



# **Workplace Gender Equality Act 2012**

**Act No. 91 of 1986 as amended**

This compilation was prepared on 11 December 2012  
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The text of any of those amendments not in force  
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be  
affected by application provisions that are set out in the Notes section

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# **An Act to require certain employers to promote gender equality in the workplace, to establish the Workplace Gender Equality Agency and the office of the Director of Workplace Gender Equality, and for related purposes**

## **Part I—Preliminary**

### **1 Short title** [see Note 1]

This Act may be cited as the *Workplace Gender Equality Act 2012*.

### **2 Commencement** [see Note 1]

This Act shall come into operation on a day to be fixed by Proclamation.

### **2A Objects of Act**

The principal objects of this Act are:

- (a) to promote and improve gender equality (including equal remuneration between women and men) in employment and in the workplace; and
- (b) to support employers to remove barriers to the full and equal participation of women in the workforce, in recognition of the disadvantaged position of women in relation to employment matters; and
- (c) to promote, amongst employers, the elimination of discrimination on the basis of gender in relation to employment matters (including in relation to family and caring responsibilities); and
- (d) to foster workplace consultation between employers and employees on issues concerning gender equality in employment and in the workplace; and
- (e) to improve the productivity and competitiveness of Australian business through the advancement of gender equality in employment and in the workplace.

## 2B Simplified outline

The following is a simplified outline of this Act:

- This Act requires various employers (*relevant employers*) to lodge reports each year containing information relating to various gender equality indicators (for example, equal remuneration between women and men).
- Those reports are available to the public, subject to some exceptions for information that is personal information, information relating to remuneration and information of a kind specified by the Minister.
- There is a Workplace Gender Equality Agency. Its functions include advising and assisting employers in promoting and improving gender equality in the workplace and undertaking research and programs for the purpose of promoting and improving gender equality in the workplace.
- There is a Director of Workplace Gender Equality, who manages the Agency.
- The Agency may review a relevant employer's compliance with this Act by seeking further information from the employer.
- If a relevant employer fails to comply with this Act, the Agency may name the employer in a report given to the Minister or by electronic or other means (for example, on the Agency's website or in a newspaper).

## 3 Interpretation

(1) In this Act, unless the contrary intention appears:

*Agency* means the Workplace Gender Equality Agency.

*authority* means:

- (a) a body (whether incorporated or not) established for a public purpose by or under a law of the Commonwealth or of a State

or Territory, other than a registered higher education provider;

- (b) the holder of an office established for a public purpose by or under a law of the Commonwealth or of a State or Territory; and
- (c) an incorporated company over which the Commonwealth, a State, a Territory or a body referred to in paragraph (a) is in a position to exercise control.

**appoint** includes re-appoint.

**discrimination** means discrimination as defined in section 5, 6, 7, 7AA or 7A of the *Sex Discrimination Act 1984*.

**Director** means the Director of Workplace Gender Equality.

**employee organisation** has the same meaning as in the *Fair Work Act 2009*.

**employer** means an individual, or a body or association (whether incorporated or not), that employs an individual:

- (a) under a contract of service, whether on a full-time, part-time, casual or temporary basis; or
- (b) under a contract for services; or
- (c) as described in subsection (5) or (6).

**employment matters** includes the following:

- (a) the recruitment procedure, and selection criteria, for appointment or engagement of persons as employees;
- (b) the promotion, transfer and termination of employment of employees;
- (c) training and development for employees;
- (d) work organisation, including flexible working arrangements;
- (e) conditions of service of employees, including equal remuneration between women and men;
- (f) arrangements for dealing with sex-based harassment of employees in the workplace;
- (g) arrangements for dealing with pregnant, or potentially pregnant employees and employees who are breastfeeding their children;
- (h) arrangements relating to employees with family or caring responsibilities.

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**gender equality indicators** means the following:

- (a) gender composition of the workforce;
- (b) gender composition of governing bodies of relevant employers;
- (c) equal remuneration between women and men;
- (d) availability and utility of employment terms, conditions and practices relating to flexible working arrangements for employees and to working arrangements supporting employees with family or caring responsibilities;
- (e) consultation with employees on issues concerning gender equality in the workplace;
- (f) any other matters specified in an instrument under subsection (1A).

**governing body** of a relevant employer means the board of directors, trustees, committee of management, council or other governing authority of the employer.

**man** means a member of the male sex irrespective of age.

**minimum standard** means a standard set by an instrument in force under section 19.

**personal information** has the same meaning as in the *Privacy Act 1988*.

**potentially pregnant** has the meaning given by section 4B of the *Sex Discrimination Act 1984*.

**public report** means a public report referred to in section 13.

**registered higher education provider** means a person or body that is a registered higher education provider for the purposes of the *Tertiary Education Quality and Standards Agency Act 2011*.

Note: This definition includes bodies taken to be registered higher education providers for the purposes of that Act by Schedule 3 to the *Tertiary Education Quality and Standards Agency (Consequential Amendments and Transitional Provisions) Act 2011*.

**relevant employer** means:

- (a) a registered higher education provider that is an employer; or



- (b) a natural person, or a body or association (whether incorporated or not), being the employer of 100 or more employees in Australia;

but does not include the Commonwealth, a State, a Territory or an authority.

Note: See also subsection (2A).

**reporting period** means a period referred to in subsection 13A(2).

**woman** means a member of the female sex irrespective of age.

- (1A) The Minister may, by legislative instrument, specify matters for the purposes of paragraph (f) of the definition of **gender equality indicators** in subsection (1).

Note: See also section 33A.

