



Anti-Discrimination Amendment (Exemptions) Regulation 2004

under the

Anti-Discrimination Act 1977

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Anti-Discrimination Act 1977*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to amend the *Anti-Discrimination Regulation 2004* to set out matters to be considered by the Anti-Discrimination Board and the Minister when recommending and making exemption orders under section 126 of the *Anti-Discrimination Act 1977*.

This Regulation is made under the *Anti-Discrimination Act 1977*, including section 127 (the general regulation-making power).

2004 No 668

Clause 1 Anti-Discrimination Amendment (Exemptions) Regulation 2004

Anti-Discrimination Amendment (Exemptions) Regulation 2004

under the

Anti-Discrimination Act 1977

1 Name of Regulation

This Regulation is the *Anti-Discrimination Amendment (Exemptions) Regulation 2004*.

2 Amendment of Anti-Discrimination Regulation 2004

The *Anti-Discrimination Regulation 2004* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Clause 5

Insert after clause 4:

5 Matters to be considered in relation to exemption orders

- (1) The Minister and the Board, when exercising a function under section 126 in relation to a proposed exemption under that section, are to consider the following matters:
 - (a) whether the proposed exemption is appropriate or reasonable,
 - (b) whether the proposed exemption is necessary,
 - (c) whether there are any non-discriminatory ways of achieving the objects or purposes for which the proposed exemption is sought,
 - (d) whether the proponent of the proposed exemption has taken reasonable steps, or is able to take any reasonable steps, to avoid or reduce the adverse effect of a particular act or action before seeking the exemption,
 - (e) the public, business, social or other community impact of the granting of the proposed exemption,
 - (f) any conditions or limitations to be contained in the proposed exemption.
- (2) In this clause, a reference to a *proposed exemption* includes a reference to a proposed renewal, variation or revocation of an exemption.
- (3) Nothing in this clause limits the power of the Minister or the Board to consider any other matters when exercising their functions under section 126 of the Act.