to accept an application for admission as a student at an educational institution under a mature age admission scheme conducted by the educational institution, which application is made by a person whose age is below the minimum age fixed under that scheme for admission.

Access to places and vehicles

66ZE. (1) It is unlawful for a person (in this section referred to as the “discriminator”) to discriminate against another person (in this section referred to as the “aggrieved person”) on the ground of the aggrieved person’s age —

- (a) by refusing to allow the aggrieved person access to or the use of any place or vehicle that the public or a section of the public is entitled or allowed to enter or use, for payment or not;
- (b) in the terms on which the discriminator is prepared to allow the aggrieved person access to or the use of any such place or vehicle;
- (c) by refusing to allow the aggrieved person the use of any facilities in any such place or vehicle that the public or a section of the

public is entitled or allowed to use, for payment or not;

- (d) in the terms on which the discriminator is prepared to allow the aggrieved person the use of any such facilities; or
- (e) by requiring the aggrieved person to leave or cease to use any such place or vehicle or any such facilities.

(2) Nothing in this section applies to or in respect of *bona fide* benefits, including concessions, provided to a person by reason of his or her age.

Goods, services and facilities

66ZF. (1) It is unlawful for a person who, whether for payment or not, provides goods or services, or makes facilities available, to discriminate against another person on the ground of the other person's age —

- (a) by refusing to provide the other person with those goods or services or to make those facilities available to the other person;
- (b) in the terms or conditions on which the firstmentioned person provides the other person with those goods or services or makes those facilities available to the other person; or
- (c) in the manner in which the firstmentioned person provides the other person with those goods or services or makes those facilities available to the other person.

(2) Nothing in subsection (1) applies to or in respect of —

- (a) *bona fide* benefits, including concessions, provided to a person by reason of his or her age; or
- (b) holiday tours offered or provided to persons who are of a particular age.

Accommodation

66ZG. (1) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground of the other person's age —

- (a) by refusing the application of the other person for accommodation;
- (b) in the terms or conditions on which accommodation is offered to the other person; or
- (c) by deferring the application of the other person for accommodation or according to the other person a lower order of precedence in any list of applicants for that accommodation.

(2) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground of the other person's age —

- (a) by denying the other person access, or limiting the other person's access, to any benefit associated with accommodation occupied by the other person;

- (b) by evicting the other person from accommodation occupied by the other person; or
- (c) by subjecting the other person to any other detriment in relation to accommodation occupied by the other person.

(3) Nothing in this section applies to or in respect of —

- (a) the provision of accommodation in premises if —
 - (i) the person who provides or proposes to provide the accommodation or a near relative of that person resides, and intends to continue to reside, on those premises; and
 - (ii) the accommodation provided in those premises is for no more than 3 persons other than a person referred to in subparagraph (i) or near relatives of such a person;
- (b) accommodation provided by a religious body;
- (c) accommodation provided by a charitable or other voluntary body solely for persons who are of a particular age;
- (d) the provision of *bona fide* benefits, including concessions, to a person by reason of his or her age.

Land

66ZH. (1) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground of the other person's age —

- (a) by refusing or failing to dispose of an estate or interest in land to the other person; or
- (b) in the terms or conditions on which an estate or interest in land is offered to the other person.

(2) Without limiting the generality of section 70 (1), this section does not apply in relation to a disposal of an estate or interest in land —

- (a) by will or by way of gift; or
- (b) within a complex of residential premises (whether or not including hostel units) and appurtenant land, occupied or intended for occupation by persons of a particular age or particular ages.

Clubs and incorporated associations

66ZI. (1) It is unlawful for a club or incorporated association, the committee of management of a club or incorporated association or a member of the committee of management of a club or incorporated association to discriminate against a person who is not a member of the club or incorporated association on the ground of the person's age —

- (a) by refusing or failing to accept the application of the person for membership; or

- (b) in the terms or conditions on which the club or incorporated association is prepared to admit the person to membership.