- (1B) The matters specified in an instrument under subsection (1A) may relate to employment matters.
- (1C) Subsection (1B) does not limit subsection (1A).
- (1D) An instrument under subsection (1A) has no effect in relation to a reporting period unless it is made before the first day of that period.
- (2) For the purpose of paragraph (b) of the definition of **relevant employer** in subsection (1):
- (a) a corporation employs a person where the person is employed by another corporation which is a subsidiary of the first-mentioned corporation; and
  - (b) the question whether a corporation is a subsidiary of another corporation shall be determined as it would be determined for the purposes of the *Corporations Act 2001*.
- (2A) If, at any time, an employer ceases to be a relevant employer because the number of employees of the employer falls below 100, this Act continues to apply to the employer as if the employer were a relevant employer unless and until the number of employees falls below 80.
- (3) Where, in accordance with section 4, this Act extends to Norfolk Island, a reference in this Act to Australia includes a reference to Norfolk Island.
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- (4) Nothing in this Act shall be taken to require a relevant employer to take any action incompatible with the principle that employment matters should be dealt with on the basis of merit.
- (5) For the purposes of this Act, an elected employee organisation official is taken to be employed by the employee organisation, and not by any other employer, and this subsection has effect even if the rules of the employee organisation have an effect contrary to this subsection, or do not deal with the question at all.
- (6) For the purposes of this Act, during any time when a Group Training Scheme:
  - (a) is receiving funding support from the Commonwealth Government; and
  - (b) has placed a trainee in employment with a host employer; and
  - (c) pays the trainee, and receives payments from the host employer, for the services rendered by the trainee to the host employer;the trainee is taken to be employed by the Scheme and not by the host employer.

#### **4 Extension to Norfolk Island**

If, and so long as, the regulations so prescribe, this Act extends to Norfolk Island.

#### **5 Application of Act**

- (1) Without prejudice to its effect apart from this section, this Act also has effect as provided by this section.
- (2) By virtue of this subsection, this Act has the effect it would have if each reference in this Act to employment were, by express provision, confined to employment in connection with trade and commerce:
  - (a) between Australia and a place outside Australia;
  - (b) between the States; or
  - (c) within a Territory, between a State and a Territory, or between two Territories.

- (3) By virtue of this subsection, this Act has the effect it would have if each reference in this Act to employment were, by express provision, confined to employment in connection with the provision of a broadcasting service specified in section 11 of the *Broadcasting Services Act 1992*.
- (4) By virtue of this subsection, this Act has the effect it would have to the extent that this Act relates to the collection of statistics.
- (5) By virtue of this subsection, this Act has the effect it would have if each reference in this Act to employment were, by express provision, confined to employment in connection with the business of banking, other than State banking that does not extend beyond the limits of the State concerned.
- (6) By virtue of this subsection, this Act has the effect it would have if each reference in this Act to employment were, by express provision, confined to employment in connection with the business of insurance, other than State insurance that does not extend beyond the limits of the State concerned.
- (7) By virtue of this subsection, this Act has the effect it would have if each reference in this Act to a relevant employer were, by express provision, confined to a relevant employer that is a foreign corporation, or a trading or financial corporation formed within the limits of the Commonwealth.
- (8) By virtue of this subsection, this Act has the effect it would have if each reference in this Act to employment by a relevant employer were, by express provision, confined to employment by a trading or financial corporation formed within the limits of the Commonwealth, being employment in connection with the trading or financial activities, as the case may be, of that corporation.
- (9) By virtue of this subsection, this Act has the effect it would have to the extent that this Act is appropriate to give effect to, or carry out the purposes of:
  - (a) the Convention on the Elimination of all Forms of Discrimination Against Women, done at New York on 18 December 1979 ([1983] ATS 9); or
  - (b) the ILO Convention (No. 100) concerning Equal Remuneration for Men and Women Workers for Work of

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Equal Value, done at Geneva on 29 June 1951 ([1975] ATS 45); or

- (c) the ILO Convention (No. 111) concerning Discrimination in respect of Employment and Occupation, done at Geneva on 25 June 1958 ([1974] ATS 12); or
- (d) the ILO Convention (No. 156) concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, done at Geneva on 23 June 1981 ([1991] ATS 7); or
- (e) the International Covenant on Economic, Social and Cultural Rights, done at New York on 16 December 1966 ([1976] ATS 5); or
- (f) the Convention on the Rights of the Child, done at New York on 20 November 1989 ([1991] ATS 4).

Note 1: In 2012, the text of an international agreement in the Australian Treaty Series was accessible through the Australian Treaties Library on the AustLII website ([www.austlii.edu.au](http://www.austlii.edu.au)).

Note 2: For paragraphs (b), (c) and (d): ILO refers to the International Labour Organization.

- (10) By virtue of this subsection, this Act has the effect it would have if each reference in this Act to employment were, by express provision, confined to employment in a Territory.
- (11) By virtue of this subsection, this Act has the effect it would have if each reference in this Act to a relevant employer were, by express provision, confined to a relevant employer that is a corporation incorporated in a Territory.
- (12) In this section, *foreign corporation* and *trading or financial corporation* have the same meanings as in paragraph 51(xx) of the Constitution.

### 5A Application of *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

## **Part III—Workplace Gender Equality Agency**

### **8A Workplace Gender Equality Agency**

- (1) The Workplace Gender Equality Agency is established.
- (2) The Agency consists of the Director of Workplace Gender Equality and the staff referred to in section 29.

### **9 Director**

- (1) There shall be a Director of Workplace Gender Equality.
- (2) The Director has the management of the Agency.

### **10 Functions and powers of Agency**

- (1) The functions of the Agency are:
  - (a) to advise and assist employers in promoting and improving gender equality in the workplace; and
  - (aa) to develop, in consultation with relevant employers and employee organisations, benchmarks in relation to gender equality indicators; and
  - (b) to issue guidelines to assist relevant employers to achieve the purposes of this Act; and
  - (c) to review compliance with this Act by relevant employers, to review public reports lodged by relevant employers and to deal with those reports in accordance with this Act; and
  - (d) to collect and analyse information provided by relevant employers under this Act to assist the Agency to advise the Minister in relation to legislative instruments made under this Act; and
  - (e) to undertake research, educational programs and other programs for the purpose of promoting and improving gender equality in the workplace; and
  - (ea) to work with employers to maximise the effectiveness of the administration of this Act, including by minimising the regulatory burden on employers; and

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- (f) to promote and contribute to understanding and acceptance, and public discussion, of gender equality in the workplace; and
- (g) to review the effectiveness of this Act in achieving its purposes; and
- (h) to report to the Minister on such matters in relation to gender equality in the workplace as the Agency thinks fit (including a review under paragraph (g)).

Note: Paragraph (d): see also section 33A.

