

Age Discrimination law in Australia

It is unlawful to discriminate against a person on the ground of the person's age unless an exception or exemption applies (or doing so is otherwise permitted under the relevant laws). For veterans' cycling clubs to operate, they must ensure that doing so is permitted under the law applicable in their State or Territory as well as under the Commonwealth laws. Basic information is provided in this table - for detailed information on relevant laws and to determine whether a club is permitted to operate as a veterans' club, please seek legal advice.

Jurisdiction	Relevant legislation	Provision prohibiting age discrimination	Definitions	Relevant exception/s
Cth	<u>Age Discrimination Act 2004</u>	<p>s 23 - Registered organisations under the Fair Work (Registered Organisations) Act 2009</p> <p>(1) It is unlawful for a registered organisation, the committee of management of a registered organisation or a member of the committee of management of a registered organisation to discriminate against a person, on the ground of the person's age:</p> <p>(a) by refusing or failing to accept the person's application for membership; or</p> <p>(b) in the terms or conditions on which the organisation is prepared to admit the person to membership.</p> <p>(2) It is unlawful for a registered organisation, the committee of management of a registered organisation or a member of the committee of management of a registered organisation to discriminate against a person who is a member of the</p>	<p>s 14 - Discrimination on the ground of age—direct discrimination</p> <p>For the purposes of this Act, a person (the discriminator) discriminates against another person (the aggrieved person) on the ground of the age of the aggrieved person if:</p> <p>(a) the discriminator treats or proposes to treat the aggrieved person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person of a different age; and</p> <p>(b) the discriminator does so because of:</p> <p>(i) the age of the aggrieved person; or</p> <p>(ii) a characteristic that appertains generally to persons</p>	<p>s 33 - Positive discrimination</p> <p>This Part does not make it unlawful for a person to discriminate against another person, on the ground of the other person's age, by an act that is consistent with the purposes of this Act, if:</p> <p>(a) the act provides a bona fide benefit to persons of a particular age; or</p> <p>(b) the act is intended to meet a need that arises out of the age of persons of a particular age; or</p> <p>(c) the act is intended to reduce a disadvantage experienced by people of a particular age.</p> <p>s 36 - Voluntary bodies</p> <p>(1) This Part does not make it unlawful for a voluntary body to discriminate against a person, on</p>

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		<p>registered organisation, on the ground of the member's age:</p> <p>(a) by denying the member access or limiting the member's access, to any benefit provided by the organisation; or</p> <p>(b) by depriving the member of membership or varying the terms of membership; or</p> <p>(c) by subjecting the member to any other detriment.</p> <p><i>Definitions</i></p> <p>(3) In this section:</p> <p>committee of management, in relation to a registered organisation, means the group or body of persons (however described) that manages the affairs of that organisation, as the case may be.</p> <p>registered organisation means an organisation registered, or an association recognised, under the <i>Fair Work (Registered Organisations) Act 2009</i>.</p>	<p>of the age of the aggrieved person; or</p> <p>(iii) a characteristic that is generally imputed to persons of the age of the aggrieved person.</p> <p>s 15 - Discrimination on the ground of age—indirect discrimination</p> <p>(1) For the purposes of this Act, a person (the discriminator) discriminates against another person (the aggrieved person) on the ground of the age of the aggrieved person if:</p> <p>(a) the discriminator imposes, or proposes to impose, a condition, requirement or practice; and</p> <p>(b) the condition, requirement or practice is not reasonable in the circumstances; and</p> <p>(c) the condition, requirement or practice has, or is likely to have, the effect of disadvantaging persons of the same age as the aggrieved person.</p>	<p>the ground of the person's age, in connection with:</p> <p>(a) the admission of persons as members of the body; or</p> <p>(b) the provision of benefits, facilities or services to members of the body.</p> <p>(2) In this section:</p> <p>registered organisation means an organisation registered, or an association recognised, under the <i>Fair Work (Registered Organisations) Act 2009</i>.</p> <p>voluntary body means an association or other body (whether incorporated or unincorporated) the activities of which are not engaged in for the purpose of making a profit, but does not include:</p> <p>(a) a registered organisation; or</p> <p>(b) a body established by a law of the Commonwealth, of a State or of a Territory; or</p>

