

FIRST PRINT

**MISCELLANEOUS ACTS (SEX DISCRIMINATION)
AMENDMENT BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend certain Acts so as to remove provisions that are inconsistent with the Sex Discrimination Act 1984 of the Commonwealth.

Clause 1 specifies the short title of the proposed Act.

Clause 2 specifies that the proposed Act will, with certain exceptions, commence on a day or days to be appointed by the Governor-in-Council.

Clause 3 gives effect to the Schedule of amendments to the Principal Act.

Clause 4 continues Regulation 2 of the Lead Regulations in force and saves certain other regulations.

Schedule 1 (1) amends the Coal Mines Regulation Act 1982 so as to remove a power which enabled discriminatory regulations to be made as to the employment of women underground at coal mines.

Schedule 1 (2) amends the Factories, Shops and Industries Act 1962 so as—

- (a) to ensure that certain powers to regulate the employment of men and women in factories or in certain activities do not discriminate against women; and
- (b) to make 16 years the age for both males and females until which a parent or guardian of a young person can be guilty of an offence if the young person is employed in a factory contrary to the provisions of Division VII of Part 3 of that Act.

Miscellaneous Acts (Sex Discrimination) Amendment 1987

Schedule 1 (3) amends the Industrial Arbitration Act 1940 so as—

- (a) to apply certain powers of the Industrial Commission to establish hostels, clubs and libraries for workers equally to both sexes; and
- (b) to apply certain powers to regulate certain employment contracts equally to both sexes.

Schedule 1 (4) amends the Miners' Accident Relief (Supplemental) Act 1966 so as to remove a distinction made between male and female persons.

Schedule 1 (5) amends the Mines Inspection Act 1901 so as to remove a provision restricting the employment of women below ground in mines and to enable the employment of female probationers, trainee apprentices and indentured apprentices above ground at mines.

Schedule 1 (6) amends the Mines Rescue Act 1925 so as to enable women to be members of mine rescue corps.

MISCELLANEOUS ACTS (SEX DISCRIMINATION) AMENDMENT BILL 1987

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of certain Acts
4. Savings

SCHEDULE 1—AMENDMENT OF CERTAIN ACTS

**MISCELLANEOUS ACTS (SEX DISCRIMINATION)
AMENDMENT BILL 1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to remove discriminatory provisions from certain Acts; and for other purposes.

Miscellaneous Acts (Sex Discrimination) Amendment 1987

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 "Miscellaneous Acts (Sex Discrimination) Amendment Act 1987".

Commencement

2. (1) Except as provided by subsection (2), this Act shall commence
10 on the date of assent to this Act.

(2) Schedule 1 (1), (5) and (6), and section 3 in its application to those provisions, shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of certain Acts

15 3. Each Act specified in Schedule 1 is amended in the manner set forth in that Schedule.

Savings

4. (1) Regulation 2 of the Lead Regulations shall be deemed to have
20 been made under the Factories, Shops and Industries Act 1962, as amended by this Act, as if that Act, as so amended, had been in force when it was made.

(2) Nothing in this Act affects a regulation made, before the date of assent to this Act, under an Act amended by this Act if—

- (a) the regulation could be made after the date of assent to this Act; and
 - 25 (b)** the regulation is not inconsistent with the provisions of the Sex Discrimination Act 1984 of the Commonwealth.
-

SCHEDULE 1

(Sec. 3)

AMENDMENT OF CERTAIN ACTS

(1) **Coal Mines Regulation Act 1982 No. 67—**5 Section 174 (**Regulations**)—

Section 174 (2) (III)—

Omit the paragraph, insert instead:

(III) regulating the employment of persons under the age of 16 years in or about mines;

10 (2) **Factories, Shops and Industries Act 1962 No. 43—**(a) Section 55 (**Power to make regulations—young persons**)—

Section 55 (1)—

15 Omit “of females of any age, males under the age of twenty-one years of age, or males or females under such age being less than twenty-one years”, insert instead “of such persons under 21 or less years of age”.