- (2) In addition to any other powers conferred on the Agency by this Act, the Agency has power to do all things necessary or convenient to be done for or in connection with the performance of the functions of the Agency.

### 11 Directions by Minister

- (1) The Agency is to exercise its powers and perform its functions in accordance with general instructions given by the Minister in writing.
- (2) Where the Minister gives a direction under subsection (1), the Minister shall cause a copy of the direction to be laid before each House of the Parliament within 15 sitting days of that House after the direction is given.

### 12 Agency to submit reports to Minister

- (1) The Agency must, as soon as practicable, and in any event within 6 months, after each 31 May, submit to the Minister a report on its operations during the year that ended on that 31 May.
- (2) The Agency may, from time to time, submit to the Minister:
  - (a) a report on the operations of the Agency during the period to which the report relates; or
  - (b) a report in respect of any matter relating to, or connected with, the exercise of the powers, or the performance of the functions, of the Agency under this Act.
- (2A) The Agency must, as soon as practicable after the end of:
  - (a) the 2-year period ending on 31 May 2016; and
  - (b) each later 2-year period;

submit to the Minister a report on the progress achieved in relation to the gender equality indicators in that period.

- (3) Where a report has been submitted to the Minister under this section, the Minister shall cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

## Part IV—Reports by relevant employers

### 13 Relevant employers to prepare reports relating to gender equality indicators

- (1) In respect of each reporting period, a relevant employer must prepare a public report in writing containing information relating to the employer and to the gender equality indicators.

*Matters that must be included in the report*

- (2) The public report in respect of a reporting period must contain details of the matters specified in an instrument under subsection (3).
- (3) For the purposes of subsection (2), the Minister must, by legislative instrument, specify matters in relation to each gender equality indicator.

Note: See also section 33A.

*Timing of instrument*

- (4) An instrument under subsection (3) has no effect in relation to a reporting period unless it is made before the first day of that period.

*Reports to be signed*

- (5) The public report must be signed by the chief executive officer (however described) of the relevant employer.

### 13A Reporting periods for reports

- (1) A relevant employer must lodge with the Agency public reports in respect of each of the periods set out in this section unless subsection (3) applies to the employer in respect of a reporting period.

Note: Sections 137.1 and 137.2 of the *Criminal Code* create offences for providing false or misleading information or documents.



- (2) A relevant employer must prepare a public report in respect of the period of 12 months commencing on 1 April 2000 and after that, in respect of each consecutive period of 12 months.
- (3) If the relevant employer had the status of relevant employer for less than 6 months of a particular reporting period, the employer does not have to comply with an obligation under this section to report in respect of that particular period.

### **13B When public reports are due**

Unless a relevant employer has received an extension of time in which to lodge a report under section 17, the employer must lodge a public report under section 13A within 2 months after the end of the period to which the report relates.

### **13C Personal information**

- (1) At the time of lodging a public report under section 13A, a relevant employer must, in writing (either in the report or otherwise), inform the Agency of the information included in the report that is personal information.
- (2) Subject to subsection (3), that personal information:
  - (a) must not be published under section 15; and
  - (b) must not be used in a report of the Agency under section 12.
- (3) Particular personal information may be so published or used if the individual to whom the information relates consents in writing to the publication or use.

### **14 Information relating to remuneration**

- (1) Subject to this section, any information relating to remuneration that is included in a public report lodged by a relevant employer under section 13A:
  - (a) must not be published under section 15; and
  - (b) must not be used in a report of the Agency under section 12.
- (2) Information referred to in subsection (1) (except personal information) may be so published or used if the relevant employer has, by written notice given to the Agency, agreed to that information being so published or used.

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Note: Section 13C deals with personal information.

- (3) Information referred to in subsection (1) may be so published or used if the information is in an aggregated form that does not disclose, either directly or indirectly, information about a specific relevant employer or another specific person.

**14A Information of a kind specified by the Minister**

- (1) Subject to this section, information of a kind specified in an instrument under subsection (2):
  - (a) must not be published under section 15; and
  - (b) must not be used in a report of the Agency under section 12.
- (2) The Minister may, by legislative instrument, specify kinds of information for the purposes of subsection (1).

Note: See also section 33A.

- (3) Information referred to in subsection (1) may be so published or used if the information is in an aggregated form that does not disclose, either directly or indirectly, information about a specific relevant employer or another specific person.

**15 Agency's use of public report**

- (1) Subject to sections 13C, 14 and 14A, a public report, or a part of a public report (including a copy of the report or part of the report):
  - (a) may be published by the Agency by electronic or other means; and
  - (b) may be used, either in whole or in part, in a report of the Agency under section 12.
- (2) If:
  - (a) a relevant employer lodges a public report under section 13A in respect of a reporting period; and
  - (b) the report is lodged within the time allowed by section 13B or 17;then, during the period of 28 days beginning on the day the report is lodged, subsection (1) of this section does not apply in relation to the report.

**16 Relevant employer to make public reports accessible to employees and shareholders etc.**

- (1) A relevant employer must, as soon as reasonably practicable after lodging a public report under section 13A, inform:
  - (a) the employees of the employer; and
  - (b) any shareholders or members of the employer;that the employer has lodged the report and of the way in which the report may be accessed (whether electronic or otherwise).
- (2) The relevant employer must, as soon as reasonably practicable after that lodgement, provide those employees and shareholders or members with access (whether electronic or otherwise) to the public report (excluding information to which subsection (3) applies).
- (3) This subsection applies to the following information:
  - (a) personal information;
  - (b) information relating to remuneration that the relevant employer considers should not be subject to the requirement in subsection (2);
  - (c) information of a kind specified in an instrument under section 14A.
- (4) Paragraph (3)(a) does not apply in relation to particular information if the individual to whom the information relates consents in writing to the information being subject to the requirement in subsection (2).

**16A Relevant employer to inform employee organisations of lodgement of public report**

A relevant employer must, within 7 days after lodging a public report under section 13A, take all reasonable steps to inform each employee organisation, that has members who are employees of the employer, that the employer has lodged the report.

**16B Relevant employer to inform employees and employee organisations of the opportunity to comment**

A relevant employer must, when informing employees under section 16 or an employee organisation under section 16A, advise

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the employees or employee organisation that comments on the report may be given to the employer or to the Agency.

