

2004

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## **Discrimination Amendment Bill 2004 (No 2)**

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### **A Bill for**

An Act to amend the *Discrimination Act 1991*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Discrimination Amendment Act 2004 (No 2)*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

5 *Note* The naming and commencement provisions automatically commence on  
6 the notification day (see Legislation Act, s 75 (1)).

7 **3 Legislation amended**

8 This Act amends the *Discrimination Act 1991*.

9 **4 Section 27**

10 substitute

11 **27 Measures intended to achieve equality**

12 (1) Part 3 does not make it unlawful to do an act if a purpose of the act  
13 is—

14 (a) to ensure that members of a relevant class of people have equal  
15 opportunities with other people; or

16 (b) to give members of a relevant class of people access to  
17 facilities, services or opportunities to meet the special needs  
18 they have as members of the relevant class.

19 (2) However, subsection (1) does not make it lawful to do an act for a  
20 purpose mentioned in that subsection if the act discriminates against  
21 a member of the relevant class in a way that is not reasonable for the  
22 achievement of that purpose.

23 **Example for s (1) (a)**

24 An employer runs a management skills development course for female employees  
25 only. Part 3 does not make this unlawful if a purpose is to ensure that women  
26 have equal opportunities (in this case, for career development) with men. Women  
27 are ‘members of a relevant class of people’ (*relevant class of people* is defined in

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1 the dict) because they are a class of people whose members are identified by  
2 reference to an attribute mentioned in s 7, in this case, sex in s 7 (1) (a).

3 **Example for s (1) (b)**

4 A health clinic provides speech therapy for autistic children only. Part 3 does not  
5 make this unlawful if a purpose is to give autistic children access to a service that  
6 meets their special needs as autistic children. Autistic children are ‘members of a  
7 relevant class of people’ because they are a class of people whose members are  
8 identified by reference to 2 attributes mentioned in s 7, in this case, disability in  
9 s 7 (1) (j) and age in s 7 (1) (l) (the Legislation Act, s 145 (b) provides that words  
10 in the singular include the plural ie ‘attribute’ in the def of *relevant class of*  
11 *people* can mean ‘attributes’).

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2004.

**2 Notification**

Notified under the Legislation Act on 2004.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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