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			(2) For the purposes of paragraph (1)(b), the burden of proving that the condition, requirement or practice is reasonable in the circumstances lies on the discriminator.	(c) an association that provides grants, loans, credit or finance to its members.
VIC	<u>Equal Opportunity Act 2010</u>	<p>s 64 - Discrimination against applicants for membership</p> <p>A club, or a member of the committee of management or other governing body of a club, must not discriminate against a person who applies for membership of the club—</p> <p>(a) in determining the terms of a particular category or type of membership of the club; or (b) in the arrangements made for deciding who should be offered membership; or (c) by refusing, or failing to accept, the person's application for membership; or (d) in the way in which the person's application is processed; or (e) in the terms on which the person is admitted as a member</p> <p>s 65 - Discrimination against club members</p> <p>A club, or a member of the committee of management or other governing body of a</p>	<p>s 6 Attributes</p> <p>The following are the attributes on the basis of which discrimination is prohibited in the areas of activity set out in Part 4— (a) age;</p> <p>s 7 - Meaning of discrimination</p> <p>(1) Discrimination means—</p> <p>(a) direct or indirect discrimination on the basis of an attribute; or (b) a contravention of section 17, 19, 20, 22, 32, 33, 40, 45, 54, 55 or 56.</p> <p>(2) Discrimination on the basis of an attribute includes discrimination on the basis—</p> <p>(a) that a person has that attribute or had it at any time,</p>	<p>12 Special measures</p> <p>(1) A person may take a special measure for the purpose of promoting or realising substantive equality for members of a group with a particular attribute.</p> <p>(2) A person does not discriminate against another person by taking a special measure.</p> <p>(3) A special measure must (a) be undertaken in good faith for achieving the purpose set out in subsection (1); and (b) be reasonably likely to achieve the purpose set out in subsection (1); and</p> <p>(c) be a proportionate means of achieving the purpose set out in subsection (1); and</p> <p>(d) be justified because the members of the group have a</p>

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		<p>club, must not discriminate against a member of the club—</p> <p>(a) by refusing, or failing to accept, the member's application for a different category or type of membership; or</p> <p>(b) by denying or limiting access to any benefit provided by the club; or</p> <p>(c) by varying the terms of membership; or</p> <p>(d) by depriving the member of membership; or</p> <p>(e) by subjecting the member to any other detriment.</p>	<p>whether or not he or she had it at the time of the discrimination;</p> <p>(b) of a characteristic that a person with that attribute generally has;</p> <p>(c) of a characteristic that is generally imputed to a person with that attribute;</p> <p>(d) that a person is presumed to have that attribute or to have had it at any time.</p>	<p>particular need for advancement or assistance.</p> <p>(4) A measure is taken for the purpose set out in subsection (1) if it is taken— (a) solely for that purpose; or (b) for that purpose as well as other purposes.</p> <p>(5) A person who undertakes a special measure may impose reasonable restrictions on eligibility for the measure.</p> <p>(6) A person who undertakes a special measure has the burden of proving that the measure is a special measure.</p> <p>(7) On achieving the purpose set out in subsection (1), the measure ceases to be a special measure.</p> <p>s 67 - Exception—clubs and benefits for particular age groups</p> <p>(1) A club, or a member of the committee of management or other governing body of a club, may exclude a person from membership if—</p> <p>(a) the club exists principally to provide benefits for people of a particular age group; and</p> <p>(b) the person is not in that age</p>

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				<p>group.</p> <p>(2) A club, or a member of the committee of management or other governing body of a club, may restrict a benefit to members who are members of a particular age group, if it is reasonable to do so in the circumstances.</p> <p>s 72 - Exception - competitive sporting activities</p> <p>(2) A person may restrict participation in a competitive sporting activity—</p> <p>(a) to people who can effectively compete; or</p> <p>(b) to people of a specified age or age group; or</p> <p>(c) to people with a general or particular disability.</p> <p>s 87 - Age benefits and concessions</p> <p>A person may provide benefits, including concessions, to another person based on age.</p>

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NSW	<u>Anti Discrimination Act 1977</u>	<p>s 49ZYA - What constitutes discrimination on the ground of age</p> <p>(1) A person (<i>the perpetrator</i>) discriminates against another person (<i>the aggrieved person</i>) on the ground of age if the perpetrator—</p> <p>(a) on the ground of the aggrieved person’s age or the age of a relative or associate of the aggrieved person, treats the aggrieved person less favourably than in the same circumstances, or in circumstances which are not materially different, the perpetrator treats or would treat a person who is not of that age or age group or who does not have such a relative or associate who is that age or age group, or</p> <p>(b) requires the aggrieved person to comply with a requirement or condition with which a substantially higher proportion of persons who are not of that age or age group, or who do not have a relative or associate who is that age or age group, comply or are able to comply, being a requirement which is not reasonable having regard to the circumstances of the case and with which the aggrieved person does not or is not able to comply.</p> <p>(2) For the purposes of subsection (1) (a), something is done on the ground of a person’s age if it is done on the ground of the person’s age or age group, a</p>	<p>s 4A - Act done because of unlawful discrimination and for other reasons</p> <p>If—</p> <p>(a) an act is done for 2 or more reasons, and</p> <p>(b) one of the reasons consists of unlawful discrimination under this Act against a person (whether or not it is the dominant or a substantial reason for doing the act),</p> <p>then, for the purposes of this Act, the act is taken to be done for that reason.</p>	<p>s 49ZYW - Sport</p> <p>(1) Nothing in this Part renders unlawful the exclusion of persons of particular ages from participation in any sporting activity.</p> <p>(2) Subsection (1) does not apply—</p> <p>(a) to the coaching of persons engaged in any sporting activity, or</p> <p>(b) to the administration of any sporting activity, or</p> <p>(c) to any sporting activity prescribed by the regulations for the purposes of this section.</p> <p>s 49ZYX - Certain activities or matters may be prescribed to be lawful</p> <p>Nothing in this Part renders unlawful any activity or matter declared to be lawful by regulation made for the purposes of this Part.</p> <p>s.57 Voluntary bodies</p> <p>(1) In this section, body means a body, the activities of which are carried on otherwise than for profit and which is not established by an Act, but does not include—</p>