**17 Agency may grant extensions**

- (1) A relevant employer may, before the end of the 2 months within which the relevant employer is required to lodge with the Agency a public report under section 13B, apply to the Agency to extend the period for a further period to enable the employer to lodge the public report.
- (2) Where the Agency:
  - (a) has received a request under subsection (1) to extend a period in respect of a report; and
  - (b) considers that there are reasonable grounds for extending the period;

the Agency may grant an extension in respect of the report for such period, not exceeding 6 months, as the Agency thinks fit.

## **Part IVA—Reviewing compliance with this Act and consequences of non-compliance**

### **18 Simplified outline**

The following is a simplified outline of this Part:

- The Minister will set minimum standards in relation to gender equality indicators, relevant employers and reporting periods.
- The Agency may review a relevant employer's compliance with this Act by seeking further information from the employer. The Agency may do this on a random basis.
- If a relevant employer fails to comply with this Act, the Agency may name the employer in a report given to the Minister or by electronic or other means (for example, on the Agency's website or in a newspaper).
- Examples of a failure to comply with this Act are a failure by a relevant employer to lodge a public report on time or to give the Agency information under section 19A.
- If the Agency proposes to name a relevant employer, the Agency must give the employer notice in writing of the proposal and the reasons for the proposal.
- Relevant employers failing to comply with this Act may not be eligible to compete for contracts under the Commonwealth procurement framework and may not be eligible for Commonwealth grants or other financial assistance.

### **19 Minister will set minimum standards in relation to gender equality indicators**

- (1) Before 1 April 2014, the Minister will, by legislative instrument, set minimum standards in relation to specified gender equality

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indicators, specified relevant employers and specified reporting periods.

Note 1: See also section 33A of this Act.

Note 2: For specification by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

Note 3: An instrument under subsection (1) may make different provision with respect to different relevant employers and different reporting periods: see subsection 33(3A) of the *Acts Interpretation Act 1901*.

- (2) An instrument under subsection (1) has no effect in relation to a reporting period unless it is made before the first day of that reporting period.

### 19A Agency may review compliance with Act

- (1) The Agency may, by written notice, require a relevant employer to give the Agency information:
- (a) that relates to the employer's compliance with this Act or to the employer's performance against the minimum standards; and
  - (b) that is specified in the notice.
- (2) The notice must specify the period within which, and the manner in which, the information must be given.
- (3) A period specified in a notice under subsection (1) must be at least 14 days after the notice is given.

Note: Sections 137.1 and 137.2 of the *Criminal Code* create offences for providing false or misleading information or documents.

### 19B Relevant employer fails to comply with Act if employer gives false or misleading information

For the purposes of section 19D, a relevant employer is taken to fail to comply with this Act if:

- (a) the employer lodges a public report under section 13A and any information included in the report is false or misleading; or
- (b) the employer gives the Agency information under section 19A and the information is false or misleading.

Note: If the employer does not have a reasonable excuse for the failure, the Agency may name the employer in a report given to the Minister or by electronic or other means: see section 19D.

### **19C Relevant employer fails to comply with Act if employer fails to improve against minimum standard**

If:

- (a) a relevant employer lodges a public report under section 13A in respect of a reporting period (the *base period*); and
- (b) in a case where a minimum standard (the *base standard*) applies in relation to the employer and the base period—at the end of the base period, the employer fails to meet that standard; and
- (c) the employer lodges a public report under section 13A in respect of the second reporting period (the *comparison period*) after the base period; and
- (d) at the end of the comparison period, the employer's performance against the base standard has failed to improve from the employer's performance against that standard at the end of the base period;

then the failure referred to in paragraph (d) is taken, for the purposes of section 19D, to be a failure to comply with this Act.

Note: If the employer does not have a reasonable excuse for the failure referred to in paragraph (d) of this section, the Agency may name the employer in a report given to the Minister or by electronic or other means: see section 19D.

### **19D Consequences of non-compliance with Act**

- (1) This section applies if a relevant employer, without reasonable excuse, fails to comply with this Act.

Note: Examples of a failure to comply with this Act are:

- (a) a relevant employer fails to lodge a public report on time (see sections 13A, 13B and 17); and
- (b) a relevant employer fails to inform employees, shareholders or members of the employer that a public report has been lodged (see section 16); and
- (c) a relevant employer fails to inform employees and relevant employee organisations as required by sections 16A and 16B; and
- (d) a relevant employer fails to give the Agency information under section 19A.

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*Naming employer in Agency report*

- (2) The Agency may, in a report under subsection 12(1) or (2), name the employer as having failed to comply with this Act and set out details of the non-compliance.

*Naming employer in other ways*

- (3) The Agency may, by electronic or other means, name the employer as having failed to comply with this Act and set out details of the non-compliance.

Note: For example, the Agency may do this on the Agency's website or in a newspaper.

*Prior notice to employer*

- (4) If the Agency proposes to:
- (a) name an employer in a report under subsection 12(1) or (2);
  - or
  - (b) name an employer under subsection (3) of this section;
- the Agency must:
- (c) give the employer notice in writing of the proposal and the reasons for the proposal; and
  - (d) invite the employer to make written representations to the Agency about the proposal within the period of 28 days beginning on the day the notice is given; and
  - (e) have regard to any written representations made by the employer within that period.
- (5) If:
- (a) a relevant employer lodges a public report under section 13A in respect of a reporting period; and
  - (b) the report is lodged within the time allowed by section 13B or 17;

then, during the period of 28 days beginning on the day the report is lodged, the Agency must not give the employer a notice under subsection (4) of this section in relation to the lodgement of that report.



**19E Agency to offer relevant employers advice and assistance if employers fail to meet minimum standards**

If:

- (a) a relevant employer lodges a public report under section 13A in respect of a reporting period; and
- (b) in a case where a minimum standard applies in relation to the employer and that reporting period—the Agency becomes aware that, at the end of that reporting period, the employer fails to meet that standard;

the Agency must offer to provide the employer with advice and assistance in relation to improving the employer's performance against that standard.

## **Part V—Director of Workplace Gender Equality**

### **20 Appointment of Director**

- (1) The Director shall be appointed by the Governor-General.

