



Sex Discrimination Regulations 1984

Statutory Rules No. 181, 1984

made under the

Sex Discrimination Act 1984

Compilation No. 7

Compilation date: 17 September 2016

Includes amendments up to: F2016L01445

Registered: 22 September 2016

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Sex Discrimination Regulations 1984* that shows the text of the law as amended and in force on 17 September 2016 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name of Regulations

These Regulations are the *Sex Discrimination Regulations 1984*.

2 Interpretation

In these Regulations, *the Act* means the *Sex Discrimination Act 1984*.

3 Combat duties

- (1) The following duties (in this regulation referred to as *combat duties*) are declared to be combat duties for the purposes of section 43 of the Act, namely, duties requiring a person to commit, or to participate directly in the commission of, an act of violence against an adversary in time of war.
- (3) In this regulation, *time of war* has the same meaning as in the *Defence Act 1903*.

4 Care or services that are Commonwealth-funded aged care

- (1) This regulation sets out classes of care or services prescribed for the purposes of paragraph (c) of the definition of *Commonwealth-funded aged care* in subsection 4(1) of the Act.
- (2) Care or services in relation to which the Commonwealth has made, or is to make, payments for the purposes of a program referred to in any of the following table items in Part 4 of Schedule 1AA to the *Financial Framework (Supplementary Powers) Regulations 1997* are prescribed:
 - (a) table item 415.016 (access and information);
 - (b) table item 415.017 (home support);
 - (c) table item 415.018 (residential and flexible care);
 - (d) table item 415.019 (workforce and quality);
 - (e) table item 415.020 (ageing and service improvement).
- (3) Aged care or services (or similar care or services) that are provided under any of the following instruments, and in relation to which the Commonwealth has made, or is to make, payments to the provider of the care or services, are prescribed:
 - (a) the *Treatment Principles* made under section 90 of the *Veterans' Entitlements Act 1986*;
 - (b) those *Treatment Principles* as modified by the *Treatment Principles (Australian Participants in British Nuclear Tests) 2006* made under section 16 of the *Australian Participants in British Nuclear Tests (Treatment) Act 2006*;
 - (c) the *MRCA Treatment Principles* made under section 286 of the *Military Rehabilitation and Compensation Act 2004*.
- (4) Aged care or services (or similar care or services) that are provided under an arrangement made under Part V of the *Veterans' Entitlements Act 1986*, and in

relation to which the Commonwealth has made, or is to make, payments to the provider of the care or services, are prescribed.

5 Exemption for things done in direct compliance with prescribed laws

(1) For the purposes of subsection 40(2B) of the Act, the following laws are prescribed:

- (a) the *Human Reproductive Technology Act 1991* (WA);
- (b) the *Surrogacy Act 2008* (WA).

Note: Subsection 40(2B) provides for an exemption, in relation to anything done by a person in direct compliance with a prescribed law, from Divisions 1 and 2 of Part II (prohibition of discrimination) of the Act, as applying by reference to:

- (a) section 5A (sexual orientation); or
- (b) section 5B (gender identity); or
- (c) section 5C (intersex status).

(2) This regulation is repealed at the start of 1 August 2017.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

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ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	Registration	Commencement	Application, saving and transitional provisions
181, 1984	3 Aug 1984	3 Aug 1984	
56, 1987	1 May 1987	1 May 1987	—
118, 2001	6 June 2001	6 June 2001	—
197, 2013	31 July 2013 (F2013L01480)	Sch 1: 1 Aug 2013 (s 2)	—
109, 2014	24 July 2014 (F2014L01020)	Sch 1 (item 1): 1 Aug 2014 (s 2 item 2) Remainder: 25 July 2014 (s 2 items 1, 3)	—
115, 2015	15 July 2015 (F2015L01151)	16 July 2015 (s 2(1) item 1)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Sex Discrimination Amendment (Exemptions) Regulation 2016	16 Sept 2016 (F2016L01445)	17 Sept 2016 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
r 1	rs No 118, 2001
r 3	am No 118, 2001
r 4	ad No 56, 1987
	rs No 197, 2013
	am No 115, 2015
r 5	ad No 197, 2013
	am No 109, 2014; No 115, 2015
	exp 31 July 2016 (r 5(2))
	rs F2016L01445
	rep 1 Aug 2017 (r 5(2))
Schedule	ad No 56, 1987
	rep No 197, 2013