(b) Section 66 (**Power to make regulations**)—

Section 66 (d)—

Omit the paragraph, insert instead:

20 (d) prohibiting the engagement of any persons under 21 or less years of age (as may be specified) in any specified—

(i) process; or

(ii) description of work,

25 either absolutely or except on condition that those persons have received sufficient training in the process or work or are subject to such supervision as may be specified;

Miscellaneous Acts (Sex Discrimination) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENT OF CERTAIN ACTS—*continued*

(c) Section 68 (**Regulations**)—

Section 68 (1) (b), (c)—

At the end of section 68 (1) (b), insert:

; and

- 5 (c) prohibiting or restricting the employment of persons in lead processing areas in factories.

(d) Section 71 (**Duties of parents and guardians of young persons**)—

10 Omit “a male person under sixteen years of age, or female person under eighteen years of age,” insert instead “a person under 16 years of age”.

(3) **Industrial Arbitration Act 1940 No. 2—**

(a) Section 35 (**Further powers**)—

Section 35 (1) (m)—

Omit the paragraph, insert instead:

- 15 (m) To encourage and assist in the establishment of hostels, clubs and libraries for workers.

(b) Section 153 (**Regulations**)—

Section 153 (1) (g)—

Omit the paragraph, insert instead:

- 20 (g) restricting or regulating contracts for the employment abroad in any capacity of any persons;

(4) **Miners' Accident Relief (Supplemental) Act 1966 No. 15—**

Section 2 (**Additional allowances**)—

(a) Section 2 (1)—

- 25 Omit “to—”, insert instead “to any person who because of disablement or any fatal accident receives an allowance under the Miners' Accident Relief (Repeal) Act 1916.”.

Miscellaneous Acts (Sex Discrimination) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENT OF CERTAIN ACTS—*continued*

(b) Section 2 (1) (a), (b)—

Omit the paragraphs.

(5) **Mines Inspection Act 1901 No. 75—**

Section 26 (**Persons who shall not be employed in mines**)—

5 Section 26 (2)—

Omit section 26 (2) and (3), insert instead:

10 (2) A person under the age of 16 years but not under the age of 15 years may be employed above ground at a mine as a probationer, trainee apprentice or indentured apprentice within the meaning of the Apprenticeship Act 1981.

(6) **Mines Rescue Act 1925 No. 3—**

Section 14 (**Permanent corps at central rescue stations**)—

(a) Section 14 (1) (a)—

Omit “men”, insert instead “persons”.

15 (b) Section 14 (1) (c)—

Omit “his”.

(c) Section 14 (1) (f)—

Omit “that—”, insert instead “that the member shall—”.

(d) Section 14 (1) (f) (i), (ii)—

20 Omit “he shall” wherever occurring.

(e) Section 14 (1) (f) (ii) and (iii)—

Omit “other the” wherever occurring, insert instead “any”.