### **21 Tenure of Director**

- (1) The Director holds office for such period, not exceeding 5 years, as is specified in the instrument of appointment, but is eligible for re-appointment.
- (2) The Director holds office, subject to this Part, on such terms and conditions as are determined by the Governor-General.

### **22 Remuneration and allowances**

- (1) The Director shall be paid:
  - (a) such remuneration as is determined by the Remuneration Tribunal; and
  - (b) such allowances as are prescribed.
- (2) This section has effect subject to the *Remuneration Tribunal Act 1973*.

### **23 Leave of absence**

The Minister may grant leave of absence to the Director upon such terms and conditions as to remuneration or otherwise as the Minister determines.

### **24 Outside employment**

The Director shall not engage in paid employment outside the duties of the office of Director except with the approval of the Minister.

**25 Resignation**

The Director may resign the office of Director by writing signed and delivered to the Governor-General.

**26 Termination of appointment**

- (1) The Governor-General may terminate the appointment of the Director for misbehaviour or physical or mental incapacity.
- (2) If the Director:
  - (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit;
  - (b) engages, except with the approval of the Minister, in paid employment outside the duties of the office of Director;
  - (c) is absent from duty, except on leave of absence granted by the Minister, for 14 consecutive days or 28 days in any 12 months; or
  - (d) without reasonable excuse, contravenes section 27;the Governor-General shall terminate the appointment of the Director.

**27 Disclosure of interest**

The Director shall give written notice to the Minister of all direct or indirect pecuniary interests that the Director has or acquires in, or in relation to, a relevant employer.

**28 Acting appointment**

- (1) The Minister may appoint a person to act as the Director:
  - (a) during a vacancy in the office of Director (whether or not an appointment has previously been made to the office); or
  - (b) during any period, or during all periods, when the Director is absent from duty or from Australia or is, for any reason, unable to perform the duties of the office of Director;but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

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- (2) While a person is acting as the Director, the person has and may exercise all the powers, and shall perform all the functions, of the Director.
- (3) An appointment of a person to act as Director may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.
- (4) The Minister may:
  - (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person appointed to act as the Director; and
  - (b) terminate such an appointment at any time.
- (5) Where a person is acting as the Director otherwise than by reason of a vacancy in the office of Director, and the office of Director becomes vacant while the person is so acting, then, subject to subsection (3), the person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.
- (6) A person appointed to act as the Director may resign by writing signed and delivered to the Minister.
- (7) The validity of anything done by or in relation to a person purporting to act as the Director shall not be called in question on the ground that the occasion for the appointment had not arisen, that there was a defect or irregularity in or in connection with the appointment, that the appointment had ceased to have effect or that the occasion for the person to act had not arisen or had ceased.

## **Part VI—Miscellaneous**

### **29 Staff**

- (1) The staff required for the purposes of this Act shall be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:
  - (a) the Director and the APS employees assisting the Director together constitute a Statutory Agency; and
  - (b) the Director is the Head of that Statutory Agency.

### **30 Consultants**

- (1) The Agency may, on behalf of the Commonwealth, engage as consultants to the Agency persons having suitable qualifications and experience.
- (2) The terms and conditions of engagement of persons engaged under subsection (1) are such as are determined by the Agency.

### **31 Advisory committees**

- (1) Subject to this section the Minister may, in consultation with the Agency, establish such advisory committees as the Minister considers necessary for the purpose of giving advice to the Minister and to the Agency on particular matters or classes of matters relating to gender equality in the workplace, functions of the Agency or the operation of this Act.
- (2) An advisory committee shall consist of such persons as the Minister from time to time appoints.
- (3) For the purposes of assisting the Minister in the appointment of the members of an advisory committee, the Agency may provide the Minister with a list of the names of persons:
  - (a) representing industry or business (including a part of an industry); or
  - (b) representing employee organisations; or
  - (c) representing registered higher education providers; or

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- (e) having special knowledge or interest in relation to gender equality in the workplace, the functions of the Agency or the operation of this Act.
- (4) A member of an advisory committee holds office for such period as is specified in the instrument of appointment, but is eligible for re-appointment.
- (5) A member of an advisory committee may resign from office by writing signed and delivered to the Minister.
- (6) The number of members of an advisory committee required to constitute a quorum at a meeting of that advisory committee shall be as determined by the Minister.
- (7) If the Minister decides that a member of an advisory committee should be remunerated, that member shall be paid such remuneration as is determined by the Remuneration Tribunal.
- (8) A member of an advisory committee shall be paid such allowances as are prescribed.
- (9) Subsections (7) and (8) have effect subject to the *Remuneration Tribunal Act 1973*.

**32 Non-disclosure of confidential information**

- (1) A person who is, or has at any time been, the Director or a member of the staff referred to in section 29 or a consultant engaged under section 30 or is, or has at any time been, authorised to perform or exercise any function or power under an arrangement in force under section 33, shall not, either directly or indirectly:
  - (a) make a record of, or divulge or communicate to any person, any confidential information acquired by the first-mentioned person by reason of that person's office, employment or engagement under or for the purposes of this Act or by reason of that person being or having been so authorised;
  - (b) make use of any information as is mentioned in paragraph (a); or
  - (c) produce to any person a document relating to confidential information of another person furnished for the purposes of this Act.

Penalty: 25 penalty units or imprisonment for 3 months, or both.

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(1A) Subsection (1) does not apply to a person's conduct if the person is:

- (a) performing a duty or function, or exercising a power, under, or in connection with, this Act; or
- (b) performing a function, or exercising a power, under an arrangement in force under section 33.

Note: A defendant bears an evidential burden in relation to the matters in subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).

(2) A person who is, or has at any time been, the Director or a member of the staff referred to in section 29 or a consultant engaged under section 30 or is, or has at any time been, authorised to perform or exercise any function or power under an arrangement in force under section 33, shall not be required:

- (a) to divulge or communicate to a court any confidential information acquired by the first-mentioned person by reason of that person's office, employment or engagement under or for the purposes of this Act or by reason of that person being or having been so authorised; or
- (b) to produce in a court a document relating to confidential information of which the first-mentioned person has custody, or to which that person has access, by reason of that person's office, employment or engagement under or for the purposes of this Act or by reason of that person being or having been so authorised;

except where it is necessary to do so for the purposes of this Act.