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		<p>characteristic that appertains generally to persons who are that age or age group or a characteristic that is generally imputed to persons who are of that age or age group.</p> <p>s 49ZYP - Registered clubs</p> <p>(1) It is unlawful for a registered club to discriminate against a person (not being a person under the age of 18 years) on the ground of age—</p> <p>(a) by refusing or failing to accept the person’s application for membership of the club, or</p> <p>(b) in the terms on which it is prepared to admit the person to membership of the club.</p> <p>(2) It is unlawful for a registered club to discriminate against a member of the registered club on the ground of age—</p> <p>(a) by denying or limiting access to any benefit provided by the club, or</p> <p>(b) by depriving the member of membership of the club or varying the terms of that membership, or</p> <p>(c) by subjecting the member to any other detriment.</p> <p>(3) Nothing in subsection (1) or (2) applies to or in respect of a registered club—</p>		<p>(a) a co-operative registered under the Co-operatives National Law (NSW) or a society under the Friendly Societies Act 1989, or</p> <p>(b) a friendly society registered under the Friendly Societies Act 1989, or</p> <p>(c) a building society or credit union registered under the Financial Institutions (NSW) Code, or</p> <p>(d) a co-operative housing society registered under the Co-operative Housing and Starr-Bowkett Societies Act 1998, or</p> <p>(e) a registered club.</p> <p>(2) Nothing in this Act affects—</p> <p>(a) any rule or practice of a body which restricts admission to membership of that body, or</p> <p>(b) the provision of benefits, facilities or services to members of that body.</p>

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		<p>(a) that has as its principal object the provision of benefits for persons who are of a particular age or age group, or</p> <p>(b) so as to prevent the retention by the club of different categories of membership for members of different ages or age groups.</p> <p>(4) In determining whether the principal object of a registered club is as referred to in subsection (3) (a), regard is to be had to—</p> <p>(a) the essential character of the club, and</p> <p>(b) the extent to which the affairs of the club are so conducted that the persons primarily enjoying the benefits of membership are of the relevant age or age group, and</p> <p>(c) any other relevant circumstance.</p>		
QLD	<p><i>Anti Discrimination Act 1991</i></p>	<p>s 7 - Discrimination on the basis of certain attributes prohibited</p> <p>The Act prohibits discrimination on the basis of the following attributes—</p> <p>...</p> <p>(f) age;</p> <p>s 93 - Explanatory provision (prohibitions)</p>	<p>s 8 - Meaning of discrimination on the basis of an attribute</p> <p><i>Discrimination on the basis of an attribute</i> includes direct and indirect discrimination on the basis of—</p> <p>(a) a characteristic that a person with any of the attributes generally has; or</p>	<p>s 49 - Age-based benefits</p> <p>A person may supply benefits and concessions on the basis of age with respect to a matter that is otherwise prohibited under subdivision 1.</p> <p>s 96 - Explanatory provision (exemptions)</p> <p>It is not unlawful to discriminate in the club membership and affairs area if an exemption</p>

