
Date Introduced: 2 March 1989  
House: House of Representatives  
Presented by: Hon. Peter Morris, M.P., Minister for Industrial Relations

Digest of Bill

Purpose
To require higher education institutions to report on affirmative action programs for the previous calendar year by 1 January of the next year and continue affirmative action programs where higher education institutions amalgamate.

Background
The Affirmative Action (Equal Employment Opportunity for Women) Act 1986 (the Principal Act) requires employers to develop and implement an affirmative action program and to lodge with the Director of Affirmative Action (the Director) an annual report detailing the program. An affirmative action program involves the identification and elimination of barriers which women face in employment. The Principal Act details eight steps which constitute the minimum requirements of an affirmative action program including communication to all employees of an organisation's policy on affirmative action; consultation with trade unions on the development, implementation and co-ordination of an affirmative action program; consultation with employees; and the setting of targets and objectives within a program. In October 1986 the Affirmative Action Agency (the Agency) was established. The Agency and the Directors functions include to advise and assist employers in the development and implementation of affirmative action programs; to issue guidelines to assist relevant employers to achieve the purposes of the Act; and to monitor and evaluate the effectiveness of affirmative action programs in achieving the purposes of the Principal Act. The Principal Act does not provide penalties for not compliance, however employers who do not comply with the requirements do face being named in a report to the Minister for Industrial Relations for tabling in Parliament.

The first stage of a five year progressive application of the Principal Act required higher education institutions, and private sector employers of 1000 people or more, to institute an affirmative action program and report on the progress of their program by August 1987. All of the 67 higher education institutions and 230 of the 233 private sector companies lodged reports in 1987–88. From 1 February 1988, companies employing between 500 and 999 employees came under the Principal Act and are required to report to the Director by May 1989. Companies employing 100 to 499 employees came under the Principal Act in February 1989, and will be required to report to the Director by May 1990.¹
Higher education institutions in New South Wales and Western Australia are covered by both state and federal legislation which require development of affirmative action programs. Currently the reporting periods specified in the state and federal legislation are different. These States have agreed to a uniform 1 January reporting date. In addition, as part of the Government's restructuring of the higher education system many institutions will be required to amalgamate. The Bill will preserve the continuity of affirmative action programs where higher education institutions amalgamate.

Main Provisions

Section 7 of the Principal Act deals with when affirmative action programs must be developed by higher education institutions and relevant employers (i.e. generally, non-government of 100 or more employees). Proposed subsection 7(2), which will be substituted into the Principal Act by clause 4, will require higher education institutions that amalgamate to have developed an affirmative action program by the time of the amalgamation. For higher education institutions that become relevant employers in 1988 and later years, an affirmative action program must be developed by the following 1 January.

Clause 5 will provide for a uniform reporting date of 1 January for affirmative action program reports by higher education institutions.

References


For further information, if required, contact the Law and Government Group.

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Legislative Research Service

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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