



Equal Opportunity for Women in the Workplace Act 1999

Act No. 91 of 1986 as amended

This compilation was prepared on 1 January 2004
taking into account amendments up to Act No. 150 of 2003

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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An Act to require certain employers to promote equal opportunity for women in employment, to establish the Equal Opportunity for Women in the Workplace Agency and the office of the Director of Equal Opportunity for Women in the Workplace, and for related purposes

Part I—Preliminary

1 Short title [see Note 1]

This Act may be cited as the *Equal Opportunity for Women in the Workplace Act 1999*.

2 Commencement [see Note 1]

This Act shall come into operation on a day to be fixed by Proclamation.

2A Objects of Act

The principal objects of this Act are:

- (a) to promote the principle that employment for women should be dealt with on the basis of merit; and
- (b) to promote, amongst employers, the elimination of discrimination against, and the provision of equal opportunity for, women in relation to employment matters; and
- (c) to foster workplace consultation between employers and employees on issues concerning equal opportunity for women in relation to employment.

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3 Interpretation

(1) In this Act, unless the contrary intention appears:

Agency means the Equal Opportunity for Women in the Workplace Agency.

authority means:

- (a) a body (whether incorporated or not) established for a public purpose by or under a law of the Commonwealth or of a State or Territory, other than a higher education institution;
- (b) the holder of an office established for a public purpose by or under a law of the Commonwealth or of a State or Territory; and
- (c) an incorporated company over which the Commonwealth, a State, a Territory or a body referred to in paragraph (a) is in a position to exercise control.

appoint includes re-appoint.

club means an association (whether incorporated or not) of not less than 30 persons associated together for social, literary, cultural, political, sporting, athletic or other lawful purposes that:

- (a) provides and maintains its facilities, in whole or in part, from the funds of the association; and
- (b) sells or supplies liquor for consumption on its premises.

confidential report means a confidential report referred to in section 14.

discrimination means discrimination as defined in section 5, 6 or 7 of the *Sex Discrimination Act 1984*.

Director means the Director of Equal Opportunity for Women in the Workplace.

employer means an individual, or a body or association (whether incorporated or not), that employs an individual:

- (a) under a contract of service, whether on a full-time, part-time, casual or temporary basis; or
- (b) under a contract for services; or

(c) as described in subsection (5) or (6).

employment matters includes the following:

- (a) the recruitment procedure, and selection criteria, for appointment or engagement of persons as employees;
- (b) the promotion, transfer and termination of employment of employees;
- (c) training and development for employees;
- (d) work organisation;
- (e) conditions of service of employees;
- (f) arrangements for dealing with sex-based harassment of women in the workplace;
- (g) arrangements for dealing with pregnant, or potentially pregnant employees and employees who are breastfeeding their children.

equal opportunity for women in the workplace program, in relation to a relevant employer, means a program designed to ensure that:

- (a) appropriate action is taken to eliminate all forms of discrimination by the relevant employer against women in relation to employment matters; and
- (b) measures are taken by the relevant employer to contribute to the achievement of equal opportunity for women in relation to employment matters.

higher education institution means a university or other institution of higher education that is included in:

- (a) the Australian Qualifications Framework Register of Authorities empowered by Government to Accredite Post-Compulsory Education and Training; or
- (b) the Australian Qualifications Framework Register of Bodies with Authority to Issue Qualifications;

as an institution authorised to issue higher education awards (within the meaning of *Higher Education Support Act 2003*).

potentially pregnant has the meaning given by section 4B of the *Sex Discrimination Act 1984*.

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public report means a public report referred to in section 13.

relevant employer means:

- (a) a higher education institution that is an employer; or
- (b) a natural person, or a body or association (whether incorporated or not), being the employer of 100 or more employees in Australia;

but does not include the Commonwealth, a State, a Territory or an authority.

trade union means:

- (a) an association of employees that is an organisation within the meaning of Schedule 1B to the *Workplace Relations Act 1996*; or
- (b) a trade union within the meaning of a State Act or law of a Territory.

woman means a member of the female sex irrespective of age.

workplace profile, in relation to a relevant employer, means factual information as to the composition of the employer's workforce.

workplace program is short for equal opportunity for women in the workplace program.

(2) For the purpose of paragraph (b) of the definition of **relevant employer** in subsection (1):

- (a) a corporation employs a person where the person is employed by another corporation which is a subsidiary of the first-mentioned corporation; and
- (b) the question whether a corporation is a subsidiary of another corporation shall be determined as it would be determined for the purposes of the *Corporations Act 2001*.

(3) Where, in accordance with section 4, this Act extends to Norfolk Island, a reference in this Act to Australia includes a reference to Norfolk Island.

(4) Nothing in this Act shall be taken to require a relevant employer to take any action incompatible with the principle that employment matters should be dealt with on the basis of merit.

