

ANTI-DISCRIMINATION (AMENDMENT) BILL, 1985

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to enable the Minister for the time being administering the Anti-Discrimination Act, 1977, to make an arrangement with a Commonwealth Minister for or in relation to the performance by the State or by an authority of the State on behalf of the Commonwealth of functions relating to the promotion of the observance of human rights within the meaning of the Human Rights Commission Act 1981 of the Commonwealth and to vary or revoke any such arrangement (Schedule 1 (2)—proposed section 122u);
- (b) to enable the President of the Anti-Discrimination Board, the Anti-Discrimination Board (“the Board”) or any officer of the Board to exercise functions the subject of an arrangement referred to in paragraph (a) (Schedule 1 (2)—proposed section 122v);
- (c) to enable the President of the Board, the Board or any officer of the Board to exercise certain functions delegated to or conferred on the President, the Board or the officer, as the case may be, under the provisions of certain Commonwealth Acts and other laws relating to human rights (Schedule 1 (2)—proposed section 122w);
- (d) to control the circumstances in which an officer of the Board may exercise a function referred to in paragraph (b) or (c) relating to the investigation and conciliation of complaints (Schedule 1 (2)—proposed section 122x);
- (e) to validate certain matters (clause 3); and
- (f) to make other provisions of a minor, consequential or ancillary nature.

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ANTI-DISCRIMINATION (AMENDMENT) BILL, 1985

No. , 1985.

A BILL FOR

An Act to amend the Anti-Discrimination Act, 1977, to enable the performance by State authorities of functions under Commonwealth Acts relating to the promotion of the observance of human rights in New South Wales; and to validate certain matters.

Anti-Discrimination (Amendment) 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Anti-Discrimination (Amendment) Act, 1985".

Amendment of Act No. 48, 1977.

2. The Anti-Discrimination Act, 1977, is amended in the manner set forth in Schedule 1.

Validation.

3. Any act, matter or thing done or purporting to be done before the date of assent to this Act which would have been valid had the Anti-Discrimination Act, 1977, as amended by this Act, been in force at the time at which the act, matter or thing was done or was purported to be done is validated.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE ANTI-DISCRIMINATION ACT, 1977.

20 (1) Section 3—

Omit the section.

*Anti-Discrimination (Amendment) 1985*SCHEDULE 1—*continued.*AMENDMENTS TO THE ANTI-DISCRIMINATION ACT, 1977—*continued.*

(2) Part IXB—

After Part IXA, insert:—

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PART IXB.

INTER-GOVERNMENTAL ARRANGEMENTS.

Interpretation.

122T. (1) In this Part—

10

“Commonwealth Minister” means a Minister of the Crown of the Commonwealth;

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“human rights” has the meaning ascribed thereto in section 3 (1) of the Human Rights Commission Act 1981 of the Commonwealth and includes any rights and freedoms prescribed to be human rights for the purposes of this definition;

“Human Rights Commission” means the Human Rights Commission established by the Human Rights Commission Act 1981 of the Commonwealth.

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(2) In this Part, a reference to an Act of the Commonwealth is a reference to the Act as amended from time to time and includes a reference to any Act made in substitution for that Act.

(3) In this Part, a reference to an officer of the Board includes a reference to an officer of the Board designated for the purposes of section 94A.

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Arrangements relating to human rights.

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122U. (1) The Minister may make an arrangement with a Commonwealth Minister for or in relation to the performance by the State, or by an authority of the State, on behalf of the Commonwealth of functions (including functions of the Human Rights Commission) relating to the promotion of the observance of human rights.

*Anti-Discrimination (Amendment) 1985*SCHEDULE 1—*continued.*AMENDMENTS TO THE ANTI-DISCRIMINATION ACT, 1977—*continued.*

5 (2) An arrangement under this section may contain such incidental or supplementary provisions as the Minister and the Commonwealth Minister with whom the arrangement is made think necessary.

(3) The Minister may arrange with the Commonwealth Minister with whom an arrangement is in force under this section for the variation or revocation of the arrangement.

10 (4) An arrangement under this section, or the variation or revocation of such an arrangement, shall be in writing and a copy of each instrument by which an arrangement under this section has been made, varied or revoked shall be published in the Gazette.

Exercise of functions by State authorities pursuant to arrangement.

15 122v. Where an arrangement under section 122U is in force, the President, the Board or any officer of the Board may, subject to the terms of the arrangement and to any agreement made or authorisation given pursuant to the arrangement, exercise a function
20 of the Human Rights Commission or a function of a prescribed person within the meaning of section 3 (1) of the Human Rights Commission Act 1981 of the Commonwealth.

Exercise of functions by State authorities pursuant to delegation, etc.

25 122w. The President, the Board or any officer of the Board may exercise a function delegated to or conferred (otherwise than pursuant to an arrangement under section 122U) on the President, the Board or any officer of the Board, as the case may be, pursuant to the provisions of the Human Rights Commission Act 1981 of the Commonwealth, the Racial Discrimination Act 1975 of the Commonwealth, the Sex Discrimination Act 1984 of the
30 Commonwealth or the provisions of any other law which may be prescribed for the purposes of this section.

