
Date Introduced: 4 November 1992
House: House of Representatives
Portfolio: Industrial Relations

Purpose
To establish the Affirmative Action Agency (AAA) as statutory body; extend the coverage of the Affirmative Action (Equal Employment Opportunity for Women) Act 1986 (the Principal Act) to elected trade union officials, voluntary bodies and trainees of group training schemes; and provide the AAA with a discretion to waive the public reporting requirements of the Principal Act where an employer has demonstrated a certain level of compliance.

Background
Following a review of the effectiveness and operation of the Principal Act conducted by the Affirmative Action Agency, and of both the Principal Act and the Sex Discrimination Act 1984 and other matters relating to equal opportunity and the status of women by the House of Representatives Standing Committee on Legal and Constitutional Affairs, a number of recommendations were made to the Government and to the Attorney-General's Department for amendments to strengthen the Acts.

On 19 September 1992, the Prime Minister announced the Government's response to those recommendations of the Report of the Inquiry into Equal Opportunity and Equal Status for Women in Australia (known as the Lavarch Report) by the House of Representatives Standing Committee on Legal and Constitutional Affairs which dealt with the Sex Discrimination Act 1984 and the Principal Act. The Prime Minister stated that it was the Government's intention to pass amendments to both Acts in the Budget sittings of Parliament.

Concerning the Lavarch Report's recommendations on affirmative action, the Government's Response announced that it would introduce legislation in this session of Parliament to:

* give the Director of the Affirmative Action Agency power to vary reporting requirements, thus enabling a reduction of reporting obligations of organisations consistently recording good progress; and
* extend the operation of the Principal Act to cover voluntary bodies employing 100 or more employees.

The Government also announced its intention to legislate in this session to extend the coverage of the Principal Act to union officials as employees and to trainees employed through Group Training Schemes.

In Fightback!, the Opposition announced that it would abolish the Affirmative Action Agency (AAA) as a separate body and incorporate its equal employment opportunity functions into the Department of Industrial Relations. With the aim of protecting the AAA as a separate body, this Bill proposes to establish the AAA as a statutory body.

The Lavarch Report also recommended the introduction of contract compliance so that tenderers for Commonwealth contracts have to be able to demonstrate compliance with the Principal Act. The Government's Response announced acceptance of this recommendation and the development of operational details to be announced at a later date. The Opposition considers that contract compliance will not benefit women employees.
Main Provisions
The principal effect of clause 4 will be to extend the coverage of the Principal Act to elected trade union officials, voluntary bodies (employing 100 or more people) and trainees of group training schemes.

The AAA will be established as a statutory body by clause 6.

Proposed section 13A, that will be inserted into the Principal Act by clause 11, provides that the AAA may, if satisfied that an employer has established an affirmative action program and has complied with other requirements of the Act for at least three years, waive the Principal Act's public reporting requirements.

References
* Fightback!, p. 268.

Note: The report of the Effectiveness Review of the Principal Act is expected to be available in late November or early December.