- (5) For the purposes of this Act, an elected trade union official is taken to be employed by the trade union, and not by any other employer, and this subsection has effect even if the rules of the trade union have an effect contrary to this subsection, or do not deal with the question at all.
- (6) For the purposes of this Act, during any time when a Group Training Scheme:
- (a) is receiving funding support from the Commonwealth Government; and
 - (b) has placed a trainee in employment with a host employer; and
 - (c) pays the trainee, and receives payments from the host employer, for the services rendered by the trainee to the host employer;
- the trainee is taken to be employed by the Scheme and not by the host employer.

4 Extension to Norfolk Island

If, and so long as, the regulations so prescribe, this Act extends to Norfolk Island.

5 Application of Act

- (1) Without prejudice to its effect apart from this section, this Act also has effect as provided by this section.
- (2) By virtue of this subsection, this Act has the effect it would have if each reference in this Act to employment were, by express provision, confined to employment in connection with trade and commerce:
- (a) between Australia and a place outside Australia;
 - (b) between the States; or
 - (c) within a Territory, between a State and a Territory, or between two Territories.
- (3) By virtue of this subsection, this Act has the effect it would have if each reference in this Act to employment were, by express

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provision, confined to employment in connection with the provision of a broadcasting service specified in section 11 of the *Broadcasting Services Act 1992*.

- (4) By virtue of this subsection, this Act has the effect it would have if each reference in this Act to a workplace program were, by express provision, confined to a program for the gathering of statistics and related information concerning employment by a relevant employer.
- (5) By virtue of this subsection, this Act has the effect it would have if each reference in this Act to employment were, by express provision, confined to employment in connection with the business of banking, other than State banking that does not extend beyond the limits of the State concerned.
- (6) By virtue of this subsection, this Act has the effect it would have if each reference in this Act to employment were, by express provision, confined to employment in connection with the business of insurance, other than State insurance that does not extend beyond the limits of the State concerned.
- (7) By virtue of this subsection, this Act has the effect it would have if each reference in this Act to a relevant employer were, by express provision, confined to a relevant employer that is a foreign corporation, or a trading or financial corporation formed within the limits of the Commonwealth.
- (8) By virtue of this subsection, this Act has the effect it would have if each reference in this Act to employment by a relevant employer were, by express provision, confined to employment by a trading or financial corporation formed within the limits of the Commonwealth, being employment in connection with the trading or financial activities, as the case may be, of that corporation.
- (9) By virtue of this subsection, this Act has the effect it would have to the extent that this Act is appropriate to give effect to, or carry out the purposes of, the Convention on the Elimination of all Forms of Discrimination Against Women, a copy of the English text of which is set out in the Schedule to the *Sex Discrimination Act 1984*.

- (10) By virtue of this subsection, this Act has the effect it would have if each reference in this Act to employment were, by express provision, confined to employment in a Territory.
- (11) By virtue of this subsection, this Act has the effect it would have if each reference in this Act to a relevant employer were, by express provision, confined to a relevant employer that is a corporation incorporated in a Territory.
- (12) In this section, ***foreign corporation*** and ***trading or financial corporation*** have the same meanings as in paragraph 51(xx) of the Constitution.

5A Application of *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Part II—Equal opportunity for women in the workplace programs

6 Employers required to develop equal opportunity for women in the workplace programs

- (1) An employer:
 - (a) who is a relevant employer on the commencement of this section; or
 - (b) who becomes a relevant employer after the commencement of this section;must develop and implement workplace programs.
- (2) If, at any time, an employer ceases to be a relevant employer because the number of employees of the employer falls below 100, this Act continues to apply to the employer as if the employer were a relevant employer unless and until the number of employees falls below 80.

8 Equal opportunity for women in the workplace program

- (1) Before developing a workplace program, a relevant employer must:
 - (a) confer responsibility for the development and implementation of the program (including continuous review of the program) on a person or persons having sufficient authority and status within the management of the relevant employer to enable the person or persons properly to develop and implement the program; and
 - (b) consult with employees (or their nominated representatives) of the relevant employer, particularly employees who are women.
- (2) In preparing a workplace program, a relevant employer must prepare a workplace profile. The workplace profile must relate to the employer's workplace at a specified date occurring not more

than 6 months before the start of the period to which the program relates.

- (3) After preparing the profile, the relevant employer must prepare an analysis of the issues relating to employment matters that the employer would need to address to achieve equal opportunity for women in the employer's workplace.
- (4) The program must provide for:
 - (a) actions to be taken in relation to priority issues identified in the analysis; and
 - (b) evaluation of the effectiveness of the actions in achieving equal opportunity for women in the employer's workplace.
- (5) A workplace program of a relevant employer may contain any other provision that the relevant employer thinks fit that is not inconsistent with the objects of this Act.
- (6) A relevant employer must have a workplace program for each reporting period (see section 13A).