(2) It is unlawful for a club or incorporated association, the committee of management of a club or incorporated association or a member of the committee of management of a club or incorporated association to discriminate against a person who is a member of the club or incorporated association on the ground of the member's age —

- (a) in the terms or conditions of membership that are afforded to that member;
- (b) by refusing or failing to accept the application of that member for a particular class or type of membership;
- (c) by denying that member access, or limiting the member's access, to any benefit provided by the club or incorporated association;
- (d) by depriving that member of membership or varying the terms of membership; or
- (e) by subjecting that member to any other detriment.

(3) Nothing in subsection (1) or (2) applies to or in respect of a club or incorporated association —

- (a) that has as its principal object the provision of benefits for persons who are of a particular age; or
- (b) so as to prevent —
 - (i) the retention by the club or incorporated association of different

categories of membership for members of different ages; or

- (ii) the provision of *bona fide* benefits, including concessions, to a person by reason of his or her age.

(4) In determining whether the principal object of a club or incorporated association is as referred to in subsection (3) (a), regard shall be had to —

- (a) the essential character of the club or incorporated association;
- (b) the extent to which the affairs of the club or incorporated association are so conducted that the persons primarily enjoying the benefits of membership are of the relevant age; and
- (c) any other relevant circumstance.

Discrimination in sport on ground of age

66ZJ. (1) It is unlawful for a person to discriminate against another person on the ground of the other person's age by excluding that person from a sporting activity.

(2) In subsection (1), reference to a sporting activity includes a reference to an administrative, coaching, refereeing or umpiring activity in relation to any sport.

(3) Subsection (1) does not apply to discrimination against a person if the relevant sporting activity is —

- (a) a competitive sporting activity; and

- (b) so conducted that competition is only permitted between persons of a particular age.

(4) Subsection (3) does not apply to or in relation to persons participating or wishing to participate in —

- (a) an administrative, coaching, refereeing or umpiring activity in relation to any sport; or
- (b) any prescribed sporting activity.

Application forms, etc.

66ZK. If, by virtue of a provision of Division 2 or this Division, it would be unlawful, in particular circumstances, for a person to discriminate against another person, on the ground of the other person's age, in doing a particular act, it is unlawful for the firstmentioned person to request or require the other person to provide, in connection with or for the purposes of the doing of the act, information (whether by way of completing a form or otherwise) that persons who are not of that age would not, in circumstances that are the same or not materially different, be requested or required to provide.

Superannuation schemes and provident funds

66ZL. (1) It is unlawful for a person who provides a superannuation scheme or provident fund to discriminate against another person on the ground of the other person's age —

- (a) by providing a scheme or fund that discriminates, or requires or authorizes discrimination, against the other person or

that would, if the other person were to become a member of that scheme or fund, discriminate, or require or authorize discrimination, against that person; or

- (b) in the manner in which the firstmentioned person administers the scheme or fund,

except to the extent that —

- (c) the discrimination —

- (i) happens because of the application of a standard in force under the *Occupational Superannuation Standards Act 1987* of the Commonwealth; or

- (ii) is required in order to comply with, or obtain a benefit of, or avoid a penalty under, any other Act of the Commonwealth;

- (d) the discrimination —

- (i) is based upon actuarial or statistical data from a source upon which it is reasonable to rely or, if there is no such data, on such other data as may be available; and

- (ii) is reasonable having regard to the data referred to in subparagraph (i), if any, and other relevant factors;

- (e) if paragraph (c) does not apply and no data referred to in paragraph (d) (i) is available, the discrimination is reasonable having regard to any other relevant factors; or

- (f) the discrimination is based on an existing condition and —
 - (i) happens not more than 12 months after the commencement of the amending section; or
 - (ii) relates to a person who became a member of the scheme or fund before the commencement of the amending section or not more than 12 months after that commencement.

(2) In subsection (1) (f) and this subsection —

“amending section” means section 19 of the *Equal Opportunity Amendment Act 1992*;

“existing condition” means a superannuation scheme or provident fund condition in existence at the commencement of the amending section.

