



New South Wales

# Anti-Discrimination Regulation 2009

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*.

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Attorney General

## Explanatory note

The object of this Regulation is to remake, with minor amendments, the provisions of the *Anti-Discrimination Regulation 2004*, which is repealed on 1 September 2009 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision with respect to the following:

- (a) the circumstances in which the provision of a concession to a member of a club by reason of the member's age is lawful,
- (b) the matters that the President of the Anti-Discrimination Board is to consider before exercising a function under section 126 of the *Anti-Discrimination Act 1977* which deals with the granting of exemptions under that Act,
- (c) savings and formal matters.

This Regulation is made under the *Anti-Discrimination Act 1977*, including sections 49ZYX and 127 (the general regulation-making power).

This Regulation comprises or relates to matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

## 2009 No 84

Anti-Discrimination Regulation 2009

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### Contents

	Page
1 Name of Regulation	3
2 Commencement	3
3 Interpretation	3
4 Lawful activities of registered clubs	3
5 Matters to be considered in relation to exemption orders	3
6 Savings	4

## Anti-Discrimination Regulation 2009

under the

Anti-Discrimination Act 1977

### 1 Name of Regulation

This Regulation is the *Anti-Discrimination Regulation 2009*.

### 2 Commencement

This Regulation commences on 1 September 2009.

**Note.** This Regulation replaces the *Anti-Discrimination Regulation 2004* which is repealed on 1 September 2009 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Interpretation

(1) In this Regulation:

*the Act* means the *Anti-Discrimination Act 1977*.

(2) Notes included in this Regulation do not form part of this Regulation.

### 4 Lawful activities of registered clubs

(1) Pursuant to section 49ZYX of the Act, the provision, in good faith, of a benefit, including a concession, to a member of a registered club by reason of his or her age is declared to be lawful.

(2) Without limiting subclause (1), a benefit, or concession, may comprise a lower membership fee than the membership fee that is paid by other members of the registered club.

### 5 Matters to be considered in relation to exemption orders

(1) The President, when exercising a function under section 126 of the Act in relation to a proposed exemption under that section, is 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,

## 2009 No 84

Clause 6            Anti-Discrimination Regulation 2009

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- (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 President to consider any other matters when exercising functions under section 126 of the Act.

### 6 Savings

Any act, matter or thing that, immediately before the repeal of the *Anti-Discrimination Regulation 2004*, had effect under that Regulation continues to have effect under this Regulation.