Part III—Equal Opportunity for Women in the Workplace Agency

8A Equal Opportunity for Women in the Workplace Agency

- (1) The Equal Opportunity for Women in the Workplace Agency is established.
- (2) The Agency consists of the Director of Equal Opportunity for Women in the Workplace and the staff referred to in section 29.

9 Director

- (1) There shall be a Director of Equal Opportunity for Women in the Workplace.
- (2) The Director has the management of the Agency.

10 Functions and powers of Agency

- (1) The functions of the Agency are:
 - (a) to advise and assist relevant employers in the development and implementation of workplace programs;
 - (b) to issue guidelines to assist relevant employers to achieve the purposes of this Act;
 - (c) to monitor the lodging of reports by relevant employers as required by this Act and to review those reports and deal with them in accordance with this Act;
 - (d) to monitor and evaluate the effectiveness of workplace programs in achieving the purposes of this Act;
 - (e) to undertake research, educational programs and other programs for the purpose of promoting equal opportunity for women in the workplace;
 - (f) to promote understanding and acceptance, and public discussion, of equal opportunity for women in the workplace;

- (g) to review the effectiveness of this Act in achieving its purposes; and
 - (h) to report to the Minister on such matters in relation to equal opportunity for women in the workplace as the Agency thinks fit (including a review under paragraph (g)).
- (2) In addition to any other powers conferred on the Agency by this Act, the Agency has power to do all things necessary or convenient to be done for or in connection with the performance of the functions of the Agency.

11 Directions by Minister

- (1) The Agency is to exercise its powers and perform its functions in accordance with general instructions given by the Minister in writing.
- (2) Where the Minister gives a direction under subsection (1), the Minister shall cause a copy of the direction to be laid before each House of the Parliament within 15 sitting days of that House after the direction is given.

12 Agency to submit reports to Minister

- (1) The Agency must, as soon as practicable, and in any event within 6 months, after each 31 May, submit to the Minister a report on its operations during the year that ended on that 31 May.
- (2) The Agency may, from time to time, submit to the Minister:
 - (a) a report on the operations of the Agency during the period to which the report relates; or
 - (b) a report in respect of any matter relating to, or connected with, the exercise of the powers, or the performance of the functions, of the Agency under this Act.
- (3) Where a report has been submitted to the Minister under subsection (1) or (2), the Minister shall cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

Part IV—Reports by relevant employers

13 Contents of public report

- (1) A relevant employer must prepare, in respect of each reporting period (see section 13A), a public report in writing about the outcomes of the employer's workplace program.
- (2) The public report must:
 - (a) set out the workplace profile; and
 - (b) describe the employer's analysis of the issues in the employer's workplace relating to equal opportunity for women; and
 - (c) describe the actions taken by the employer during the reporting period to address the priority issues identified in the analysis; and
 - (d) describe the actions that the employer plans to take in the next reporting period to address issues in the employer's workplace relating to employment matters that the employer would need to address to achieve equal opportunity for women in the employer's workplace.
- (3) The report may contain an evaluation of the effectiveness of the actions in achieving equal opportunity for women in the employer's workplace. If the public report does not contain such an evaluation, the evaluation must be submitted in a confidential report under section 14.

13A Reporting periods for reports

- (1) A relevant employer must lodge with the Agency public reports in respect of each of the periods set out in this section unless subsection (3) applies to the employer in respect of a reporting period.

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- (2) A relevant employer must prepare a public report in respect of the period of 12 months commencing on 1 April 2000 and after that, in respect of each consecutive period of 12 months.
- (3) If the relevant employer had the status of relevant employer for less than 6 months of a particular reporting period, the employer does not have to comply with an obligation under this section to report in respect of that particular period.

13B When public reports are due

Unless a relevant employer has received an extension of time in which to lodge a report under section 17, the employer must lodge a public report under section 13A within 2 months after the end of the period to which the report relates.

13C Agency may waive public reporting requirements

- (1) The Agency may waive the reporting requirements set out in sections 13, 13A and 13B in respect of a relevant employer:
 - (a) on application in writing made to it by the relevant employer; or
 - (b) on its own initiative;but only if the relevant employer has complied with those requirements for a period of not less than 3 consecutive reporting years, including a period of 3 reporting years beginning before the commencement of this section.
- (2) Before the Agency waives the reporting requirements in respect of a relevant employer, the Agency must be satisfied that the employer has taken all reasonably practicable measures to address the issues relating to employment matters that affect equal opportunity for women in the employer's workplace.
- (3) In making a decision under subsection (2), the Agency must have regard to regulations, if any, made for the purposes of subsection (5).
- (4) The waiver must be in writing and specify the period for which the waiver operates.

