



Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Regulation 2013

Select Legislative Instrument No. 197, 2013

I, Quentin Bryce AC CVO, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Sex Discrimination Act 1984*.

Dated 25 July 2013

Quentin Bryce
Governor-General

By Her Excellency's Command

Mark Dreyfus QC
Attorney-General

OPC60195 - A

Contents

1	Name of regulation	1
2	Commencement	1
3	Authority	1
4	Schedule(s)	2
Schedule 1—Amendments		3
<i>Sex Discrimination Regulations 1984</i>		<i>3</i>

No. 197, 2013	<i>Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Regulation 2013</i>	<i>i</i>
---------------	---	----------

OPC60195 - A

1 Name of regulation

This regulation is the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Regulation 2013*.

2 Commencement

Each provision of this regulation 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
Provision(s)	Commencement	Date/Details
1. Sections 1 to 4 and anything in this regulation not elsewhere covered by this table	The day after this regulation is registered.	
2. Schedule 1	The later of: (a) the day after this regulation is registered; and (b) the day on which Schedule 1 to the <i>Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013</i> commences. However, the provision(s) do not commence at all if the event mentioned in paragraph (b) does not occur.	

3 Authority

This regulation is made under the *Sex Discrimination Act 1984*.

No. 197, 2013	<i>Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Regulation 2013</i>	1
---------------	---	---

OPC60195 - A

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

2	<i>Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Regulation 2013</i>	<i>No. 197, 2013</i>
---	---	----------------------

OPC60195 - A

Schedule 1—Amendments

Sex Discrimination Regulations 1984

1 Regulation 4

Repeal the regulation, substitute:

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 Management and Accountability 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 subsection 40(2B) of the Act, all laws of the Commonwealth, the States and the Territories, as in force on 1 August 2013, are prescribed.

Note: Subsection 40(2B) provides for an exemption from Divisions 1 and 2 of Part II (prohibition of discrimination) of the Act as applying by reference to section 5A (sexual orientation), 5B (gender identity) or 5C (intersex status) of the Act. The exemption applies to things done in direct compliance with a prescribed law of the Commonwealth, a State or a Territory.

- (2) This regulation ceases to have effect at the end of 31 July 2014 as if it had been repealed by another regulation.

2 Schedule

Repeal the Schedule.