Division 4 — Exceptions to Part IVB

Exceptions to Division 2

66ZM. (1) Nothing in Division 2 renders unlawful discrimination by an employer, principal or person against another person on the ground of the other person’s age in the terms and conditions on which —

- (a) employment is offered or afforded;
- (b) engagement is offered or afforded;
- (c) contract work is allowed;

- (d) access to or the use of places or vehicles is allowed; or
- (e) goods, services or facilities are provided or made available,

as the case requires, if those terms and conditions are imposed in order to comply with health and safety considerations which are reasonable in the circumstances.

(2) In determining for the purposes of subsection (1) what health and safety considerations are reasonable in all the circumstances, regard shall be had to all relevant circumstances of the particular case, including the effect of the discrimination in question on the person against whom that discrimination takes place.

Retirement

66ZN. (1) Nothing in section 66W, 66X, 66Y or 66Z renders it unlawful —

- (a) to offer to a person who is an employee, commission agent, contract worker or partner, on the ground of the age of that person, participation in a voluntary phased-in retirement scheme, voluntary retirement scheme, retirement incentives scheme, severance scheme or other like scheme; or
- (b) during the period of 2 years beginning on the commencement of section 19 of the *Equal Opportunity Amendment Act 1992* to discriminate against a person referred to in paragraph (a), on the ground of the age of that person, by requiring that person to retire from employment, engagement as a

commission agent, contract work or partnership, as the case requires.

(2) Nothing in this Part renders it unlawful for a person to discriminate in accordance with an Act against a person who holds the office of —

- (a) Judge within the meaning of the *Judges' Retirement Act 1937*;
- (b) Master within the meaning of the *Supreme Court Act 1935*;
- (c) District Court Judge within the meaning of the *District Court of Western Australia Act 1969*;
- (d) Family Court Judge or acting Family Court Judge within the meaning of the *Family Court Act 1975*;
- (e) Judge or magistrate within the meaning of the *Children's Court of Western Australia Act 1988*; or
- (f) stipendiary magistrate within the meaning of the *Stipendiary Magistrates Act 1957*,

on the ground of the person's age by requiring that person to retire from that office.

Contracts with minors

66ZO. Nothing in Division 2 or 3 renders it unlawful for a person to refuse to enter into a contract with a person who is a minor if that contract would, if entered into, be unenforceable at common law.

Measures intended to achieve equality

66ZP. Nothing in Division 2 or 3 renders it unlawful to do an act a purpose of which is —

- (a) to ensure that persons who are of a particular age have equal opportunities with other persons in circumstances in relation to which provision is made by this Act; or
- (b) to afford persons who are of a particular age access to facilities, services or opportunities to meet their special needs in relation to employment, education, training or welfare.

Exception — genuine occupational qualification

66ZQ. Nothing in this Part applies to or in respect of any work or employment if that work or employment involves any one or more of the following —

- (a) participation in a dramatic performance or other entertainment in a capacity for which a person of a particular age is required for reasons of authenticity;
- (b) participation as an artist's or photographic model in the production of a work of art, visual image or sequence of visual images for which a person of a particular age is required for reasons of authenticity;
- (c) providing persons of a particular age with services for the purpose of promoting their welfare when those services can most effectively be provided by a person of a particular age.

Insurance

66ZR. Nothing in this Part renders it unlawful for a person to discriminate against a person who is of a particular age on the ground of the person's age with respect to the terms on which an annuity, a life assurance policy, a policy of insurance against accident or any other policy of insurance is offered to or may be obtained by the person of that age if that discrimination —

- (a) is based upon actuarial or statistical data from a source on which it is reasonable to rely or, if there are no such data, on such other data as may be available; and
- (b) is reasonable having regard to the data referred to in paragraph (a), if any, and other relevant factors.

Acts done under statutory authority, etc.