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- (5) The regulations may prescribe matters to be taken into account by the Agency when determining if it is satisfied that a relevant employer has taken all reasonably practicable measures to address the issues relating to employment matters that affect equal opportunity for women in the employer's workplace.

14 Confidential reports of employer evaluations

- (1) A relevant employer may choose to lodge, as a confidential report, the employer's evaluation of the actions taken by the employer to address the issues in the employer's workplace relating to equal opportunity for women.
- (2) In the evaluation, the employer must assess the effectiveness of the actions in achieving equal opportunity for women in the workplace.
- (3) A confidential report must be in writing and lodged with the Agency during the same period that the public report, of which the confidential report is a part, is required to be lodged.

15 Use of public report

A public report, or a part of a public report (including a copy of the report or part of the report):

- (a) shall be made available by the Agency to a member of the public, on application; and
- (b) may be used, either in whole or in part, in a report of the Agency under subsection 12(1) or (2).

16 Request to relevant employer

- (1) The Agency may, in writing, request that information which the relevant employer has included in a confidential report be made available to the public or for use, either in whole or in part, in a report of the Agency under subsection 12(1) or (2).
- (2) Where a relevant employer has received a request by the Agency under subsection (1), the relevant employer may, in writing, consent to:

- (a) the Agency making that information available to the public;
or
 - (b) the Agency using that information in a report of the Agency under subsection 12(1) or (2);
- subject to such conditions as the relevant employer specifies in the consent.

17 Agency may grant extensions

- (1) A relevant employer may, before the end of the 2 months within which the relevant employer is required to lodge with the Agency a public report under section 13B, apply to the Agency to extend the period for a further period to enable the employer to lodge the public report or a confidential report.
- (2) Where the Agency:
 - (a) has received a request under subsection (1) to extend a period in respect of a report; and
 - (b) considers that there are reasonable grounds for extending the period;

the Agency may grant an extension in respect of the report for such period, not exceeding 6 months, as the Agency thinks fit.

18 Agency may request information

If a public report or confidential report has been lodged with the Agency by a relevant employer, the Agency may, by notice in writing, request the employer to provide to the Agency such information as is specified in the notice concerning any aspect of:

- (a) the employer's workplace program; or
- (b) the preparation of the report; or
- (c) the report itself.

19 Failure to submit report or further information

- (1) Where, without reasonable excuse, a relevant employer:
 - (a) fails to lodge a public report or confidential report as required by this Part; or

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- (b) fails to provide further information in accordance with a notice given under section 18;
- the Agency may, subject to subsection (2), name the relevant employer in a report of the Agency under subsection 12(1) or (2) as having failed to provide the report or further information, as the case may be.
- (2) Where the Agency proposes to name a relevant employer in a report under subsection 12(1) or (2), the Agency shall, not less than 28 days before the day on which the report is submitted to the Minister, furnish the relevant employer with a notice in writing stating that the Agency proposes so to name the employer and specifying the reasons for the proposal.

Part V—Director of Equal Opportunity for Women in the Workplace

20 Appointment of Director

- (1) The Director shall be appointed by the Governor-General.

21 Tenure of Director

- (1) The Director holds office for such period, not exceeding 5 years, as is specified in the instrument of appointment, but is eligible for re-appointment.
- (2) The Director holds office, subject to this Part, on such terms and conditions as are determined by the Governor-General.

22 Remuneration and allowances

- (1) The Director shall be paid:
 - (a) such remuneration as is determined by the Remuneration Tribunal; and
 - (b) such allowances as are prescribed.
- (2) This section has effect subject to the *Remuneration Tribunal Act 1973*.

23 Leave of absence

The Minister may grant leave of absence to the Director upon such terms and conditions as to remuneration or otherwise as the Minister determines.

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24 Outside employment

The Director shall not engage in paid employment outside the duties of the office of Director except with the approval of the Minister.

25 Resignation

The Director may resign the office of Director by writing signed and delivered to the Governor-General.

26 Termination of appointment

- (1) The Governor-General may terminate the appointment of the Director for misbehaviour or physical or mental incapacity.
- (2) If the Director:
 - (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit;
 - (b) engages, except with the approval of the Minister, in paid employment outside the duties of the office of Director;
 - (c) is absent from duty, except on leave of absence granted by the Minister, for 14 consecutive days or 28 days in any 12 months; or
 - (d) without reasonable excuse, contravenes section 27;the Governor-General shall terminate the appointment of the Director.

27 Disclosure of interest

The Director shall give written notice to the Minister of all direct or indirect pecuniary interests that the Director has or acquires in, or in relation to, a relevant employer.