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		<p>A club must not discriminate in the club membership and affairs area if a prohibition in section 94 or 95 applies.</p> <p>s 94 - Discrimination by club in prospective membership area</p> <p>A club must not discriminate—</p> <p>(a) in determining the terms of a particular category or type of membership of the club; or</p> <p>(b) in failing to accept a person’s application for membership of the club; or</p> <p>(c) in the way in which a person’s application is processed; or</p> <p>(d) in the arrangements made for deciding who should be offered membership; or</p> <p>(e) in the terms on which a person is admitted as a member.</p> <p>s 95 - Discrimination by club in membership and affairs area</p> <p>A club must not discriminate—</p> <p>(a) in any variation of the terms of membership of the club; or</p> <p>(b) in failing to accept a member’s application for a different category or type of membership; or</p>	<p>(b) a characteristic that is often imputed to a person with any of the attributes; or</p> <p>(c) an attribute that a person is presumed to have, or to have had at any time, by the person discriminating; or</p> <p>(d) an attribute that a person had, even if the person did not have it at the time of the discrimination.</p>	<p>in sections 97 to 100 or part 5 applies.</p> <p>s 97 - Club established for minority cultures and disadvantaged people</p> <p>A club may exclude applicants for membership of the club who are not members of the group of people with an attribute for whom the club was established if the club operates wholly or mainly—</p> <p>(a) to preserve a minority culture; or</p> <p>(b) to prevent or reduce disadvantage suffered by people of that group.</p> <p>s 99 - Reasonable risk of injury</p> <p>A club may exclude an applicant for membership who is a minor if there is a reasonable risk of injury to a minor or other people.</p> <p>s 100 - Special services or facilities required</p> <p>(1) It is not unlawful for a club to discriminate on the basis of impairment in failing to accept a person’s application for membership if—</p>

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		<p>(c) by denying or limiting access to any benefit, arising from membership, that is supplied by the club; or</p> <p>(d) in depriving a member of membership; or</p> <p>(e) by treating a member unfavourably in any way in connection with the membership or the affairs of the club.</p>		<p>(a) the person would require special services or facilities; and</p> <p>(b) the supply of special services or facilities would impose unjustifiable hardship on the club.</p> <p>(2) Whether the supply of special services or facilities would impose unjustifiable hardship depends on the circumstances set out in section 5.</p> <p>s 111 - Sport</p> <p>(1) A person may restrict participation in a competitive sporting activity—</p> <p>(a) to either males or females, if the restriction is reasonable having regard to the strength, stamina or physique requirements of the activity; or</p> <p>(b) to people who can effectively compete; or</p> <p>(c) to people of a specified age or age group; or</p> <p>(d) to people with a specific or general impairment.</p> <p>(2) Subsection (1)(a) does not apply to a sporting activity for</p>

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				<p>children who are less than 12 years of age.</p> <p>(3) Subsection (1) does not stop participation in a competitive sporting activity being restricted on the basis of gender identity, if the restriction is reasonable having regard to the strength, stamina or physique requirements of the activity.</p> <p>(4) In this section—</p> <p>competitive sporting activity does not include—</p> <p>(a) the coaching of people engaged in a sporting activity; or</p> <p>(b) the umpiring or refereeing of a sporting activity; or</p> <p>(c) the administration of a sporting activity; or</p> <p>(d) a sporting activity prescribed by regulation.</p>
WA	<p><u>Equal Opportunity Act 1984</u></p>	<p>s 66ZI - Clubs and incorporated associations</p> <p>(1) It is unlawful for a club or incorporated association, the committee of management of a club or incorporated association or a member of the committee of management of a club or incorporated association to</p>	<p>s 66V - Discrimination on ground of age</p> <p>(1) For the purposes of this Act, a person (in this subsection referred to as the discriminator) discriminates against another person (in this</p>	<p>s 66ZM - Health and safety considerations</p> <p>(1) Nothing in Division 2 or 3 renders unlawful discrimination by an employer, principal or person against another person on the ground of the other person's age in</p>

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		<p>discriminate against a person who is not a member of the club or incorporated association on the ground of the person's age —</p> <p>(a) by refusing or failing to accept the application of the person for membership; or</p> <p>(b) in the terms or conditions on which the club or incorporated association is prepared to admit the person to membership.</p> <p>(2) It is unlawful for a club or incorporated association, the committee of management of a club or incorporated association or a member of the committee of management of a club or incorporated association to discriminate against a person who is a member of the club or incorporated association on the ground of the member's age —</p> <p>(a) in the terms or conditions of membership that are afforded to that member; or</p> <p>(b) by refusing or failing to accept the application of that member for a particular class or type of membership; or</p> <p>(c) by denying that member access, or limiting the member's access, to any benefit provided by the club or incorporated association; or</p> <p>(d) by depriving that member of membership or varying the terms of membership; or</p>	<p>subsection referred to as the aggrieved person) on the ground of age if, on the ground of —</p> <p>(a) the age of the aggrieved person; or</p> <p>(b) a characteristic that appertains generally to persons of the same age as the aggrieved person; or</p> <p>(c) a characteristic that is generally imputed to persons of the same age as the aggrieved person, the discriminator treats the aggrieved person less favourably than in the same circumstances, or in circumstances that are not materially different, the discriminator treats or would treat a person who is not of that age.</p> <p>(2) For the purposes of sections 66ZE, 66ZF and 66ZG, a person (in this subsection referred to as the discriminator) discriminates against another person (in this subsection referred to as the aggrieved person) on the</p>	<p>the terms and conditions on which —</p> <p>(a) employment is offered or afforded; or</p> <p>(b) engagement is offered or afforded; or</p> <p>(c) contract work is allowed; or</p> <p>(d) access to or the use of places or vehicles is allowed; or</p> <p>(e) goods, services or facilities are provided or made available, as the case requires, if those terms and conditions are imposed in order to comply with health and safety considerations which are reasonable in the circumstances.</p> <p>(2) In determining for the purposes of subsection (1) what health and safety considerations are reasonable in all the circumstances, regard shall be had to all relevant circumstances of the particular case, including the effect of the discrimination in question on the person against whom that discrimination takes place.</p> <p>s 66ZP - Measures intended to achieve equality</p>

