Frequently asked questions

about age and age-discrimination

What legal protection is there against age discrimination?

Australia has both state and federal legislation that provides protection against age discrimination.

In Queensland the relevant legislation is the Anti-Discrimination Act 1991 and at a national level it is the Age Discrimination Act 2004.

I have been for a job interview and they told me they wanted someone younger. Can they do that?

Employers can take age into account where there is a genuine occupational requirement involved. This means that for a person to perform the duties effectively it is necessary that they be a particular age. It does not mean that it is acceptable to make assumptions about a person's abilities based solely on their age.

For example, to obtain a real estate license a person must be 18 years or over.

Do I have to provide my age or date of birth on a job application?

In general, employers should not ask a person's age or date of birth on application forms or in job interviews. It is against the law to ask this question unless it is reasonably necessary for the employer to have this information for a non-discriminatory purpose.

For example, age may be asked if the position is for a junior or a date of birth may be required if there are security clearances involved. If date of birth is necessary for purposes such as superannuation or award increments, this information can be sought after the person is employed, rather than at the recruitment stage.

Do age discrimination protections only apply to older people?

No, the prohibition of age discrimination covers all ages.

Who is classified as a mature age worker?

The Australian Bureau of Statistics defines anyone over the age of 45 years as a 'mature age' worker. However, what is considered mature can vary across industries and workplaces.

Can I be forced to retire when I turn 60 or 65?

It is against the law to require employees to retire once they reach a particular age. However, this does not apply to Queensland fire officers or police officers, and certain statutory appointments such as judges.

Employers must not ask an employee to sign an agreement that they will retire at a certain age. People should not be forced to enter into unlawful agreements.

Can an employer pay me less because I am young?

A worker under the age of 21 years may be paid according to their age. An employer can advertise for a junior and select the successful candidate on that basis.