28 Acting appointment

- (1) The Minister may appoint a person to act as the Director:
 - (a) during a vacancy in the office of Director (whether or not an appointment has previously been made to the office); or
 - (b) during any period, or during all periods, when the Director is absent from duty or from Australia or is, for any reason, unable to perform the duties of the office of Director;but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.
- (2) While a person is acting as the Director, the person has and may exercise all the powers, and shall perform all the functions, of the Director.
- (3) An appointment of a person to act as Director may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.
- (4) The Minister may:
 - (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person appointed to act as the Director; and
 - (b) terminate such an appointment at any time.
- (5) Where a person is acting as the Director otherwise than by reason of a vacancy in the office of Director, and the office of Director becomes vacant while the person is so acting, then, subject to subsection (3), the person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.
- (6) A person appointed to act as the Director may resign by writing signed and delivered to the Minister.
- (7) The validity of anything done by or in relation to a person purporting to act as the Director shall not be called in question on the ground that the occasion for the appointment had not arisen, that there was a defect or irregularity in or in connection with the

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appointment, that the appointment had ceased to have effect or that the occasion for the person to act had not arisen or had ceased.

Part VI—Miscellaneous

29 Staff

- (1) The staff required for the purposes of this Act shall be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:
 - (a) the Director and the APS employees assisting the Director together constitute a Statutory Agency; and
 - (b) the Director is the Head of that Statutory Agency.

30 Consultants

- (1) The Agency may, on behalf of the Commonwealth, engage as consultants to the Agency persons having suitable qualifications and experience.
- (2) The terms and conditions of engagement of persons engaged under subsection (1) are such as are determined by the Agency.

31 Advisory committees

- (1) Subject to this section the Minister may, in consultation with the Agency, establish such advisory committees as the Minister considers necessary for the purpose of giving advice to the Minister and to the Agency on particular matters or classes of matters relating to workplace programs, functions of the Agency or the operation of this Act.
- (2) An advisory committee shall consist of such persons as the Minister from time to time appoints.
- (3) For the purposes of assisting the Minister in the appointment of the members of an advisory committee, the Agency may provide the Minister with a list of the names of persons:

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- (a) representing industry or business (including a part of an industry);
 - (b) representing trade unions;
 - (c) representing higher education institutions;
 - (d) representing organisations who represent women; or
 - (e) having special knowledge or interest in relation to workplace programs, the functions of the Agency or the operation of this Act.
- (4) A member of an advisory committee holds office for such period as is specified in the instrument of appointment, but is eligible for re-appointment.
- (5) A member of an advisory committee may resign from office by writing signed and delivered to the Minister.
- (6) The number of members of an advisory committee required to constitute a quorum at a meeting of that advisory committee shall be as determined by the Minister.
- (7) If the Minister decides that a member of an advisory committee should be remunerated, that member shall be paid such remuneration as is determined by the Remuneration Tribunal.
- (8) A member of an advisory committee shall be paid such allowances as are prescribed.
- (9) Subsections (7) and (8) have effect subject to the *Remuneration Tribunal Act 1973*.

32 Non-disclosure of confidential information

- (1) A person who is, or has at any time been, the Director or a member of the staff referred to in section 29 or a consultant engaged under section 30 or is, or has at any time been, authorised to perform or exercise any function or power under an arrangement in force under section 33, shall not, either directly or indirectly:
- (a) make a record of, or divulge or communicate to any person, any information relating to a confidential report or confidential information acquired by the first-mentioned

person by reason of that person's office, employment or engagement under or for the purposes of this Act or by reason of that person being or having been so authorised;

- (b) make use of any such report or information as is mentioned in paragraph (a); or
- (c) produce to any person a confidential report or a document relating to confidential information of another person furnished for the purposes of this Act.

Penalty: 25 penalty units or imprisonment for 3 months, or both.

(1A) Subsection (1) does not apply to a person's conduct:

- (a) if the person is:
 - (i) performing a duty under, or in connection with, this Act; or
 - (ii) performing a function, or exercising a power, under an arrangement in force under section 33; or
- (b) to the extent that the conduct relates to a report, or to information, that is the subject of a consent under subsection 16(2).

Note: A defendant bears an evidential burden in relation to the matters in subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).

(2) A person who is, or has at any time been, the Director or a member of the staff referred to in section 29 or a consultant engaged under section 30 or is, or has at any time been, authorised to perform or exercise any function or power under an arrangement in force under section 33, shall not be required:

- (a) to divulge or communicate to a court any information relating to a confidential report or confidential information acquired by the first-mentioned person by reason of that person's office, employment or engagement under or for the purposes of this Act or by reason of that person being or having been so authorised; or
- (b) to produce in a court a confidential report or a document relating to confidential information of which the first-mentioned person has custody, or to which that person has access, by reason of that person's office, employment or

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engagement under or for the purposes of this Act or by reason of that person being or having been so authorised; except to the extent that the report or information was the subject of a consent under subsection 16(2) or where it is necessary to do so for the purposes of this Act.