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		<p>(e) by subjecting that member to any other detriment.</p> <p>(3) Nothing in subsection (1) or (2) applies to or in respect of a club or incorporated association —</p> <p>(a) that has as its principal object the provision of benefits for persons who are of a particular age; or</p> <p>(b) so as to prevent —</p> <p>(i) the retention by the club or incorporated association of different categories of membership for members of different ages; or</p> <p>(ii) the provision of bona fide benefits, including concessions, to a person by reason of his or her age.</p> <p>(4) In determining whether the principal object of a club or incorporated association is as referred to in subsection (3)(a), regard shall be had to —</p> <p>(a) the essential character of the club or incorporated association; and</p> <p>(b) the extent to which the affairs of the club or incorporated association are so conducted that the persons primarily enjoying the benefits of membership are of the relevant age; and</p> <p>(c) any other relevant circumstance.</p>	<p>ground of age if, on the ground of —</p> <p>(a) the age of; or</p> <p>(b) a characteristic that appertains generally to persons of the same age as; or</p> <p>(c) a characteristic that is generally imputed to persons of the same age as,</p> <p>any relative or associate of the aggrieved person, the discriminator treats the aggrieved person less favourably than in the same circumstances, or in circumstances that are not materially different, the discriminator treats or would treat a person who is not of such an age.</p> <p>(3) For the purposes of this Act, a person (in this subsection referred to as the discriminator) discriminates against another person (in this subsection referred to as the aggrieved person) on the ground of age if the discriminator requires the aggrieved person to comply</p>	<p>Nothing in Division 2 or 3 renders it unlawful to do an act a purpose of which is —</p> <p>(a) to ensure that persons who are of a particular age have equal opportunities with other persons in circumstances in relation to which provision is made by this Act; or</p> <p>(b) to afford persons who are of a particular age access to facilities, services or opportunities to meet their special needs in relation to employment, education, training or welfare.</p> <p>s 66ZQ - Genuine occupational qualifications</p> <p>Nothing in this Part applies to or in respect of any work or employment if that work or employment involves any one or more of the following —</p> <p>(a) participation in a dramatic performance or other entertainment in a capacity for which a person of a particular age is required for reasons of authenticity;</p> <p>(b) participation as an artist's or photographic model in the production of a work of art, visual image or sequence of visual images</p>

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		<p>s 66ZJ - Discrimination in sport on ground of age</p> <p>(1) It is unlawful for a person to discriminate against another person on the ground of the other person's age by excluding that person from a sporting activity.</p> <p>(2) In subsection (1), reference to a sporting activity includes a reference to an administrative, coaching, refereeing or umpiring activity in relation to any sport.</p> <p>(3) Subsection (1) does not apply to discrimination against a person if the relevant sporting activity is —</p> <p>(a) a competitive sporting activity; and</p> <p>(b) so conducted that competition is only permitted between persons of a particular age.</p> <p>(4) Subsection (3) does not apply to or in relation to persons participating or wishing to participate in —</p> <p>(a) an administrative, coaching, refereeing or umpiring activity in relation to any sport; or</p> <p>(b) any prescribed sporting activity.</p>	<p>with a requirement or condition —</p> <p>(a) with which a substantially higher proportion of persons who are not of the same age as the aggrieved person comply or are able to comply; and</p> <p>(b) which is not reasonable having regard to the circumstances of the case; and</p> <p>(c) with which the aggrieved person does not or is not able to comply.</p>	<p>for which a person of a particular age is required for reasons of authenticity;</p> <p>(c) providing persons of a particular age with services for the purpose of promoting their welfare when those services can most effectively be provided by a person of a particular age.</p>
SA	<p><i>Equal Opportunity Act 1984</i></p>	<p>s 85G—Discrimination by associations on ground of age</p> <p>(1) It is unlawful for an association to discriminate—</p>	<p>s 85A—Criteria for establishing discrimination on ground of age</p>	<p>s 85F—Exemptions</p> <p>(1) This Division does not apply in relation to—</p> <p>(a) an employer employing a person for purposes not connected</p>

