

1986

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

SEX DISCRIMINATION (CONSEQUENTIAL AMENDMENTS) BILL 1986

EXPLANATORY MEMORANDUM

(Circulated by the authority of the Honourable Lionel Bowen,
M.P., Deputy Prime Minister and Attorney-General)

SEX DISCRIMINATION (CONSEQUENTIAL AMENDMENTS) BILL 1986

OUTLINE

The purpose of this Bill is to make a number of amendments to Commonwealth Acts consequential upon the Sex Discrimination Act 1984.

The Sex Discrimination Act declares discrimination on the grounds of sex, marital status and pregnancy to be unlawful in a number of important areas of community life. Section 40 of the Sex Discrimination Act provides a temporary exemption for any act of unlawful discrimination done in direct compliance with another Act. This exemption ceases to be in force on 31 July 1986. The Bill amends provisions in various Acts which require or permit acts to be done which involve unlawful discrimination on the grounds of sex or marital status.

The amendments made by the Bill are expected to have no financial impact.

NOTES ON CLAUSES

Clause 1 : Short title

Clause 2 : Amendment of Acts

This clause provides that the Acts specified in the Schedule are amended as set out in that Schedule.

SCHEDULE

Amendment of Acts

Amendment of Aged or Disabled Persons Homes Act 1954

In sub-section 2(1) of the Act, the definition of "aged person" for the purpose of determining eligibility of aged persons' homes for financial assistance will be amended by the Bill to make the age at which a person becomes an aged person the same for men and women, namely 60 years.

Amendment of the Banking (Transitional Provisions) Act 1959

Section 20 of the Act prevents the dismissal or forced retirement of certain officers in the Reserve Bank Service before the age of 60 for men and 55 (or upon marriage) for women. The Bill will amend section 20 to provide one limit on dismissal or forced retirement for men and women, namely, the age limit of 60 years.

Amendment of the Companies Act 1981

Section 578 of the Act, which provides that the rule against perpetuities does not apply to trusts of any fund or scheme for the benefit of the wives of a corporation's employees, will be amended by the Bill to include a reference to the husbands of employees. This amendment has been approved by the Ministerial Council for Companies and Securities.

Amendment of the Compensation (Commonwealth Government Employees) Act 1971

The Bill will amend the definitions of 'dependant' in sub-section 5(1) and 'prescribed person' in sub-section 45(10) to make references in the Act to the status of de facto spouse consistent with the definition of de facto spouse in the Sex Discrimination Act.

Amendment of the Defence Act 1903

Paragraph (h) of sub-section 124(1), providing for insurance of the lives of married members of the forces for the benefit of their wives, has been superseded by determinations under the Defence Act and will be repealed by the Bill.

Amendment of Delivered Meals Subsidy Act 1970

In sub-section 3(1), the definition of "aged person" for the purpose of determining eligibility for financial assistance of organisations providing delivered meals to the aged will be amended by the Bill to make the age at which a person becomes an aged person the same for men and women, namely 60 years.

Amendment of the Navigation Act 1912

Section 70 of the Act, providing for a person engaged for service on a ship to make stipulations for the allotment and payment of wages to certain relatives, is to be amended by the Bill to include allotment and payment of wages to a husband of the person.

Sub-sections 156(1), 158(6) and 158(7), which provide that the property of a deceased person who was employed or engaged on board a ship may in some circumstances be paid or delivered to the person's widow, will be amended by the Bill to also permit payment or delivery of the property to the widowers of such persons.

Section 161 provides that where the wife of a person employed or engaged on board a ship obtains relief from a public body or institution, the institution is entitled to reimbursement from the person's wages. Section 161 will be amended by the Bill to also permit reimbursement to an institution where the husband of such a person obtains relief from the institution.

Amendment of the Re-establishment and Employment Act 1945

Part VI of the Act, providing for allowances and loans to persons who served in the Defence Force in the Second World War for their re-establishment in civilian life and to facilitate their re-employment, is redundant and will be repealed by the Bill.

Amendment of the Royal Australian Air Force Veterans' Residences Act 1953

The definition of "eligible person" in section 2, which defines the persons eligible for housing assistance from the RAAF Veterans' Residence Trust Fund, is to be amended to remove discrimination in eligibility on grounds of sex and marital status.

Amendment of the Seamen's Compensation Act 1911

The Bill will amend the definition of "member of the family" of a seaman in sub-section 3(1) of the Act to make references in the Act to the status of de facto spouse consistent with the definition of de facto spouse in the Sex Discrimination Act. The Bill will also amend paragraph (10A) of the First Schedule of the Act to provide that compensation in respect of a child of a deceased seaman ceases to be payable only when the child comes of age or dies.