66ZS. (1) Nothing in this Part renders unlawful anything done by a person if it was necessary for the person to do it in order to comply with a requirement of —

- (a) any other written law which is in force when this Part comes into operation, not being —
 - (i) the rules of a society registered under the *Co-operative and Provident Societies Act 1903*;
 - (ii) the rules of a credit union within the meaning of the *Credit Unions Act 1979*;

(iii) the rules of a society registered under the *Friendly Societies Act 1894*; or

(iv) the rules of a building society registered under the *Building Societies Act 1976*;

or

(b) an award or industrial agreement within the meaning of the *Industrial Relations Act 1979* or an award within the meaning of the *Industrial Relations Act 1988* of the Commonwealth insofar as that award or industrial agreement relates to the payment of wages or other remuneration to employees under the age of 21 or to the maintenance of a ratio between employees under a certain age and employees of or above that age, and it is lawful for a person to publish or display, or cause or permit to be published or displayed, an advertisement or notice relating to vacancies in employment for persons under the age of 21.

(2) In subsection (1) (b), “**advertisement**” has the meaning given by section 68 (2).

(3) The Commissioner shall within the period of 2 years beginning on the commencement of section 19 of the *Equal Opportunity Amendment Act 1992* or such longer period as may be prescribed —

(a) undertake a review of written laws referred to in subsection (1) with a view to identifying circumstances where discrimination on the ground of age occurs, in substance or effect, against any person or class of persons; and

- (b) furnish a report of the findings of the review undertaken under this subsection to the Minister.

”.

(4) Every body that has the administration of any written law, or has the capacity to enact any subsidiary legislation under any written law, shall within 18 months of the coming into operation of section 19 of the *Equal Opportunity Amendment Act 1992*, prepare and submit to the Commissioner a report stating —

- (a) whether any written law which it administers or subsidiary legislation that it has enacted contains any provision which discriminates on the ground of age; and
- (b) if there is such a law, the nature of the discrimination, whether the body considers that the discrimination should be continued and the reasons why it so considers.

(5) The Commissioner shall include details of the statements received by the Commissioner pursuant to subsection (4) in the report to be furnished pursuant to subsection (3).

(6) Any body that pursuant to this section is required to prepare a statement shall include in any report that it is obliged to make under the *Financial Administration and Audit Act 1985* a statement as to whether it has complied with this section and shall continue to include a statement until such time as it has complied.

Section 69 amended

20. Section 69 (3) of the principal Act is amended by deleting “that subsection” and substituting the following —

“ subsection (1) ”.

Section 71 amended

21. Section 71 (2) of the principal Act is amended by inserting after “impairment” the following —

“ or age ”.

Section 73 amended

22. Section 73 (3) of the principal Act is amended by deleting “or impairment” and substituting the following —

“ , impairment or age ”.

Section 74 amended

23. Section 74 of the principal Act is amended by inserting after subsection (3) the following subsection —

“ (4) Subsection (2) (b) does not apply to discrimination on the ground of age in the provision of benefits, facilities or services to such persons as are admitted to an institution referred to in subsection (2) (a). ”.

Section 75 amended

24. Section 75 of the principal Act is amended by repealing subsection (5) and substituting the following subsection —

“ (5) The Commissioner —

- (a) is entitled to such terms and conditions of service; and
- (b) subject to the *Salaries and Allowances Act 1975*, shall be paid such remuneration and allowances,

as the Minister determines from time to time on the recommendation of the Public Service Commissioner. ”.

Section 80 amended

25. Section 80 of the principal Act is amended —

- (a) by inserting after “pregnancy,” wherever it occurs the following —

“ family responsibility or family status ”;

- (b) by deleting “or impairment” wherever it occurs and substituting in each case the following —

“ , impairment or age ”;

- (c) deleting “conviction or their impairment” in paragraph (b) (iii) and substituting the following —

“ convictions, their impairments or their ages ”;

and

- (d) inserting after paragraph (f) the following paragraph —

“ (fa) subject to section 167, publish any written reports compiled in the exercise of the powers conferred on the Commissioner by this section and section 82; ”.

Section 83A inserted

26. The principal Act is amended by inserting after section 83 the following section —

“ **Withdrawal and lapse of complaints**

83A. (1) A complainant may at any time between the lodging of the relevant complaint and the final disposal of that complaint under this Division withdraw that complaint by notice in writing served on the Commissioner.