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		<p>(a) against an applicant for membership on the ground of age—</p> <p>(i) by refusing or failing to admit the applicant to membership, or to a particular class of membership, of the association; or</p> <p>(ii) in the terms on which the applicant is, or may be, admitted to membership, or a particular class of membership; or</p> <p>(b) against a member of the association on the ground of age—</p> <p>(i) by refusing or failing to provide a particular service or benefit to that member; or</p> <p>(ii) in the terms on which a particular service or benefit is provided to that member; or</p> <p>(iii) by expelling that member from the association or subjecting him or her to other detriment.</p> <p>(2) Subsection (1)(a) does not apply to discrimination on the ground of age if the association has, on a genuine and reasonable basis, established different classes of membership for persons of different ages, or age groups.</p> <p>(3) Subsection (1)(b)(i) and (ii) do not apply to discrimination on the ground of age if it is reasonable that the association discriminate in relation to the provision of a particular</p>	<p>For the purposes of this Act, a person discriminates on the ground of age—</p> <p>(a) if he or she treats another unfavourably because of the other's age; or</p> <p>(b) if he or she treats another person unfavourably because the other does not comply, or is not able to comply, with a particular requirement and—</p> <p>(i) the nature of the requirement is such that a substantially higher proportion of persons of a different age or age group complies, or is able to comply, with the requirement than of those of the other's age or age group; and</p> <p>(ii) the requirement is not reasonable in the circumstances of the case; or</p> <p>(c) if he or she treats another unfavourably on the basis of a characteristic that appertains generally to persons of the other's age or age group, or on the basis of a presumed characteristic that is generally</p>	<p>with a business carried on by the employer; or</p> <p>(b) a principal engaging a natural person as an independent contractor for purposes not connected with a business carried on by the principal.</p> <p>(2) This Division does not apply to discrimination on the ground of age in relation to employment or engagement for which there is a genuine occupational requirement that a person be of a particular age, or age group.</p> <p>(3) This Division does not apply to discrimination on the ground of age in relation to the employment or engagement of a person if the person is not, or would not be, able—</p> <p>(a) to perform adequately, and without endangering himself or herself or other persons, the work genuinely and reasonably required for the employment or position in question; or</p> <p>(b) to respond adequately to situations of emergency that should reasonably be anticipated in connection with the employment or position in question.</p>

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		<p>service or benefit to members of a particular age, or age group.</p> <p>(4) This section does not apply to an association established wholly or mainly for—</p> <p>(a) the promotion of the interests of persons of a particular age group; or</p> <p>(b) the organisation or provision of services for persons of a particular age group;</p> <p>or</p> <p>(c) the organisation or provision of activities for persons of a particular age group.</p>	<p>imputed to persons of that age or age group; or</p> <p>(d) if he or she treats another unfavourably because of an attribute of or a circumstance affecting a relative or associate of the other, being an attribute or circumstance described in the preceding paragraphs.</p>	<p>(4) This Division does not render unlawful—</p> <p>(a) acts done in order to comply with the provisions of—</p> <p>(i) an award or enterprise agreement under the <i>Fair Work Act 1994</i>; or</p> <p>(ii) a fair work instrument under the <i>Fair Work Act 2009</i> of the Commonwealth; or</p> <p>(iii) an award or determination given continuing effect under the <i>Fair Work (Transitional Provisions and Consequential Amendments) Act 2009</i> of the Commonwealth; or</p> <p>(b) a decision to offer employment only to a young person, or the employment of a young person, where the rate of pay for that employment is a rate less than that applicable to an adult, fixed by or in accordance with the provisions of—</p> <p>(i) an award or enterprise agreement under the <i>Fair Work Act 1994</i>; or</p> <p>(ii) a fair work instrument under the <i>Fair Work Act 2009</i> of the Commonwealth; or</p>

