

Sex Discrimination Amendment Regulations 2001 (No. 1) 2001 No. 118

EXPLANATORY STATEMENT

STATUTORY RULES 2001 No. 118

Issued by the Authority of the Attorney-General

Sex Discrimination Act 1984

Sex Discrimination Amendment Regulations 2001 (No. 1)

Section 116 of the *Sex Discrimination Act 1984* (the Act) provides for the Governor-General to make regulations prescribing matters, amongst others, necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 43 of the Act provides an exemption from the Act to allow discrimination against a woman on the ground of her sex in connection with employment, engagement or appointment in a position involving the performance of combat duties in the Australian Defence Force. In 1995, section 43 of the Act was amended by the *Sex Discrimination Amendment Act 1995* to delete references to and text associated with 'combat-related duties'. The amendment to the Act was made following changes to Australian Defence Force policy in 1992 that permitted women to be deployed in 'combat-related duties'. At the time, the Sex Discrimination Regulations (the principal Regulations) were not amended accordingly.

The purpose therefore of the Regulations is to amend the principal Regulations in light of the amendments made to the Act.

Consequently, the Regulations omit the definition of and references to 'combat-related duties' in the principal Regulations where appropriate. Details of the Regulations are contained in the Attachment.

The Regulations commence on gazettal.

Attachment

Sex Discrimination Amendment Regulations 2001 (No. 1)

Regulation 1 provides the name of the amending Regulations.

Regulation 2 provides that the Regulations commence on gazettal.

Regulation 3 provides that Schedule 1 to the Regulations amends the principal Regulations.

Item 1 of Schedule 1 of the Regulations amends regulation 1 of the principal Regulations to change the title of the principal Regulations to the 'Sex Discrimination Regulations 1984' to reflect current drafting style.

Item 2 of Schedule 1 of the Regulations amends the heading of regulation 3 of the principal Regulations by deleting mention of 'combat-related duties', so that it reads 'Combat duties' rather than 'Combat duties and combat-related duties'.

Item 3 of Schedule 1 of the Regulations deletes regulation 3(2) of the principal Regulations which declares certain duties to be 'combat-related duties' for the purposes of section 43 of the *Sex Discrimination Act 1984* (the Act).

The combined effect of Item 2 and Item 3 of Schedule 1 of the Regulations is to delete any mention of 'combat-related duties' from the principal Regulations.