



Australian Capital Territory

Discrimination Amendment Act 2004

A2004-51

An Act to amend the *Discrimination Act 1991*

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

2003 220B

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 Name of Act

This Act is the *Discrimination Amendment Act 2004*.

2 Commencement

This Act commences on the day after its notification day.

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

3 Legislation amended

This Act amends the *Discrimination Act 1991*.

4 Section 27

substitute

27 Measures intended to achieve equality

- (1) Part 3 does not make it unlawful to do an act if a purpose of the act is—
 - (a) to ensure that members of a relevant class of people have equal opportunities with other people; or
 - (b) to give members of a relevant class of people access to facilities, services or opportunities to meet the special needs they have as members of the relevant class.
- (2) However, subsection (1) does not make it lawful to do an act for a purpose mentioned in that subsection if the act discriminates against a member of the relevant class in a way that is not reasonable for the achievement of that purpose.

Example for s (1) (a)

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

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

Example for s (1) (b)

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

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 24 June 2004.

2 Notification

Notified under the Legislation Act on 11 August 2004.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Discrimination Amendment Bill 2004, which originated in the Legislative Assembly as the Discrimination Amendment Bill 2004 (No 2) and was passed by the Assembly on 5 August 2004.

Clerk of the Legislative Assembly

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