(3) Nothing in this section prohibits a person from:

- (a) divulging or communicating information, or producing a document, to the Agency or an officer of a State, in accordance with an arrangement in force under section 33; or
- (b) divulging or communicating information, or producing a document, that is required or permitted by an Act to be divulged, communicated or produced, as the case may be.

(4) In this section:

***confidential information*** means information which, at the time when it is supplied by a relevant employer, the relevant employer has specified as being supplied in confidence.

*court* includes any tribunal, authority or person having power to require the production of documents or the answering of questions.

*produce* includes permit access to.

### 33 Delegation

- (1) The Director may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Director, delegate to:
  - (a) a person referred to in subsection 29(1); or
  - (b) an officer in respect of whom an arrangement is in force under subsection (4);all or any of the powers and functions of the Agency under this Act other than this power of delegation.
- (2) A power or function so delegated, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Agency.
- (3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Agency.
- (4) The Minister may make an arrangement with a Minister of a State for and in relation to the exercise of powers, and the performance of functions, of the Agency under this Act by an officer of the State.
- (6) An arrangement may contain such incidental or supplementary provisions as the Minister and the Minister of the State think necessary.
- (7) The Minister may arrange with the Minister of a State with whom an arrangement is in force for the variation or revocation of the arrangement.
- (8) An arrangement, or the variation or revocation of an arrangement, shall be in writing and a copy of each instrument by which an arrangement has been made, varied or revoked shall be published in the *Gazette*.



**33A Minister to consult before making legislative instruments**

- (1) Before making a legislative instrument under this Act, the Minister must consult the Agency and have regard to any recommendations of the Agency.
- (2) The Minister must also consult such persons mentioned in subsection 31(3) as the Minister considers appropriate.

Note: For consultation requirements generally, see Part 3 of the *Legislative Instruments Act 2003*.

**34 Regulations**

The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.



**Table of Acts****Notes to the *Workplace Gender Equality Act 2012*****Note 1**

The *Workplace Gender Equality Act 2012* as shown in this compilation comprises Act No. 91, 1986 amended as indicated in the Tables below.

For application, saving or transitional provisions made by the *Corporations (Repeals, Consequential and Transitional) Act 2001*, see Act No. 55, 2001.

All relevant information pertaining to application, saving or transitional provisions prior to 22 December 1999 is not included in this compilation. For subsequent information see Table A.

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Affirmative Action (Equal Employment Opportunity for Women) Act 1986</i>	91, 1986	3 Sept 1986	1 Oct 1986 (see <i>Gazette</i> 1986, No. S491)	
<i>Employment, Education and Training Act 1988</i>	80, 1988	24 June 1988	1 July 1988 (see <i>Gazette</i> 1988, No. S190)	—
<i>Industrial Relations (Consequential Provisions) Act 1988</i>	87, 1988	8 Nov 1988	Ss. 1 and 2: Royal Assent Remainder: 1 Mar 1989 (see s. 2(2) and <i>Gazette</i> 1989, No. S53)	—
<i>Affirmative Action (Equal Employment Opportunity for Women) Amendment Act 1989</i>	30, 1989	24 May 1989	24 May 1989	—
<i>Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992</i>	105, 1992	9 July 1992	5 Oct 1992 (see s. 2)	—
<i>Affirmative Action (Equal Employment Opportunity for Women) Amendment Act 1992</i>	181, 1992	16 Dec 1992	16 Dec 1992	S. 12
<i>Qantas Sale Act 1992</i>	196, 1992	21 Dec 1992	Schedule (Parts 3 and 6): (a)	S. 2(6) (am. by 60, 1993, s. 4; 168, 1994, s. 3)

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<b>as amended by</b>				
<i>Qantas Sale Amendment Act 1993</i>	60, 1993	3 Nov 1993	10 Mar 1993	—
<i>Qantas Sale Amendment Act 1994</i>	168, 1994	16 Dec 1994	S. 3 (item 17): Royal Assent ( <i>b</i> )	—
<i>Statute Law Revision Act 1996</i>	43, 1996	25 Oct 1996	Schedule 4 (items 6, 7): Royal Assent ( <i>c</i> )	—
<i>Workplace Relations and Other Legislation Amendment Act 1996</i>	60, 1996	25 Nov 1996	Schedule 19 (item 4): Royal Assent ( <i>d</i> )	—
<i>Public Employment (Consequential and Transitional) Amendment Act 1999</i>	146, 1999	11 Nov 1999	Schedule 1 (items 54, 55): 5 Dec 1999 (see <i>Gazette</i> 1999, No. S584) ( <i>e</i> )	—
<i>Equal Opportunity for Women in the Workplace Amendment Act 1999</i>	183, 1999	22 Dec 1999	Schedules 1 and 3: 1 Jan 2000 Remainder: Royal Assent	Sch. 3 [see Table A]
<i>Corporations (Repeals, Consequentials and Transitionals) Act 2001</i>	55, 2001	28 June 2001	Ss. 4–14 and Schedule 3 (item 173): 15 July 2001 (see <i>Gazette</i> 2001, No. S285) ( <i>f</i> )	Ss. 4–14 [see Note 1]
<i>Employment, Workplace Relations and Small Business Legislation Amendment (Application of Criminal Code) Act 2001</i>	142, 2001	1 Oct 2001	S. 4 and Schedule 1 (items 10–14): 2 Oct 2001 ( <i>g</i> )	S. 4 [see Table A]
<i>Safety, Rehabilitation and Compensation and Other Legislation Amendment Act 2001</i>	144, 2001	1 Oct 2001	Schedule 3 (item 1): Royal Assent ( <i>h</i> ) Schedule 3 (item 2): 29 Oct 2001 ( <i>h</i> )	—
<i>Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001</i>	159, 2001	1 Oct 2001	29 Oct 2001	Sch. 1 (item 97) [see Table A]
<i>Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002</i>	105, 2002	14 Nov 2002	Schedule 3 (item 47): 12 May 2003 (see s. 2 and <i>Gazette</i> 2002, No. GN49)	—