Anti-Discrimination (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE ANTI-DISCRIMINATION ACT, 1977—*continued.*

Exercise of certain functions by officers of the Board.

5 122x. (1) Nothing in section 122v or 122w enables an officer of
the Board to exercise a function referred to in either of those
sections, being a function relating to the investigation and
conciliation of complaints, without the approval of the President and
the concurrence of the Minister.

10 (2) An approval or concurrence referred to in subsection (1) may
be given generally or in any particular case or class or description
of cases.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985

ANTI-DISCRIMINATION (AMENDMENT) ACT 1985 No. 112

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 112, 1985

An Act to amend the Anti-Discrimination Act, 1977, to enable the performance by State authorities of functions under Commonwealth Acts relating to the promotion of the observance of human rights in New South Wales; and to validate certain matters. [Assented to, 15th October, 1985.]

Anti-Discrimination (Amendment) 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Anti-Discrimination (Amendment) Act, 1985".

Amendment of Act No. 48, 1977.

2. The Anti-Discrimination Act, 1977, is amended in the manner set forth in Schedule 1.

Validation.

3. Any act, matter or thing done or purporting to be done before the date of assent to this Act which would have been valid had the Anti-Discrimination Act, 1977, as amended by this Act, been in force at the time at which the act, matter or thing was done or was purported to be done is validated.

SCHEDULE 1.

(Sec. 2.)

AMENDMENTS TO THE ANTI-DISCRIMINATION ACT, 1977.

(1) Section 3—

Omit the section.

Anti-Discrimination (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE ANTI-DISCRIMINATION ACT, 1977—*continued.*

(2) Part IXB—

After Part IXA, insert:—

PART IXB.

INTER-GOVERNMENTAL ARRANGEMENTS.

Interpretation.

122T. (1) In this Part—

“Commonwealth Minister” means a Minister of the Crown of the Commonwealth;

“human rights” has the meaning ascribed thereto in section 3 (1) of the Human Rights Commission Act 1981 of the Commonwealth and includes any rights and freedoms prescribed to be human rights for the purposes of this definition;

“Human Rights Commission” means the Human Rights Commission established by the Human Rights Commission Act 1981 of the Commonwealth.

(2) In this Part, a reference to an Act of the Commonwealth is a reference to the Act as amended from time to time and includes a reference to any Act made in substitution for that Act.

(3) In this Part, a reference to an officer of the Board includes a reference to an officer of the Board designated for the purposes of section 94A.

Arrangements relating to human rights.

122U. (1) The Minister may make an arrangement with a Commonwealth Minister for or in relation to the performance by the State, or by an authority of the State, on behalf of the Commonwealth of functions (including functions of the Human Rights Commission) relating to the promotion of the observance of human rights.

Anti-Discrimination (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE ANTI-DISCRIMINATION ACT, 1977—*continued.*

(2) An arrangement under this section may contain such incidental or supplementary provisions as the Minister and the Commonwealth Minister with whom the arrangement is made think necessary.

(3) The Minister may arrange with the Commonwealth Minister with whom an arrangement is in force under this section for the variation or revocation of the arrangement.

(4) An arrangement under this section, or the variation or revocation of such an arrangement, shall be in writing and a copy of each instrument by which an arrangement under this section has been made, varied or revoked shall be published in the Gazette.

Exercise of functions by State authorities pursuant to arrangement.

122v. Where an arrangement under section 122U is in force, the President, the Board or any officer of the Board may, subject to the terms of the arrangement and to any agreement made or authorisation given pursuant to the arrangement, exercise a function of the Human Rights Commission or a function of a prescribed person within the meaning of section 3 (1) of the Human Rights Commission Act 1981 of the Commonwealth.

Exercise of functions by State authorities pursuant to delegation, etc.

122w. The President, the Board or any officer of the Board may exercise a function delegated to or conferred (otherwise than pursuant to an arrangement under section 122U) on the President, the Board or any officer of the Board, as the case may be, pursuant to the provisions of the Human Rights Commission Act 1981 of the Commonwealth, the Racial Discrimination Act 1975 of the Commonwealth, the Sex Discrimination Act 1984 of the Commonwealth or the provisions of any other law which may be prescribed for the purposes of this section.

SCHEDULE 1—*continued.*AMENDMENTS TO THE ANTI-DISCRIMINATION ACT, 1977—*continued.***Exercise of certain functions by officers of the Board.**

122x. (1) Nothing in section 122v or 122w enables an officer of the Board to exercise a function referred to in either of those sections, being a function relating to the investigation and conciliation of complaints, without the approval of the President and the concurrence of the Minister.

(2) An approval or concurrence referred to in subsection (1) may be given generally or in any particular case or class or description of cases.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985