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NT	<p><u>Anti Discrimination Act 1992</u></p>	<p>s 19 - Prohibition of discrimination</p> <p>(1) Subject to subsection (2), a person shall not discriminate against another person on the ground of any of the following attributes:</p> <p>...</p> <p>(d) age;</p> <p>2) It is not unlawful for a person to discriminate against another person on any of the attributes referred to in subsection (1) if an exemption under Part 4 or 5 applies.</p> <p>s.42 Discrimination in goods, services and facilities area</p> <p>(1) A person who supplies goods, services or facilities (whether or not for reward or profit) shall not discriminate against another person: (a) by failing or refusing to supply the goods, services or facilities; or (b) in the terms and conditions on which the goods, services or facilities are supplied; or (c) in the way in which the goods, services or facilities are supplied; or (d) by treating the other person less favourably in any way in connection with the supply of the goods, services or facilities. (2) Subsection (1) does not apply to an association that: (a) is established for social, literary, cultural, political, sporting, athletic, recreational or community service purposes or other similar lawful purposes; and (b) does not carry out its purposes for the purpose of making a</p>	<p>s 20 - Discrimination</p> <p>(1) For the purposes of this Act, discrimination includes:</p> <p>(a) any distinction, restriction, exclusion or preference made on the basis of an attribute that has the effect of nullifying or impairing equality of opportunity; and</p> <p>(b) harassment on the basis of an attribute,</p> <p>in an area of activity referred to in Part 4.</p> <p>(2) Without limiting the generality of subsection (1), discrimination takes place if a person treats or proposes to treat another person who has or had, or is believed to have or had:</p> <p>(a) an attribute; or</p> <p>(b) a characteristic imputed to appertain to an attribute; or</p> <p>(c) a characteristic imputed to appertain generally to persons with an attribute,</p>	<p>s 36 - Exemptions – age</p> <p>A person may discriminate on the grounds of age by imposing a standard age for commencement of work or a standard retirement age.</p> <p>s.45 Exemptions – age-based benefits</p> <p>A person may supply benefits and concessions on the basis of age with respect to a matter that is otherwise prohibited under this Division.</p> <p>s 47 - Exemptions</p> <p>(1) A club, the committee of management of a club or a member of the committee of management may exclude applicants for membership of the club who are not members of the group of people with an attribute for whom the club was established if the club operates wholly or mainly:</p> <p>(a) to preserve a minority culture; or</p> <p>(b) to prevent or reduce disadvantage suffered by people of that group.</p> <p>(2) A club, the committee of management of a club or a member</p>

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		<p>profit.</p> <p>46 Discrimination in club membership and club activities</p> <p>(1) A club, the committee of management of a club or a member of the committee of management shall not discriminate against a person who is not a member of the club: (a) by failing or refusing to accept the person's application for membership of the club; or (b) in refusing or rejecting a person's membership of the club; or (c) in the terms and conditions on which the club is prepared to admit the person to membership of the club. (2) A club, the committee of management of a club or a member of the committee of management shall not discriminate against a member of the club: (a) in the terms and conditions of membership that are afforded to the member; or (b) by failing or refusing to accept the member's application for a particular class or type of membership of the club; or (c) by failing or refusing to grant the member access, or limiting the member's access, to any benefit provided by the club; or (d) by depriving the member of membership or varying the terms and conditions of membership of the club; or (e) by treating the member less favourably in any way in connection with membership of the club.</p>	<p>less favourably than a person who has not, or is believed not to have, such an attribute.</p> <p>(3) For discrimination to take place, it is not necessary that:</p> <p>(a) the attribute is the sole or dominant ground for the less favourable treatment; or</p> <p>(b) the person who discriminates regards the treatment as less favourable.</p> <p>(4) The motive of a person alleged to have discriminated against another person is, for the purposes of this Act, irrelevant.</p>	<p>of the committee of management may discriminate against a person on the ground of age in membership of the club if the club provides association wholly or mainly for people of a specific age or age group.</p> <p>s 56 - Sport</p> <p>(1) A person may restrict participation in a competitive sporting activity:</p> <p>(a) to either men or women, if the restriction is reasonable having regard to the strength, stamina or physique requirements of the activity; or</p> <p>(b) to people who can effectively compete; or</p> <p>(c) to people of a specified age or age group; or</p> <p>(d) to people with a general or specific impairment.</p> <p>(2) Subsection (1)(a) does not apply to a sporting activity for children who have not attained 12 years of age.</p> <p>(3) In this section, competitive sporting activity does not include:</p>

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				<p>(a) the coaching of people engaged in a sporting activity; or</p> <p>(b) the umpiring or refereeing of a sporting activity; or</p> <p>(c) the administration of a sporting activity; or</p> <p>(d) a prescribed sporting activity.</p> <p>(d) a prescribed sporting activity.⁵⁷</p> <p>57 Special measures</p> <p>(1) A person may discriminate against a person in a program, plan or arrangement designed to promote equality of opportunity for a group of people who are disadvantaged or have a special need because of an attribute.</p> <p>(2) Subsection (1) applies only until equality of opportunity has been achieved.</p>
ACT	<i>Discrimination Act 1991</i>	<p>s 7 - Protected attributes</p> <p>(1) This Act applies to discrimination on the ground of any of the following attributes (a protected attribute):</p> <p>...</p> <p>(b) age;</p> <p>Examples—par (b)</p>	<p>s 8 - Meaning of discrimination</p> <p>(1) For this Act, discrimination occurs when a person discriminates either directly or indirectly, or both, against someone else.</p> <p>(2) For this section, a person directly discriminates against</p>	<p>s 57L - Clubs</p> <p>(1) Section 20 or section 22 does not make it unlawful for a club to discriminate against a person on the ground of age if the club's principal object is providing benefits for people belonging to a particular age group.</p>