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Workplace Relations Legislation Amendment Act 2002</i>	127, 2002	11 Dec 2002	Schedule 3 (item 19): Royal Assent	—
<i>Higher Education Support (Transitional Provisions and Consequential Amendments) Act 2003</i>	150, 2003	19 Dec 2003	Schedule 2 (item 102): (i)	—
<i>Fair Work (State Referral and Consequential and Other Amendments) Act 2009</i>	54, 2009	25 June 2009	Schedule 9 (item 1): (j)	—
<i>Sex and Age Discrimination Legislation Amendment Act 2011</i>	40, 2011	20 June 2011	Schedule 1 (item 70): 21 June 2011	—
<i>Equal Opportunity for Women in the Workplace Amendment Act 2012</i>	179, 2012	6 Dec 2012	Schedule 1 (items 1–73, 75–79): Royal Assent	Sch. 1 (items 72, 73) [see Table A]

## Act Notes

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- (a) The *Workplace Gender Equality Act 2012* was amended by the *Qantas Sale Act 1992*, subsections 2(2), (5) and (6) of which provide as follows:
- (2) Subject to subsection (3), the remaining provisions of this Act commence on a day or days to be fixed by Proclamation.
  - (5) If, on the 100% sale day, Part 3 of the Schedule has not commenced, then, on the day on which Part 7 of the Schedule commences, Parts 3 and 6 of the Schedule are taken to have been repealed.
  - (6) If a provision of this Act has not commenced before 31 August 1995, the provision is taken to have been repealed on that day.
- The Schedule (Parts 3 and 6) are taken to have been repealed on 31 August 1995.
- (b) The *Qantas Sale Act 1992* was amended by section 3 (item 17) only of the *Qantas Sale Amendment Act 1994*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (c) The *Workplace Gender Equality Act 2012* was amended by Schedule 4 (items 6, 7) only of the *Statute Law Revision Act 1996*, subsection 2(1) of which provides as follows:
- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
- (d) The *Workplace Gender Equality Act 2012* was amended by Schedule 19 (item 4) only of the *Workplace Relations and Other Legislation Amendment Act 1996*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (e) The *Workplace Gender Equality Act 2012* was amended by Schedule 1 (items 54, 55) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:
- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
  - (2) Subject to this section, this Act commences at the commencing time.
- (f) The *Workplace Gender Equality Act 2012* was amended by Schedule 3 (item 173) only of the *Corporations (Repeals, Consequentials and Transitionals) Act 2001*, subsection 2(3) of which provides as follows:
- (3) Subject to subsections (4) to (10), Schedule 3 commences, or is taken to have commenced, at the same time as the *Corporations Act 2001*.
- (g) The *Workplace Gender Equality Act 2012* was amended by Schedule 1 (items 10–14) only of the *Employment, Workplace Relations and Small Business Legislation Amendment (Application of Criminal Code) Act 2001*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day after the day on which it receives the Royal Assent.
- (h) The *Workplace Gender Equality Act 2012* was amended by Schedule 3 (items 1 and 2) only of the *Safety, Rehabilitation and Compensation and Other Legislation Amendment Act 2001*, subsections 2(1) and (3) of which provide as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
  - (3) Items 12, 13, 14, 24, 27, 28, 29, 30, 34, 44, 46, 47, 48, 55 and 57 of Schedule 1, items 90, 91 and 101 of Schedule 2, and items 2 and 6 to 11 of Schedule 3 commence 28 days after the day on which this Act receives the Royal Assent.
- (i) Subsection 2(1) (item 8) of the *Higher Education Support (Transitional Provisions and Consequential Amendments) Act 2003* provides as follows:
- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

**Act Notes****Commencement information**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
8. Schedule 2, items 95 to 103	The later of: (a) 1 January 2004; and (b) immediately after the commencement of sections 1-10 to 238-15 of the <i>Higher Education Support Act 2003</i> .	1 January 2004
<p>(j) Subsection 2(1) (item 31) of the <i>Fair Work (State Referral and Consequential and Other Amendments) Act 2009</i> provides as follows:</p> <p>(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.</p>		
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
31. Schedule 9	Immediately after the commencement of Part 2-4 of the <i>Fair Work Act 2009</i> .	1 July 2009





**Table of Amendments****Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
Title .....	am. No. 181, 1992; No. 183, 1999; No. 179, 2012
<b>Part I</b>	
S. 1 .....	am. No. 183, 1999; No. 179, 2012
S. 2A .....	ad. No. 183, 1999 rs. No. 179, 2012
S. 2B .....	ad. No. 179, 2012
S. 3 .....	am. Nos. 80 and 87, 1988; No. 30, 1989; Nos. 105 and 181, 1992; No. 60, 1996; No. 183, 1999; No. 55, 2001; Nos. 105 and 127, 2002; No. 150, 2003; No. 54, 2009; No. 40, 2011; No. 179, 2012
S. 5 .....	am. No. 105, 1992; No. 183, 1999; No. 179, 2012
S. 5A .....	ad. No. 142, 2001
Heading to Part II .....	rs. No. 183, 1999 rep. No. 179, 2012
Part II .....	rep. No. 179, 2012
S. 6 .....	rs. No. 183, 1999 rep. No. 179, 2012
S. 7 .....	am. No. 30, 1989 rep. No. 183, 1999
S. 8 .....	rs. No. 183, 1999 rep. No. 179, 2012
<b>Part III</b>	
Heading to Part III .....	rs. No. 181, 1992; No. 183, 1999; No. 179, 2012
Heading to s. 8A .....	am. No. 183, 1999 rs. No. 179, 2012
S. 8A .....	ad. No. 181, 1992 am. No. 183, 1999; No. 179, 2012
S. 9 .....	am. No. 181, 1992; No. 183, 1999; No. 179, 2012
S. 10 .....	am. No. 181, 1992; No. 183, 1999; No. 179, 2012
Note to s. 10(1) .....	ad. No. 179, 2012
S. 11 .....	am. No. 181, 1992
S. 12 .....	am. No. 181, 1992; No. 179, 2012
<b>Part IV</b>	
S. 13 .....	am. No. 30, 1989; No. 181, 1992 rs. No. 183, 1999; No. 179, 2012
S. 13A .....	ad. No. 181, 1992 rs. No. 183, 1999
Note to s. 13A(1) .....	ad. No. 179, 2012
S. 13B .....	ad. No. 183, 1999
S. 13C .....	ad. No. 183, 1999 rs. No. 179, 2012

