



New South Wales

# Anti-Discrimination Regulation 2019

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*.

MARK SPEAKMAN, MP

Attorney General, and Minister for the Prevention of Domestic Violence

## Explanatory note

The object of this Regulation is to repeal and remake, without changes, the provisions of the *Anti-Discrimination Regulation 2014*, which would otherwise be repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation:

- (a) enables a registered club to give benefits to its members on the basis of age, and
- (b) enables complaints to be lodged with the President of the Anti-Discrimination Board by email, and
- (c) provides for the matters the President is to consider before granting, renewing, varying or revoking an exemption from the provisions of the *Anti-Discrimination Act 1977*.

This Regulation is made under the *Anti-Discrimination Act 1977*, including sections 49ZYX, 89A (2) (c) 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 of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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## Anti-Discrimination Regulation 2019

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### 1 Name of Regulation

This Regulation is the *Anti-Discrimination Regulation 2019*.

### 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

**Note.** This Regulation repeals and replaces the *Anti-Discrimination Regulation 2014*, which would otherwise be repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definition

(1) In this Regulation:

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

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

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

### 4 Lawful activities of registered clubs

(1) For the purposes of 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 the member's 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 Use of email to lodge complaints

For the purposes of section 89A (2) (c) of the Act, a complaint may be lodged with the President by email to an email address specified on the Board's website.

### 6 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,
- (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, *proposed exemption* includes 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.

## **7 Repeal and savings**

- (1) The *Anti-Discrimination Regulation 2014* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Anti-Discrimination Regulation 2014*, had effect under that Regulation continues to have effect under this Regulation.