

Sex Discrimination Amendment (Exemptions) Regulation 2016

I, General the Honourable Sir Peter Cosgrove AK MC (Ret’d), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 15 September 2016

Peter Cosgrove

Governor‑General

By His Excellency’s Command

George Brandis QC

Attorney‑General

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1 Name

 This is the *Sex Discrimination Amendment (Exemptions) Regulation 2016*.

2 Commencement

 (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The day after this instrument is registered. | 17 September 2016 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

 (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

 This instrument is made under the *Sex Discrimination Act 1984.*

4 Schedules

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Sex Discrimination Regulations 1984

1 Regulation 5

Repeal the regulation, substitute:

5 Exemption for things done in direct compliance with prescribed laws

 (1) For the purposes of subsection 40(2B) of the Act, the following laws are prescribed:

 (a) the *Human Reproductive Technology Act 1991* (WA);

 (b) the *Surrogacy Act 2008* (WA).

Note: Subsection 40(2B) provides for an exemption, in relation to anything done by a person in direct compliance with a prescribed law, from Divisions 1 and 2 of Part II (prohibition of discrimination) of the Act, as applying by reference to:

(a) section 5A (sexual orientation); or

(b) section 5B (gender identity); or

(c) section 5C (intersex status).

 (2) This regulation is repealed at the start of 1 August 2017.