(f) Section 14 (1) (f) (ii) and (iii)—

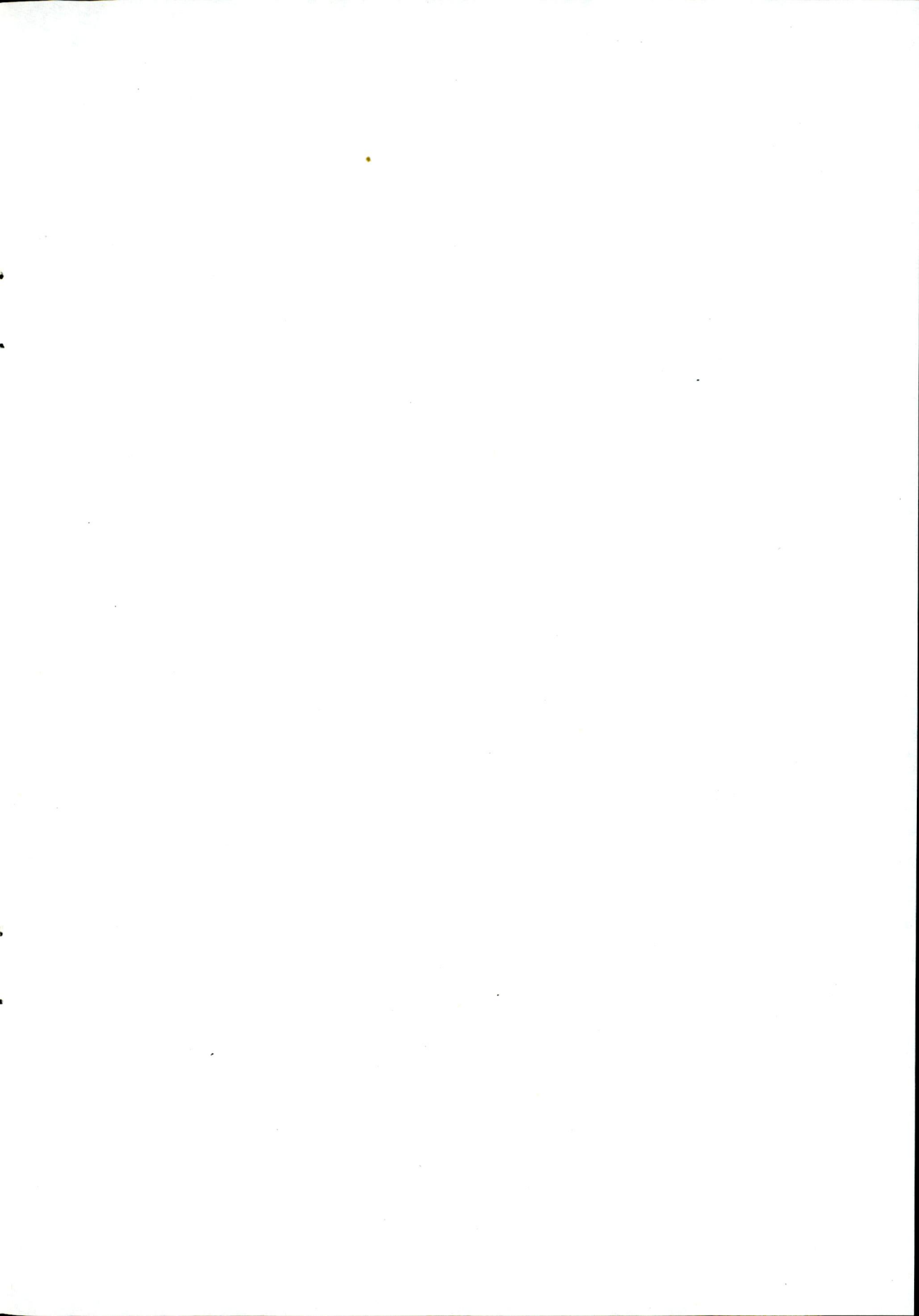
25 Omit “his” wherever occurring, insert instead “the member’s”.

Miscellaneous Acts (Sex Discrimination) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENT OF CERTAIN ACTS—*continued*

- (g) Section 14 (1) (f) (iii)—
Omit “he shall,”.



**MISCELLANEOUS ACTS (SEX DISCRIMINATION)
AMENDMENT ACT 1987 No. 157**

NEW SOUTH WALES



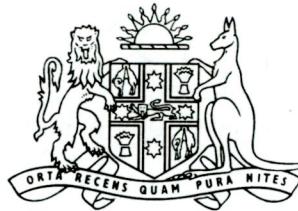
TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of certain Acts
4. Savings

SCHEDULE 1—AMENDMENT OF CERTAIN ACTS

**MISCELLANEOUS ACTS (SEX DISCRIMINATION)
AMENDMENT ACT 1987 No. 157**

NEW SOUTH WALES



Act No. 157, 1987

An Act to remove discriminatory provisions from certain Acts; and for other purposes. [Assented to 18 November 1987]

Miscellaneous Acts (Sex Discrimination) Amendment 1987

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 "Miscellaneous Acts (Sex Discrimination) Amendment Act 1987".

Commencement

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Schedule 1 (1), (5) and (6), and section 3 in its application to those provisions, shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of certain Acts

3. Each Act specified in Schedule 1 is amended in the manner set forth in that Schedule.

Savings

4. (1) Regulation 2 of the Lead Regulations shall be deemed to have been made under the Factories, Shops and Industries Act 1962, as amended by this Act, as if that Act, as so amended, had been in force when it was made.