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
S. 14 .....	am. No. 181, 1992 rs. No. 183, 1999; No. 179, 2012
S. 14A .....	ad. No. 179, 2012
Heading to s. 15 .....	rs. No. 179, 2012
S. 15 .....	am. No. 181, 1992; No. 179, 2012
S. 16 .....	am. No. 181, 1992 rs. No. 179, 2012
S. 16A .....	ad. No. 179, 2012
S. 16B .....	ad. No. 179, 2012
S. 17 .....	am. No. 181, 1992; No. 183, 1999; No. 144, 2001; No. 179, 2012
<b>Part IVA</b>	
Part IVA.....	ad. No. 179, 2012
S. 18 .....	am. No. 181, 1992 rs. No. 183, 1999; No. 179, 2012
S. 19 .....	am. No. 181, 1992 rs. No. 179, 2012
S. 19A .....	ad. No. 179, 2012
S. 19B .....	ad. No. 179, 2012
S. 19C .....	ad. No. 179, 2012
S. 19D .....	ad. No. 179, 2012
S. 19E .....	ad. No. 179, 2012
<b>Part V</b>	
Heading to Part V.....	rs. No. 183, 1999; No. 179, 2012
S. 20 .....	am. No. 159, 2001
S. 22 .....	am. No. 43, 1996
<b>Part VI</b>	
S. 29 .....	am. No. 146, 1999
S. 30 .....	am. No. 181, 1992
S. 31 .....	am. No. 181, 1992; No. 43, 1996; No. 183, 1999; No. 179, 2012
S. 32 .....	am. No. 181, 1992; Nos. 142 and 144, 2001; No. 179, 2012
S. 33 .....	am. No. 181, 1992; No. 183, 1999; No. 179, 2012
S. 33A .....	ad. No. 179, 2012

**Table A**

**Application, saving or transitional provisions**

*Equal Opportunity for Women in the Workplace Amendment Act 1999*  
(No. 183, 1999)

**Schedule 3**

**1 Definitions**

In this Schedule:

*Agency* means the Equal Opportunity for Women in the Workplace Agency.

*amended Equal Opportunity for Women in the Workplace Act* means the Equal Opportunity for Women in the Workplace Act as in force on and after 1 January 2000.

*Director* means the Director of Equal Opportunity for Women in the Workplace.

*old Equal Opportunity for Women in the Workplace Act* means the Equal Opportunity for Women in the Workplace Act as in force immediately before 1 January 2000.

**2 Continuity of Agency and Director not affected**

To avoid doubt:

- (a) the continuity of the Agency's existence; and
- (b) the continuity of the Director's appointment;

is not affected by the change to the Agency's name or Director's title, or by any other amendment, made by Schedule 1 or 2.

**3 Waiver of reporting obligations**

A waiver given under section 13A of the old Equal Opportunity for Women in the Workplace Act continues in force according to its terms as if it were issued under section 13C of the amended Equal Opportunity for Women in the Workplace Act.

**Table A**

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*Employment, Workplace Relations and Small Business Legislation Amendment (Application of Criminal Code) Act 2001*  
(No. 142, 2001)

**4 Application of amendments**

- (1) Each amendment made by this Act applies to acts and omissions that take place after the amendment commences.
- (2) For the purposes of this section, if an act or omission is alleged to have taken place between 2 dates, one before and one on or after the day on which a particular amendment commences, the act or omission is alleged to have taken place before the amendment commences.

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*Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001*  
(No. 159, 2001)

**Schedule 1**

**97 Application of amendments**

The amendments made by this Schedule do not apply to an appointment if the term of the appointment began before the commencement of this item.

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*Equal Opportunity for Women in the Workplace Amendment Act 2012*  
(No. 179, 2012)

**Schedule 1**

**72 Transitional—change of name of Agency and Director**

For the purposes of section 25B of the *Acts Interpretation Act 1901*:

- (a) the amendment made by item 32 is taken to be an amendment altering the name of the Equal Opportunity for Women in the Workplace Agency; and
- (b) the amendment made by item 34 is taken to be an amendment altering the name of the office of Director of Equal Opportunity for Women in the Workplace.

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**73 Application, saving and transitional—reports and compliance**

- (1) Subject to subitem (2), the amendments made by this Part, to the extent to which they relate to:
- (a) the preparation and lodgement of public reports by relevant employers; and
  - (b) compliance with the *Workplace Gender Equality Act 2012* by relevant employers;
- apply in respect of the reporting period commencing on 1 April 2013 and all later reporting periods.
- (2) Sections 16, 16A, 16B, 19A, 19B and 19D of the *Workplace Gender Equality Act 2012*, as inserted by this Part, also apply in relation to the reporting period commencing on 1 April 2012. However, subsections 16(3) and (4) of that Act do not apply in relation to that period.
- (3) Subject to subitems (4) and (5), despite the amendments and repeals made by this Part, the *Equal Opportunity for Women in the Workplace Act 1999*, as in force immediately before the commencement of this item, to the extent to which it relates to:
- (a) the preparation and lodgement of reports by relevant employers; and
  - (b) compliance with that Act by relevant employers;
- continues to apply on and after that commencement in relation to the reporting period commencing on 1 April 2012 and all earlier reporting periods. For this purpose, a reference in a provision of that Act to the Agency is taken to be a reference to the Workplace Gender Equality Agency.
- (4) Sections 13, 14 and 16 of the *Equal Opportunity for Women in the Workplace Act 1999*, as in force immediately before the commencement of this item, do not apply in relation to the reporting period commencing on 1 April 2012. Instead, Part IV of that Act is taken to require a relevant employer to prepare, in respect of that reporting period, a public report in writing that sets out the employer's workplace profile.

**Table A**

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- (5) Sections 18 and 19 of the *Equal Opportunity for Women in the Workplace Act 1999*, as in force immediately before the commencement of this item, do not apply in relation to the reporting period commencing on 1 April 2012.