



# Affirmative Action (Equal Employment Opportunity for Women) Amendment Act 1989

No. 30 of 1989

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## ***An Act to amend the Affirmative Action (Equal Employment Opportunity for Women) Act 1986***

[Assented to 24 May 1989]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

### **Short title etc.**

1. (1) This Act may be cited as the *Affirmative Action (Equal Employment Opportunity for Women) Amendment Act 1989*.

(2) In this Act, "Principal Act" means the *Affirmative Action (Equal Employment Opportunity for Women) Act 1986*<sup>1</sup>.

### **Commencement**

2. This Act commences on the day on which it receives the Royal Assent.

### **Interpretation**

3. Section 3 of the Principal Act is amended by inserting in subsection (1) the following definition:

"'amalgamated institution' means a higher education institution established after 31 December 1988 by the amalgamation of 2 or more institutions at least one of which was, immediately before the amalgamation, a higher education institution and a relevant employer;"

*Affirmative Action (Equal Employment Opportunity for Women)  
Amendment No. 30, 1989*

**Timing for development etc. of affirmative action program**

4. Section 7 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

“(2) For the purposes of subsection 6 (2), the operative day for a relevant employer is:

- (a) where the relevant employer is a higher education institution:
  - (i) if the institution became a relevant employer in 1986—1 August 1987;
  - (ii) if the institution became a relevant employer in 1987—1 August 1988;
  - (iii) if the institution is an amalgamated institution—the day the institution is established; or
  - (iv) if subparagraphs (i), (ii) and (iii) do not apply—1 January in the calendar year following the calendar year during which the institution became or becomes a relevant employer; and
- (b) in any other case—1 February in the calendar year following the calendar year during which the employer became or becomes a relevant employer.”.

**Public Reports**

5. Section 13 of the Principal Act is amended:

(a) by omitting subsection (1) and substituting the following subsections:

“(1) In this section:

‘first report’, in relation to a relevant employer, means a public report on the initial development and implementation of the employer’s affirmative action program;

‘subsequent report’, in relation to a relevant employer, means a public report, other than the first report, on the development and implementation of the employer’s affirmative action program.

“(1A) A relevant employer, being a higher education institution that became a relevant employer in 1987, shall prepare a first report in respect of the period commencing on 1 August 1988 and ending at the end of 31 December 1989.

“(1B) A relevant employer, being an amalgamated institution that became or becomes a relevant employer on a day other than 1 January, shall prepare a first report in respect of the period commencing on the operative day for the relevant employer and ending at the end of the calendar year following the calendar year during which the institution became or becomes a relevant employer.

*Affirmative Action (Equal Employment Opportunity for Women)  
Amendment No. 30, 1989*

“(1C) A relevant employer, other than a relevant employer to whom subsection (1A) or (1B) applies, shall prepare a first report in respect of the period of 12 months commencing on the operative day for the relevant employer.

“(1D) A relevant employer, being a higher education institution that was a relevant employer on the commencement of this Act, shall prepare a subsequent report:

- (a) in respect of the period commencing on 1 October 1988 and ending at the end of 31 December 1989; and
- (b) in respect of each subsequent calendar year.

“(1E) A relevant employer, being a higher education institution that became a relevant employer after the commencement of this Act and before 1 January 1987, shall prepare a subsequent report:

- (a) in respect of the period commencing on 1 August 1988 and ending at the end of 31 December 1989; and
- (b) in respect of each subsequent calendar year.

“(1F) A relevant employer, being a higher education institution that became a relevant employer in 1987, shall prepare a subsequent report:

- (a) in respect of the year commencing on 1 January 1990; and
- (b) in respect of each subsequent calendar year.

“(1G) A relevant employer that is an amalgamated institution shall prepare a subsequent report in respect of each calendar year subsequent to the period in respect of which its first report was prepared.

“(1H) A relevant employer, other than a relevant employer to whom subsection (1D), (1E), (1F) or (1G) applies, shall prepare a subsequent report in respect of each period of 12 months commencing on the anniversary of the operative day in respect of the relevant employer.

“(1J) Where:

- (a) an institution has ceased to exist because it has been amalgamated with one or more institutions to establish an amalgamated institution; and
- (b) immediately before the amalgamation the first-mentioned institution was a relevant employer;

the amalgamated institution shall cause to be prepared a report on the development and implementation of the affirmative action program of the first-mentioned institution in respect of the period commencing:

- (c) if paragraph (d) does not apply—at the commencement of the period immediately following the period in respect of which the first-mentioned institution last prepared a report under this section; or

*Affirmative Action (Equal Employment Opportunity for Women)*  
*Amendment No. 30, 1989*

- (d) if the first-mentioned institution had not prepared any report under this section—on the operative day for the first-mentioned institution;  
and ending at the end of the day on which the first-mentioned institution ceased to exist.”;
- (b) by omitting from subsection (2) “public report” and substituting “report under this section”;
- (c) by omitting from subsection (3) “public report under subsection (1)” and substituting “report under this section”.

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**NOTE**

1. No. 91, 1986, as amended. For previous amendment, see No. 80, 1988.
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*[Minister's second reading speech made in—  
House of Representatives on 2 March 1989  
Senate on 4 April 1989]*