(2) Nothing in this Act affects a regulation made, before the date of assent to this Act, under an Act amended by this Act if—

- (a) the regulation could be made after the date of assent to this Act; and
 - (b) the regulation is not inconsistent with the provisions of the Sex Discrimination Act 1984 of the Commonwealth.
-

SCHEDULE 1

(Sec. 3)

AMENDMENT OF CERTAIN ACTS

(1) **Coal Mines Regulation Act 1982 No. 67—**Section 174 (**Regulations**)—

Section 174 (2) (III)—

Omit the paragraph, insert instead:

- (III) regulating the employment of persons under the age of 16 years in or about mines;

(2) **Factories, Shops and Industries Act 1962 No. 43—**(a) **Section 55 (Power to make regulations—young persons)—**

Section 55 (1)—

Omit “of females of any age, males under the age of twenty-one years of age, or males or females under such age being less than twenty-one years”, insert instead “of such persons under 21 or less years of age”.

(b) **Section 66 (Power to make regulations)—**

Section 66 (d)—

Omit the paragraph, insert instead:

- (d) prohibiting the engagement of any persons under 21 or less years of age (as may be specified) in any specified—

- (i) process; or

- (ii) description of work,

either absolutely or except on condition that those persons have received sufficient training in the process or work or are subject to such supervision as may be specified;

Miscellaneous Acts (Sex Discrimination) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENT OF CERTAIN ACTS—*continued*

- (c) Section 68 (**Regulations**)—
Section 68 (1) (b), (c)—
At the end of section 68 (1) (b), insert:
 ; and
 (c) prohibiting or restricting the employment of persons in
 lead processing areas in factories.
- (d) Section 71 (**Duties of parents and guardians of young persons**)—
Omit “a male person under sixteen years of age, or female person
under eighteen years of age,” insert instead “a person under 16
years of age”.
- (3) **Industrial Arbitration Act 1940 No. 2**—
(a) Section 35 (**Further powers**)—
Section 35 (1) (m)—
Omit the paragraph, insert instead:
 (m) To encourage and assist in the establishment of hostels,
 clubs and libraries for workers.
- (b) Section 153 (**Regulations**)—
Section 153 (1) (g)—
Omit the paragraph, insert instead:
 (g) restricting or regulating contracts for the employment
 abroad in any capacity of any persons;
- (4) **Miners' Accident Relief (Supplemental) Act 1966 No. 15**—
Section 2 (**Additional allowances**)—
(a) Section 2 (1)—
Omit “to—”, insert instead “to any person who because of
disablement or any fatal accident receives an allowance under
the Miners' Accident Relief (Repeal) Act 1916.”.

Miscellaneous Acts (Sex Discrimination) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENT OF CERTAIN ACTS—*continued*

(b) Section 2 (1) (a), (b)—

Omit the paragraphs.

(5) **Mines Inspection Act 1901 No. 75—**

Section 26 (**Persons who shall not be employed in mines**)—

Section 26 (2)—

Omit section 26 (2) and (3), insert instead:

(2) A person under the age of 16 years but not under the age of 15 years may be employed above ground at a mine as a probationer, trainee apprentice or indentured apprentice within the meaning of the Apprenticeship Act 1981.

(6) **Mines Rescue Act 1925 No. 3—**

Section 14 (**Permanent corps at central rescue stations**)—

(a) Section 14 (1) (a)—

Omit “men”, insert instead “persons”.

(b) Section 14 (1) (c)—

Omit “his”.

(c) Section 14 (1) (f)—

Omit “that—”, insert instead “that the member shall—”.

(d) Section 14 (1) (f) (i), (ii)—

Omit “he shall” wherever occurring.

(e) Section 14 (1) (f) (ii) and (iii)—

Omit “other the” wherever occurring, insert instead “any”.

(f) Section 14 (1) (f) (ii) and (iii)—

Omit “his” wherever occurring, insert instead “the member’s”.

Miscellaneous Acts (Sex Discrimination) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENT OF CERTAIN ACTS—*continued*

(g) Section 14 (1) (f) (iii)—

Omit “he shall,”.