

EQU
OF

Mat

IN

BRI

- a

COM

- a

STA

—

—

BEF

Cou

Cou

HEA

REA

DEL

The C
discr
The c
upon
the C
inter

The p
of th
inter
was b
it wo
furth
Tribu
are t
Henry
testi
inclu
Repor
conti

The C
peric
June
heari
peric
"effe
house
that
but M
and t
to ti
in Fe
propr

Follo
Compl

sett
of t
the
CIVIL
prov
his
that
prop
for
Comp
name
prop

The
was
in t
beca
unde
on t
conf
asso
noth
sugg
of a

The
\$700
Dece
in r
cour
of t
On 1
unde
beha
char
orde
in r
unde
Janu

stamped on behalf of the
confirmed in evidence th
subsequent to the break
earlier, he maintained
therefore follows, put s
fact that had he been m
had the court order effe
property been made by th
liable for nominal duty
contrary to section 9 an
Opportunity Act 1984, he
than a person who was m
relationship would have
similar circumstances.

Section 9 of the Equal O
person discriminates aga
of marital status of the
of the marital status of
discriminator treats the
than, in circumstances t
materially different, th
treat a person of a dif:
20 it is unlawful for a
not, provides goods or s
available, to discrimina
ground of the other pers
or conditions on which"
first-mentioned person p
those goods or services
available to the other p

Section 6 provides that
3 sets out the objects of
elimination, so far as s
against persons on the
areas of work, accommoda

Commis
at at
own of
is sta
imply,
rried
cting
e Fami
only.
d sect
has be
rried
been t

Issu

pportun
inst an
aggric
the ad
aggric
hat are
e disc
erent
person
ervice
te aga
on's m
or "in
rovide
or mak
erson.

the Ac
f the
s poss
round
tion, e

goods,
clubs.
and at
the te

r
E
(
C
(
(
E
(
S
E

Against
Tribur
follow

"
W
A
S
S
t
2
S
S
H
C
E
H
C
t
3
S
C
E

The Tr
at the
respon
instru
a posi

Re
st
la
tl
Re
p
Re
an
tl
tl
Re

venue
ggest
ck of
at the
venue
ovision
venue
d to e
is sub
at the
venue.

In
co
re
lo
19
an
in
of
ge
wh
Co
wh
in
of
na
va
Pe
pe
ck
pr

order
llectio
garded
oking
21. A
d cons
strume
her re
nerally
ereby
mmissio
itten
strume
which
ture o
lue of
nalties
ovision
argeab
occedi

By
tl
du
ad

sectio
e gene
ties to
ded) or

the s
to tl
exemp
the c
impre
the s

By se
other
opin:
wheti
duty.
conce
asses
amou
charg
the a
he on
earl:
to re
that
instr
may r
the c
prov:
asses

Part
Provi
secti
on ce
of a
Sched
categ
or by
deter
conve
by it-
appli

results in the :
required to pay,
the value of the
8 of the Second
declarations of
duty provides fo

This brings us t
regard to the c:
concerning maint
introduced in 19
of the Equal Opp

Section 112UC p

"Notwithsta
section 112

- (a) A mair
the pu
Family
- (b) an ord
duty i
schedu

By section 112U
order made by a
jurisdiction in
or the Family L
following, name
personal proper
112UB the key p
apply in relati
parties unless
or divorced fro
instrument of c
pursuant to an
accordance with
higher than the
Schedule.

It emerges, that otherwise be cl
effecting a tr
sealed copy of
Family Court A
will be subjec
this was commo
that Mr Soares
be charged with
he had been ma
that he would l
Family Court.
effecting a dis
he and his for
description. C
discriminated a
because the Cor
at the Stamp O
relevant docume
assessed and st
conditions on v
were provided t
than a person v
allowed the ex
to written inst

Counsel for the
that Part IVD c
duty certain co
maintenance ag
have been marr
not between the
facto relations
duty to issue a
could not be de
taxation proces
fundamentally c
ordinarily be r

usage
sect

e
io

Sect
pref
law
that
prom
prov
poss
disc
dec
to k
ther
pref
of t
dec
be t

io
er
th
l
ot
is
ib
ri
de
e
ef
er
he
si
ak

This
Cour
Bren
this

e
t
na
t
"
t
p
t
s
a
g
d
o
o
l
a
t
g
f
t
s
h
a
t

howe
of i
appl
disc

In regard
"services
considera
Appeal in
AER 1121.
and had c
entitled
advised b
from Indi
the child
usual req
complaine
that the
public in
whether a
dependant
taxpayers

Similar b
subsequen
Ex Parte
Kingdom p
entry cle
her to se
to entert
a head of
special v
the speci
discrimin
a househo
husband wa
could not
relevant
provision
officer wa

Co
re
in
Ai
or
Ci
dr
Ap
zo
th
bu
co
im
to
en
Ci
Fu
Ip
th
of
th
in
th

The
cas
ma
cas
Sa
per
col

taxpayers with info:
matter to the facts
majority, Brennan C.
council is called on
statutory power or
acting directly as
provider of services
scope of the Act. :
to act in a quasi-j
power or duty, it ma
process as the prov.
the Act even in case
the provision of a l

Three other members
Gaudron J and Gummo
to accept that if a
provision of advice
also seemed to allo
alleged service in
discretion then a r
arguably amount to
indicate, however,
circumstances where
but without it bein
to consider whether

When the decision of
comprising a majorit
decision strongly w
Complainant in the
the High Court seem
governmental duty is
the statute without
activity of a kind
a private body or pe
degree of coercion
as the provision of

Against t
now retur
definitio
Opportuni
provided
or a loca
apparent,
will be s
discrimin

The Tribu
other pro
to apply
said to b
exclusion
Opportuni
Section 6
under oth
introduct
provides
operation
likewise,
regulation
concerning
specific p
aspects of
authority
these prov
Opportunit
and govern
operation

Nonetheles
broad, and
activities
the activi

Fr
ne
co
tl
d.
a:
tl
up
Th
ha
ca
tl
tl
di
ac
ac
go
up
in
a

It
Ac
fo
to
go
in
pr
br
ac
in
Co
du
th
fe
pr
pa
re
th

not c
asses
advise
case.

The J
Amin'
in th
quest
coerc
purpo
use c
Act,
of a
to th
the a
Stamp
the p
20 of
Comm
withi

The c
not r
to it
with