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		<p>because the person is a child or young person or an older person</p> <p>s 22 - Clubs</p> <p>(1) It is unlawful for a club, the committee of management of a club or a member of the committee of management of a club to discriminate against a person who is not a member of the club—</p> <p>(a) by failing to accept the person’s application for membership; or</p> <p>(b) in the terms or conditions on which the club is prepared to admit the person to membership.</p> <p><i>Note - The Legislation Act, dict, pt 1 defines fail to include refuse.</i></p> <p>(2) It is unlawful for a club, the committee of management of a club or a member of the committee of management of a club to discriminate against a member of the club—</p> <p>(a) in the terms or conditions of membership that are afforded to the member; or</p> <p>(b) by failing to accept the member’s application for a particular class or type of membership; or</p> <p>(c) by denying the member access, or limiting the member’s access, to any benefit provided by the club; or</p>	<p>someone else if the person treats, or proposes to treat, another person unfavourably because the other person has 1 or more protected attributes.</p> <p>(3) For this section, a person indirectly discriminates against someone else if the person imposes, or proposes to impose, a condition or requirement that has, or is likely to have, the effect of disadvantaging the other person because the other person has 1 or more protected attributes.</p> <p>(4) However, a condition or requirement does not give rise to indirect discrimination if it is reasonable in the circumstances.</p> <p>(5) In deciding whether a condition or requirement is reasonable in the circumstances, the matters to be taken into account include—</p> <p>(a) the nature and extent of any disadvantage that results from imposing the condition or requirement; and</p>	<p>(2) In deciding what the principal object of a club is for subsection (1), the following must be taken into account:</p> <p>(a) the essential character of the club;</p> <p>(b) if the people mainly enjoying the benefits of membership belong to the particular age group stated in the club’s objects;</p> <p>(c) any other relevant circumstances.</p> <p>s 57M - Sport</p> <p>(1) Part 3 does not make it unlawful to discriminate against a person on the ground of age by his or her exclusion from participation in any competitive sport if competition is only allowed between people belonging to a particular age group.</p> <p>(2) This section does not apply in relation to the exclusion of people from participation in—</p> <p>(a) coaching people doing any sporting activity; or</p> <p>(b) umpiring or refereeing any sporting activity; or</p>

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		(d) by depriving the member of membership or varying the terms of membership; or (e) by subjecting the member to any other detriment.	(b) the feasibility of overcoming or mitigating the disadvantage; and (c) whether the disadvantage is disproportionate to the result sought by the person who imposes, or proposes to impose, the condition or requirement.	(c) administering any sporting activity; or (d) any sporting activity prescribed under the regulations.
TAS	<i>Anti Discrimination Act 1998</i>	s 16 - Discrimination on ground of attribute A person must not discriminate against another person on the ground of any of the following attributes: ... (b) age;	s 14 - Direct discrimination (1) Discrimination to which this Act applies is direct or indirect discrimination on the grounds of any prescribed attribute. (2) Direct discrimination takes place if a person treats another person on the basis of any prescribed attribute, imputed prescribed attribute or a characteristic imputed to that attribute less favourably than a person without that attribute or characteristic. (3) For direct discrimination to take place, it is not necessary – (a) that the prescribed attribute be the sole or	s 31 - Sporting activity of particular age group A person may discriminate against another person on the ground of age in relation to any competitive sporting activity by restricting participation to persons of a particular age group. s 32 - Clubs for particular age groups A person may discriminate against another person on the ground of age in respect of membership of a club if the membership of the club is available only to persons of a particular age group.

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			<p>dominant ground for the unfavourable treatment; or</p> <p>(b) that the person who discriminates regards the treatment as unfavourable; or</p> <p>(c) that the person who discriminates has any particular motive in discriminating.</p> <p>s 15 - Indirect discrimination</p> <p>(1) Indirect discrimination takes place if a person imposes a condition, requirement or practice which is unreasonable in the circumstances and has the effect of disadvantaging a member of a group of people who –</p> <p>(a) share, or are believed to share, a prescribed attribute; or</p> <p>(b) share, or are believed to share, any of the characteristics imputed to that attribute –</p> <p>more than a person who is not a member of that group.</p> <p>(2) For indirect discrimination to take place, it is not</p>	

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			<p>necessary that the person who discriminates is aware that the condition, requirement or practice disadvantages the group of people.</p>	