- (3) Nothing in this section prohibits a person from:
- (a) divulging or communicating information, or producing a document, to the Agency or an officer of a State, in accordance with an arrangement in force under section 33; or
 - (b) divulging or communicating information, or producing a document, that is required or permitted by an Act to be divulged, communicated or produced, as the case may be.
- (4) In this section:

confidential information means information which, at the time when it is supplied by a relevant employer, the relevant employer has specified as being supplied in confidence.

court includes any tribunal, authority or person having power to require the production of documents or the answering of questions.

produce includes permit access to.

33 Delegation

- (1) The Director may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Director, delegate to:
- (a) a person referred to in subsection 29(1); or
 - (b) an officer in respect of whom an arrangement is in force under subsection (4);
- all or any of the powers and functions of the Agency under this Act other than this power of delegation.
- (2) A power or function so delegated, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Agency.

- (3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Agency.
- (4) The Minister may make an arrangement with a Minister of a State for and in relation to the exercise of powers, and the performance of functions, of the Agency under this Act by an officer of the State.
- (5) In relation to higher education institutions, the Minister may make an arrangement with a Minister of a State for the Agency and an officer of the State to co-operate, to the extent specified in the arrangement, in:
 - (a) exchanging information relating to the development and implementation of workplace programs; and
 - (b) developing guidelines to be issued under paragraph 10(1)(b).
- (6) An arrangement may contain such incidental or supplementary provisions as the Minister and the Minister of the State think necessary.
- (7) The Minister may arrange with the Minister of a State with whom an arrangement is in force for the variation or revocation of the arrangement.
- (8) An arrangement, or the variation or revocation of an arrangement, shall be in writing and a copy of each instrument by which an arrangement has been made, varied or revoked shall be published in the *Gazette*.

34 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Table of Acts**Notes to the *Equal Opportunity for Women in the Workplace Act 1999*****Note 1**

The *Equal Opportunity for Women in the Workplace Act 1999* as shown in this compilation comprises Act No. 91, 1986 amended as indicated in the Tables below.

For application, saving or transitional provisions made by the *Corporations (Repeals, Consequentials and Transitional) Act 2001*, see Act No. 55, 2001.

All relevant information pertaining to application, saving or transitional provisions prior to 22 December 1999 is not included in this compilation. For subsequent information see Table A.

Table of Acts

| Act | Number and year | Date of Assent | Date of commencement | Application, saving or transitional provisions |
|--|-----------------|----------------|--|--|
| <i>Affirmative Action (Equal Employment Opportunity for Women) Act 1986</i> | 91, 1986 | 3 Sept 1986 | 1 Oct 1986 (see Gazette 1986, No. S491) | |
| <i>Employment, Education and Training Act 1988</i> | 80, 1988 | 24 June 1988 | 1 July 1988 (see Gazette 1988, No. S190) | — |
| <i>Industrial Relations (Consequential Provisions) Act 1988</i> | 87, 1988 | 8 Nov 1988 | Ss. 1 and 2: Royal Assent Remainder: 1 Mar 1989 (see s. 2(2) and Gazette 1989, No. S53) | — |
| <i>Affirmative Action (Equal Employment Opportunity for Women) Amendment Act 1989</i> | 30, 1989 | 24 May 1989 | 24 May 1989 | — |
| <i>Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992</i> | 105, 1992 | 9 July 1992 | 5 Oct 1992 (see s. 2) | — |
| <i>Affirmative Action (Equal Employment Opportunity for Women) Amendment Act 1992</i> | 181, 1992 | 16 Dec 1992 | 16 Dec 1992 | S. 12 |