(2) If, in the opinion of the Commissioner, a complainant is not pursuing, or has abandoned, the relevant complaint, the Commissioner may by warning in writing served on the complainant advise the complainant that that complaint will, unless within a period of 21 days after that service the complainant serves on the Commissioner notice in writing that the complainant wishes the Commissioner to continue to investigate or otherwise deal with that complaint under this Division, lapse at the end of that period.

(3) If a person on whom a warning is served by the Commissioner under subsection (2) does not within the period of 21 days after that service serve on the Commissioner notice referred to in that subsection, the relevant complaint lapses at the end of that period.

(4) If a complaint —

- (a) is withdrawn under subsection (1); or
- (b) lapses under subsection (3),

the complaint shall not be pursued afresh unless —

- (c) the person seeking to pursue the complaint afresh satisfies the Commissioner that there is good cause for that pursuit to take place; and
- (d) that pursuit takes place within a period of 6 months from the withdrawal or lapse of the complaint.

(5) Notwithstanding anything in this section, if the Commissioner is satisfied within the meaning of subsection (4) (c) in respect of a complaint, the person seeking to pursue the complaint afresh may do so without lodging another complaint under section 83.

”.

Section 93 amended

27. Section 93 of the principal Act is amended by repealing subsection (2) and substituting the following subsections —

“ (2) When a complaint is referred to the Tribunal under subsection (1), the Commissioner —

- (a) shall, if the complainant requests the Commissioner to do so, either personally or by counsel or representative assist the complainant in the presentation of the case of the complainant to the Tribunal; and
- (b) may, if the complainant requests the Commissioner to do so and the Commissioner considers it appropriate in all the circumstances (including the financial circumstances of the complainant) to do so, make such contribution towards the cost of witness and other expenses as is necessary to enable the complainant to call or give, or to call and give, evidence before the Tribunal.

(2a) The Commissioner may, in making a contribution under subsection (2) (b), make the contribution subject to such conditions as the Commissioner thinks fit.

(2b) If a condition to which the making of a contribution is subjected under subsection (2a) requires the complainant to repay to the Commissioner in circumstances specified in that condition the whole or any part of the contribution made under subsection (2) (b) and those circumstances arise, the Commissioner may recover that whole or part from the complainant by action in a court of competent jurisdiction as a debt due to the Commissioner.

”.

Section 93A inserted

28. The principal Act is amended by inserting after section 93 the following section —

**“ Commissioner may assist complainants
on appeal to Supreme Court**

93A. (1) The Commissioner may, on the application of a complainant who has received assistance under section 93 (2) and if the Commissioner considers it appropriate in all the circumstances (including the financial circumstances of the complainant) to do so —

- (a) arrange for the provision of legal representation; or
- (b) grant such financial assistance as is necessary to enable the complainant to call or give, or to call and give, evidence,

before the Supreme Court, or both, to enable the complainant to make or defend an appeal to the Supreme Court under section 134 (1).

(2) The Commissioner may, in granting an application under subsection (1), make that grant subject to such conditions as the Commissioner thinks fit.

(3) If a condition to which the grant of an application is subjected under subsection (2) requires the complainant to pay to the Commissioner in circumstances specified in that condition the whole or any part of any expense incurred by the Commissioner in the exercise of a power referred to in subsection (1) (a) or (b) and those circumstances arise, the Commissioner may recover that whole or part from the complainant by action in a court of competent jurisdiction as a debt due to the Commissioner.

”.

Section 105 amended

29. Section 105 (3) of the principal Act is amended by inserting after “law or procedure” the following —

“ , and may do so in the absence of the other members
of the Tribunal ”.

