



Age Discrimination Amendment Act 2006

No. 63, 2006

**An Act to amend the *Age Discrimination Act 2004*,
and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 63, 2006

**An Act to amend the *Age Discrimination Act 2004*,
and for related purposes**

[Assented to 22 June 2006]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Age Discrimination Amendment Act 2006*.

2 Commencement

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

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendment of the Age Discrimination Act 2004

Age Discrimination Act 2004

1 Paragraph 33(a) (example)

Omit “Example”, substitute “Example 1”.

2 At the end of paragraph 33(a)

Add:

Example 2: This paragraph would cover the provision to a particular age group of a scholarship program, competition or similar opportunity to win a prize or benefit.

3 Paragraph 38(1)(a)

After “Commonwealth Act”, insert “(or a provision of a Commonwealth Act)”.

4 Paragraph 38(1)(b)

Repeal the paragraph, substitute:

- (b) a regulation or any other instrument (or a provision of a regulation or instrument) that:
 - (i) relates to superannuation; and
 - (ii) is made under a Commonwealth Act.

5 After subsection 39(1)

Insert:

*Provisions of Acts, regulations and instruments mentioned in
Schedule 2*

- (1A) This Part does not make unlawful anything done by a person in direct compliance with a provision of an Act, regulation or other instrument if the provision is mentioned in Schedule 2.

6 At the end of section 39

Add:

Service of documents

- (9) This Part does not make unlawful anything done by a person in direct compliance with a provision of a Commonwealth Act, regulation or other instrument merely because the provision requires a person to form an opinion about the age of another person upon whom a document is to be served.

7 After subsection 41(2A)

Insert:

- (2AA) This Part does not make unlawful anything done by a person in direct compliance with any of the following:
- (a) section 8B, 24A or 24B of the *Farm Household Support Act 1992*;
 - (b) a scheme formulated under section 52A or 52B of that Act.

8 At the end of section 41

Add:

- (6) This Part does not make unlawful anything done by a person in direct compliance with the Veterans' Children Education Scheme (within the meaning of the *Veterans' Entitlements Act 1986*).

9 After section 41

Insert:

41A Commonwealth employment programs

- (1) This Part does not make an exempted employment program unlawful.

Example: A Commonwealth program that provides young people with an opportunity to get work experience with a view to improving their prospects of getting employment would be covered by this subsection.

- (2) This Part does not make unlawful anything done by a person in accordance with an exempted employment program.

- (3) In this section:

exempted employment program means a program, scheme or arrangement that:

- (a) is conducted by or on behalf of the Commonwealth Government; and
- (b) is primarily intended to:
 - (i) improve the prospects of participants getting employment; or
 - (ii) increase workforce participation; and
- (c) meets at least one of the following requirements:
 - (i) it is also intended to meet a need that arises out of the age of persons of a particular age, regardless whether the need also arises out of the age of persons of a different age;
 - (ii) it is also intended to reduce a disadvantage experienced by people of a particular age, regardless whether the disadvantage is also experienced by persons of a different age;
 - (iii) it requires participants to enter into contracts, and is not made available to persons under the age of 18;
 - (iv) it is made available to persons eligible for a particular Commonwealth benefit or allowance;
 - (v) it is not made available to persons eligible for a particular Commonwealth benefit or allowance.

10 Schedule 1 (after table item 15)

Insert:

15A Civil Aviation Orders (within the meaning of the *Civil Aviation Act 1988*)

15B *Civil Aviation Regulations 1988*

15C *Civil Aviation Safety Regulations 1998*

15D The Designated Aviation Medical Examiner's Handbook (within the meaning of Part 67 of the *Civil Aviation Safety Regulations 1998*)

11 Schedule 1 (after table item 16)

Insert:

16A Classification guidelines made under section 12 of the *Classification (Publications, Films and Computer Games) Act 1995*

16B The National Classification Code (within the meaning of the *Classification (Publications, Films and Computer Games) Act 1995*)

12 Schedule 1 (after table item 21)

Insert:

21A Determinations made under section 58B of the *Defence Act 1903*

13 Schedule 1 (after table item 34)

Insert:

34A The following instruments made under subsection 425(1AA) of the *Navigation Act 1912*:

- (a) *Marine Orders Part 3*;
- (b) *Marine Orders Part 6*;
- (c) *Marine Orders Part 9*;
- (d) *Marine Orders Part 14*;
- (e) *Marine Orders Part 32*;
- (f) *Marine Orders Part 51*;
- (g) *Marine Orders Part 53*.

14 Schedule 1 (table item 38)

Repeal the item.

15 At the end of the Act

Add:

Schedule 2—Provisions of laws for which an exemption is provided by subsection 39(1A)

Provisions of laws for which an exemption is provided by subsection 39(1A)		
Item	Law	Provision(s)
1	<i>Australian Meat and Live-stock Industry (Repeals and Consequential Provisions) Act 1997</i>	items 38 and 39 of Schedule 5
2	<i>Australian Passports Act 2005</i>	section 11
3	<i>Australian Passports Determination 2005</i>	section 5.1 and Schedule 4
4	<i>Horticulture Marketing and Research and Development Services (Repeals and Consequential Provisions) Act 2000</i>	sections 37 and 38

Provisions of laws for which an exemption is provided by subsection 39(1A)		
Item	Law	Provision(s)
5	<i>Long Service Leave (Commonwealth Employees) Act 1976</i>	section 17
6	<i>Medical Indemnity (Prudential Supervision and Product Standards) Act 2003</i>	Part 3
7	<i>Medical Indemnity (Prudential Supervision and Product Standards) Regulations 2003</i>	Part 3
8	<i>Navigation Act 1912</i>	section 48A
9	<i>Pig Industry Act 2001</i>	sections 32 and 33
10	<i>Private Health Insurance Incentives Act 1998</i>	Parts 2 and 5
11	<i>Workplace Relations Regulations 2006</i>	regulations 8.10, 9.1, 9.5 and 9.20

[Minister's second reading speech made in—
House of Representatives on 29 March 2006
Senate on 13 June 2006]

(39/06)