Table of Acts

| Act | Number and year | Date of Assent | Date of commencement | Application, saving or transitional provisions |
|---|-----------------|----------------|--|--|
| <i>Qantas Sale Act 1992</i> | 196, 1992 | 21 Dec 1992 | Schedule (Parts 3 and 6): (a) | S. 2(6) (am. by 60, 1993, s. 4; 168, 1994, s. 3) |
| as amended by | | | | |
| <i>Qantas Sale Amendment Act 1993</i> | 60, 1993 | 3 Nov 1993 | 10 Mar 1993 | — |
| <i>Qantas Sale Amendment Act 1994</i> | 168, 1994 | 16 Dec 1994 | S. 3 (item 17): Royal Assent (b) | — |
| <i>Statute Law Revision Act 1996</i> | 43, 1996 | 25 Oct 1996 | Schedule 4 (items 6, 7): Royal Assent (c) | — |
| <i>Workplace Relations and Other Legislation Amendment Act 1996</i> | 60, 1996 | 25 Nov 1996 | Schedule 19 (item 4): Royal Assent (d) | — |
| <i>Public Employment (Consequential and Transitional) Amendment Act 1999</i> | 146, 1999 | 11 Nov 1999 | Schedule 1 (items 54, 55): 5 Dec 1999 (see <i>Gazette</i> 1999, No. S584) (e) | — |
| <i>Equal Opportunity for Women in the Workplace Amendment Act 1999</i> | 183, 1999 | 22 Dec 1999 | Schedules 1 and 3: 1 Jan 2000 Remainder: Royal Assent | Sch. 3 [see Table A] |
| <i>Corporations (Repeals, Consequentials and Transitionals) Act 2001</i> | 55, 2001 | 28 June 2001 | Ss. 4-14 and Schedule 3 (item 173): 15 July 2001 (see <i>Gazette</i> 2001, No. S285) (f) | Ss. 4-14 |
| <i>Employment, Workplace Relations and Small Business Legislation Amendment (Application of Criminal Code) Act 2001</i> | 142, 2001 | 1 Oct 2001 | S. 4 and Schedule 1 (items 10-14): 2 Oct 2001 (g) | S. 4 [see Table A] |
| <i>Safety, Rehabilitation and Compensation and Other Legislation Amendment Act 2001</i> | 144, 2001 | 1 Oct 2001 | Schedule 3 (item 1): Royal Assent (h) Schedule 3 (item 2): 29 Oct 2001 (h) | — |
| <i>Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001</i> | 159, 2001 | 1 Oct 2001 | 29 Oct 2001 | Sch. 1 (item 97) [see Table A] |

Table of Acts

| Act | Number and year | Date of Assent | Date of commencement | Application, saving or transitional provisions |
|---|-----------------|----------------|---|--|
| <i>Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002</i> | 105, 2002 | 14 Nov 2002 | Schedule 3 (item 47): 12 May 2003 (see s. 2 and Gazette 2002, No. GN49) | — |
| <i>Workplace Relations Legislation Amendment Act 2002</i> | 127, 2002 | 11 Dec 2002 | Schedule 3 (item 19): Royal Assent | — |
| <i>Higher Education Support (Transitional Provisions and Consequential Amendments) Act 2003</i> | 150, 2003 | 19 Dec 2003 | Schedule 2 (item 102): (i) | — |

Act Notes

- (a) The *Equal Opportunity for Women in the Workplace Act 1999* was amended by the *Qantas Sale Act 1992*, subsections 2(2), (5) and (6) of which provide as follows:
- (2) Subject to subsection (3), the remaining provisions of this Act commence on a day or days to be fixed by Proclamation.
 - (5) If, on the 100% sale day, Part 3 of the Schedule has not commenced, then, on the day on which Part 7 of the Schedule commences, Parts 3 and 6 of the Schedule are taken to have been repealed.
 - (6) If a provision of this Act has not commenced before 31 August 1995, the provision is taken to have been repealed on that day.
- The Schedule (Parts 3 and 6) are taken to have been repealed on 31 August 1995.
- (b) The *Qantas Sale Act 1992* was amended by section 3 (item 17) only of the *Qantas Sale Amendment Act 1994*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (c) The *Equal Opportunity for Women in the Workplace Act 1999* was amended by Schedule 4 (items 6, 7) only of the *Statute Law Revision Act 1996*, subsection 2(1) of which provides as follows:
- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
- (d) The *Equal Opportunity for Women in the Workplace Act 1999* was amended by Schedule 19 (item 4) only of the *Workplace Relations and Other Legislation Amendment Act 1996*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (e) The *Equal Opportunity for Women in the Workplace Act 1999* was amended by Schedule 1 (items 54, 55) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:
- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
 - (2) Subject to this section, this Act commences at the commencing time.
- (f) The *Equal Opportunity for Women in the Workplace Act 1999* was amended by Schedule 3 (item 173) only of the *Corporations (Repeals, Consequentials and Transitionals) Act 2001*, subsection 2(3) of which provides as follows:
- (3) Subject to subsections (4) to (10), Schedule 3 commences, or is taken to have commenced, at the same time as the *Corporations Act 2001*.
- (g) The *Equal Opportunity for Women in the Workplace Act 1999* was amended by Schedule 1 (items 10-14) only of the *Employment, Workplace Relations and Small Business Legislation Amendment (Application of Criminal Code) Act 2001*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day after the day on which it receives the Royal Assent.
- (h) The *Equal Opportunity for Women in the Workplace Act 1999* was amended by Schedule 3 (items 1 and 2) only of the *Safety, Rehabilitation and Compensation and Other Legislation Amendment Act 2001*, subsections 2(1) and (3) of which provide as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
 - (3) Items 12, 13, 14, 24, 27, 28, 29, 30, 34, 44, 46, 47, 48, 55 and 57 of Schedule 1, items 90, 91 and 101 of Schedule 2, and items 2 and 6 to 11 of Schedule 3 commence 28 days after the day on which this Act receives the Royal Assent.