Section 107 amended

30. Section 107 of the principal Act is amended —

- (a) in subsection (3) by deleting “The” and substituting the following —

“ Subject to subsection (3a), the ”;

and

- (b) by inserting after subsection (3) the following subsection —

“ (3a) The Tribunal shall not hold, or shall discontinue, as the case requires, an inquiry into —

- (a) a complaint referred to it under section 90 (2) or 93 (1) if the complainant notifies the Tribunal that the complainant;
or

- (b) a matter referred to it under subsection (1) if the Minister notifies the Tribunal that the Minister,

does not wish that inquiry to be held or to continue.

”.

Section 118A inserted

31. The principal Act is amended by inserting after section 118 the following section —

“ **Consent orders**

118A. (1) The parties to an inquiry or their representatives may file a written consent to the making by the President of any order which the Tribunal is empowered by this Division to make.

(2) On the filing under subsection (1) of a written consent, the registrar shall bring the complaint to which that consent relates before the President, who may, if the President thinks fit and without any other application being made, make the relevant order in accordance with the terms of that consent.

(3) An order made under subsection (2) shall state that it is made by consent and shall be of the same force and validity as if it had been made by the Tribunal after the holding of an inquiry.

”.

Section 122 amended

32. Section 122 of the principal Act is amended by inserting after subsection (2) the following subsection —

“ (3) A person shall not contravene a direction given by the Tribunal under this section.

Penalty: (a) in the case of a natural person — \$1 000; or

(b) in the case of a body corporate — \$5 000.

”.

Section 134 amended

33. Section 134 of the principal Act is amended in subsection (1) by —

- (a) deleting “decision or an order” and substituting the following —

“ decision or order made under section 125,
126, 127 or 128 (2) ”;

and

- (b) inserting after “of the Tribunal” the following —

“ , or by an interim order made under section
126, ”.

Section 140 amended

34. Section 140 of the principal Act is amended in paragraph (a) —

- (a) by inserting after “pregnancy,” the following —

“ family responsibility or family status, ”;

and

- (b) by deleting “or impairment” and substituting the following —

“ , impairment or age ”.

Section 142 amended

35. Section 142 of the principal Act is amended by inserting after subsection (3) the following subsection —

“ (4) The Director is entitled to such terms and conditions of service, including remuneration and travelling and other allowances, as the Minister determines from time to time on the recommendation of the Public Service Commissioner. ”.

**Section 144 repealed and
a section substituted**

36. (1) Section 144 of the principal Act is repealed and the following section is substituted —

“ **Annual report of Director**

144. (1) The Director shall, on or before 30 September in each year, prepare and present to the Minister a report on —

- (a) the work and activities of the Director for the period of 12 months ending on the preceding 30 June; and
- (b) the administration of the functions of the Director under this Act during the period referred to in paragraph (a).

(2) The Minister shall cause the report presented to the Minister under subsection (1) to be laid before both Houses of Parliament as soon as is practicable after its receipt by the Minister. ”.

(2) Section 144 of the principal Act as repealed and substituted by this section is deemed to apply, and always to have applied, to and in relation to the annual report of the

Director of Equal Opportunity in Public Employment for the period of 12 months ending on 30 June 1993.

Section 146 amended

37. Section 146 of the principal Act is amended in subsection (2) (a) (i) —

(a) by inserting after “pregnancy,” the following —

“ family responsibility or family status, ”;

and

(b) by deleting “or impairment” and substituting the following —

“ , impairment or age ”.

Section 156 amended

38. Section 156 of the principal Act is amended by deleting “or 66T” and substituting the following —

“ , 66T, 66ZL or 66ZR ”.

Section 169 amended

39. Section 169 of the principal Act is amended in subsection (2) by deleting paragraph (e) and substituting the following paragraph —

“ (e) exempting —

(i) any person or class of persons;

(ii) any activity or class of activity; or

(iii) any other matter or circumstance, specified
in the regulations,

from this Act or such parts of this Act as may be
so specified.

”.

References to “by reason of ” amended

40. The principal Act is amended by deleting “by reason of ”
wherever it occurs in the provisions referred to in the Table to
this section and substituting in each case the following —

“ on the ground of ”.

TABLE

Section 5
Section 8 (1)
Section 9 (1)
Section 10 (1) (a)
Section 66A (4)
