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SEX DISCRIMINATION (CONSEQUENTIAL AMENDMENTS) BILL 1986

Date introduced: 17 April 1986
House: House of Representatives
Presented by: Hon. Lionel Bowen, M.P.*, Attorney-General

DIGEST OF BILL

Purpose
To amend ten Acts as a consequence of the enactment of the Sex Discrimination Act 1984.

Background
The Sex Discrimination Act 1984 came into effect on 1 August 1984. Amongst the objects of the Act is the elimination of discrimination against persons on the ground of sex, marital status or pregnancy in the areas of work, accommodation, education, the provision of goods, facilities and services, the disposal of land, the activities of clubs and the administration of Commonwealth law and programs.

During the first eleven months of the operation of the Sex Discrimination Act 1984 complaints were received from all States and Territories of Australia. The majority of complaints were received from women and more than 60% related to discrimination in employment. Case studies show that women are denied promotion because of their sex, are dismissed from employment when they are pregnant, and may be sexually harassed by men with whom they work.

Of the 822 complaints received under the Sex Discrimination Act 1984 between 1 August 1984 and 30 June 1985, 59% related to sex, 15% related to sexual harassment and 14% related to marital status. The same complaints analysed on the basis of the area of the discrimination revealed that 64% were related to employment, 16% related to the provision of goods and services and 13% related to clubs.[1]
The first Report of the Sex Discrimination Commissioner appears in the 1984-85 Annual Report of the Human Rights Commission. It is noted in the report that section 40 of the Sex Discrimination Act 1984 provides an exemption until 1 August 1986 for actions taken in direct compliance with most existing Commonwealth and all State and Territory laws. It is further noted in the report that some government departments have commenced revision of legislation with a view to having discriminatory provisions removed. However, the Commissioner suggested that urgent priority must be given to the revision of legislation if the task is to be completed by 1 August 1986. The present Bill will amend provisions in 10 different Acts which require or permit acts to be done which involve unlawful discrimination on the grounds of sex or marital status.

Main Provisions

Aged and Disabled Persons Home Act 1954

The definition of 'aged person' which appears in sub-section 2(1) of this Act will be amended so that both men and women will be defined as an 'aged person' at the age of 60 years.

Banking (Transitional Provisions) Act 1959

The age at which both male and female Reserve Bank employees will be able to be forced to retire, will be made 60 years, and not 60 years for men and 55 years for women as currently provided for in section 20 of this Act.

Companies Act 1981

Section 578 of this Act provides that the rule against perpetuities does not apply to trust funds established for the benefit of a corporation's employees including the wives of employees. The reference to 'wives' will be amended to 'spouses'.

Compensation (Commonwealth Government Employees) Act 1971

For the purposes of this Act a de facto wife was defined as a woman who lived with the male employee as his wife on a permanent and bona fide domestic basis throughout a period of three years immediately before the death or incapacity of the employee. Sub-section 5(1) and paragraph 45(10)(c) will be amended so as to omit the reference to the 3 year period.
Defence Act 1903

Sub-section 124(1)(h) of this Act provides that the Governor-General may make regulations in relation to the insurance of married members of the Defence Force for the benefit of their wives and families. This sub-section will be repealed by the Bill.

Delivered Meals Subsidy Act 1970

The age at which a person becomes eligible to have a meal delivered will be made 60 years for both men and women (sub-section 3(1) of this Act).

Navigation Act 1912

Sub-paragraph 70(1)(a) of this Act provides that seamen may allot part of their pay to their grandparent, parent, wife, brother, sister, child or grandchild. 'Husband' will be added to the list.

The Minister who has possession of property which had belonged to a deceased seaman will be able to pass that property on to the seaman's widow or the seaman's widower (sub-paragraph 156 (1)(b)(i)).

Similar amendments will be made to sub-section 158(6), sub-section 158(7) and sub-section 161(1), that is, inserting widower as an alternative to widow and including a reference to a husband where currently there is only reference to a wife.

Re-establishment and Employment Act 1945

Part VI of this Act provides for assistance for Defence Force personnel who served in World War II, the Part is now redundant and will be omitted by this Bill.

Royal Australian Air Force Veterans' Residence Act 1953

The classes of people eligible for housing assistance from the RAAF Veterans' Residence Trust Fund is set out in section 2 of this Act, with eligibility being dependant on whether a person is male or female or married or unmarried. The Bill will substitute a new section 2 which will remove discrimination on the grounds of sex or marital status.
Seamen's Compensation Act 1911

The definition of 'family member' which appears in sub-section 3(1) of this Act will be amended so as to redefine de facto spouse as a person of the opposite sex of the seaman who lives with the seaman as a husband or wife on a bona fide domestic basis.

Schedule 1 of the Act provides that payments to the child of a deceased seaman will cease when the child reaches 16, marries or dies. The sub-paragraph will be amended by omitting the reference to marriage.

For further information, if required, contact the Education and Welfare Group.

14 May 1986

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References

2. Ibid., p.40.

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