Act Notes

- (i) Subsection 2(1) (item 8) of the *Higher Education Support (Transitional Provisions and Consequential Amendments) Act 2003* provides as follows:
- (1) Each provision of this Act 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 |
| Provision(s) | Commencement | Date/Details |
| 8. Schedule 2, items 95 to 103 | The later of: (a) 1 January 2004; and (b) immediately after the commencement of sections 1-10 to 238-15 of the <i>Higher Education Support Act 2003</i> . | 1 January 2004 |

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|--------------------------|--|
| Title | am. No. 181, 1992 am. No. 183, 1999 |
| Part I | |
| S. 1..... | am. No. 183, 1999 |
| S. 2A | ad. No. 183, 1999 |
| S. 3..... | am. Nos. 80 and 87, 1988; No. 30, 1989; Nos. 105 and 181, 1992; No. 60, 1996; No. 183, 1999; No. 55, 2001; Nos. 105 and 127, 2002; No. 150, 2003 |
| S. 5..... | am. No. 105, 1992; No. 183, 1999 |
| S. 5A | ad. No. 142, 2001 |
| Part II | |
| Heading to Part II..... | rs. No. 183, 1999 |
| S. 6..... | rs. No. 183, 1999 |
| S. 7..... | am. No. 30, 1989 rep. No. 183, 1999 |
| S. 8..... | rs. No. 183, 1999 |
| Part III | |
| Heading to Part III..... | rs. No. 181, 1992; No. 183, 1999 |
| Heading to s. 8A..... | am. No. 183, 1999 |
| S. 8A | ad. No. 181, 1992 am. No. 183, 1999 |
| Ss. 9, 10 | am. No. 181, 1992; No. 183, 1999 |
| Ss. 11, 12 | am. No. 181, 1992 |
| Part IV | |
| S. 13..... | am. No. 30, 1989; No. 181, 1992 rs. No. 183, 1999 |
| S. 13A..... | ad. No. 181, 1992 rs. No. 183, 1999 |
| Ss. 13B, 13C | ad. No. 183, 1999 |
| S. 14..... | am. No. 181, 1992 rs. No. 183, 1999 |
| Ss. 15, 16 | am. No. 181, 1992 |
| S. 17..... | am. No. 181, 1992; No. 183, 1999; No. 144, 2001 |
| S. 18..... | am. No. 181, 1992 rs. No. 183, 1999 |
| S. 19..... | am. No. 181, 1992 |
| Part V | |
| Heading to Part V | rs. No. 183, 1999 |
| S. 20 | am. No. 159, 2001 |

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|--------------------|--|
| S. 22..... | am. No. 43, 1996 |
| Part VI | |
| S. 29..... | am. No. 146, 1999 |
| S. 30..... | am. No. 181, 1992 |
| S. 31..... | am. No. 181, 1992; No. 43, 1996; No. 183, 1999 |
| S. 32..... | am. No. 181, 1992; Nos. 142 and 144, 2001 |
| S. 33..... | am. No. 181, 1992; No. 183, 1999 |

Table A

Table A

Application, saving or transitional provisions

Equal Opportunity for Women in the Workplace Amendment Act 1999
(No. 183, 1999)

1 Definitions

In this Schedule:

Agency means the Equal Opportunity for Women in the Workplace Agency.

amended Equal Opportunity for Women in the Workplace Act means the Equal Opportunity for Women in the Workplace Act as in force on and after 1 January 2000.

Director means the Director of Equal Opportunity for Women in the Workplace.

old Equal Opportunity for Women in the Workplace Act means the Equal Opportunity for Women in the Workplace Act as in force immediately before 1 January 2000.

2 Continuity of Agency and Director not affected

To avoid doubt:

- (a) the continuity of the Agency's existence; and
- (b) the continuity of the Director's appointment;

is not affected by the change to the Agency's name or Director's title, or by any other amendment, made by Schedule 1 or 2.

3 Waiver of reporting obligations

A waiver given under section 13A of the old Equal Opportunity for Women in the Workplace Act continues in force according to its terms as if it were issued under section 13C of the amended Equal Opportunity for Women in the Workplace Act.

Table A

*Employment, Workplace Relations and Small Business Legislation Amendment
(Application of Criminal Code) Act 2001* (No. 142, 2001)

4 Application of amendments

- (1) Each amendment made by this Act applies to acts and omissions that take place after the amendment commences.
- (2) For the purposes of this section, if an act or omission is alleged to have taken place between 2 dates, one before and one on or after the day on which a particular amendment commences, the act or omission is alleged to have taken place before the amendment commences.

Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001
(No. 159, 2001)

Schedule 1

97 Application of amendments

The amendments made by this Schedule do not apply to an appointment if the term of the appointment began before the commencement of this item.