



AUSTRALIAN CAPITAL TERRITORY

Milk Authority (Amendment) Act 1992

No. 10 of 1992

An Act to amend the *Milk Authority Act 1971*

[Notified in ACT Gazette S62: 2 June 1992]

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

Short title

1. This Act may be cited as the *Milk Authority (Amendment) Act 1992*.

Principal Act

2. In this Act, “Principal Act” means the *Milk Authority Act 1971*.¹

Appointment and tenure of members of Authority

3. Section 7 of the Principal Act is amended by omitting from subsection (4) “, other than the member referred to in subsection (5),”.

Staff

4. Section 14A of the Principal Act is amended by omitting from subsection (2) “are such” and substituting “are, subject to section 14B, such”.

Insertion

5. After section 14A of the Principal Act the following section is inserted:

Personnel management

“14B. (1) The Authority’s powers in relation to employment matters shall be exercised—

- (a) without patronage, favouritism or unjustified discrimination; and
- (b) with regard to the equal employment opportunity program for the Authority.

“(2) Without limiting the generality of paragraph (1) (a), and subject to paragraph (1) (b), the Authority’s powers in relation to employment matters shall be exercised in accordance with procedures that ensure that where a person is to be selected for engagement for a period exceeding 3 months, or for advancement, by the Authority—

- (a) all persons who are eligible have, so far as practicable, a reasonable opportunity to apply for selection; and
- (b) the selection is made on the basis of an assessment of the relative suitability of the applicants having regard to—
 - (i) the nature of the duties to be performed; and
 - (ii) the abilities, qualifications, experience, personal qualities and potential for development of each applicant that are relevant to the performance of the duties.

“(3) A reference in this section to the exercise of a power shall be read as including a reference to the making of a report or recommendation in relation to the exercise of that power.

“(4) For the purposes of paragraph (1) (b), the Authority shall, after consulting with each relevant staff organisation and such other persons as the Authority considers appropriate—

- (a) develop an equal employment opportunity program for the Authority; and
- (b) from time to time, review that program.

“(5) The Authority shall comply with paragraph (4) (a) as soon as practicable and, in any event, within 12 months after the commencement of this section.

“(6) As soon as practicable after the development or review of the equal employment opportunity program, the Authority shall provide the Head of Administration with written particulars of the program.

“(7) The Head of Administration may, from time to time, by notice in writing given to the Authority, issue guidelines to the Authority on the provisions to be made by the equal employment opportunity program, and on the development, implementation or review of the program.

“(8) The Authority shall take any action necessary to give effect to the equal employment opportunity program and to comply with any guidelines issued under subsection (7).

“(9) The Authority shall furnish to the Minister a written report relating to the operation of this section during each financial year.

“(10) In this section—

‘advancement’ means movement within the Authority resulting in an employee undertaking work, and being remunerated, at a higher level than previously;

‘designated group’ means any of the following classes of persons:

- (a) members of the Aboriginal race of Australia or persons who are descendants of indigenous inhabitants of the Torres Strait Islands;
- (b) persons who have migrated to Australia and whose first language is a language other than English, and the children of such persons;
- (c) persons with physical or mental disabilities;
- (d) any other class of persons declared by the regulations to be a designated group for the purposes of this definition;

‘employment matter’, in relation to the Authority, means—

- (a) the selection of persons by the Authority for engagement or advancement;
- (b) the transfer of employees to positions in the Authority;
- (c) training and staff development for employees of the Authority;
- (d) the conditions of service of employees of the Authority; or
- (e) any other matter related to the employment of persons by the Authority;

‘equal employment opportunity program’, in relation to the Authority, means a program designed to ensure that—

- (a) appropriate action is taken to eliminate unjustified discrimination against women and persons in designated groups in relation to employment matters; and
- (b) measures are taken to enable employees who are women or persons in designated groups—
 - (i) to compete for engagement and advancement; and
 - (ii) to pursue careers;

as effectively as other persons and to have equal opportunities with others in relation to other employment matters;

‘relevant staff organisation’ means an organisation—

- (a) within the meaning of the *Industrial Relations Act 1988* of the Commonwealth;
- (b) in which persons employed by the Authority would be eligible for membership; and
- (c) that is a party to an industrial award that applies in relation to the salary payable in respect of that employment;

‘unjustified discrimination’ includes—

- (a) discrimination that is unlawful under the *Discrimination Act 1991*; and
- (b) unjustified discrimination on the ground of age or social origin;

but does not include—

- (c) discrimination that is essential for the effective performance of the relevant duties, is not unlawful under the *Discrimination Act 1991* and is prescribed; or
- (d) discrimination that is not unlawful under the *Discrimination Act 1991* and is in accordance with the equal employment opportunity program for the Authority or with a prescribed program.”.

Chairperson

6. Each of the following provisions of the Principal Act is amended by omitting “Chairman” (wherever occurring) and substituting “Chairperson”:

Subsection 4 (1) (definitions of “member of the Authority” and “the Chairman”), subsections 8 (1) and (2), 14 (2) and (3) and 19 (1), paragraph 19 (2) (b) and subsection 20 (2).

NOTE

1. Ordinance No. 23, 1971 as amended by Nos. 15 and 28, 1972; Nos. 7 and 55, 1973; No. 55, 1974; Nos. 17 and 23, 1975; No. 61, 1976; No. 11, 1978; No. 50, 1983; No. 71, 1984; No. 67, 1985; Nos. 24 and 61, 1986; No. 29, 1988; Nos. 21, 38 and 50, 1989; Act No. 25, 1990; Commonwealth Act No. 74, 1981.

[Presentation speech made in Assembly on 9 April 1992]

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