

Equal Opportunity Amendment Bill 2009

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Western Australia

LEGISLATIVE ASSEMBLY

(Introduced by Hon. Michelle Roberts, MLA)

Equal Opportunity Amendment Bill 2009

A Bill for

An Act to amend the *Equal Opportunity Act 1984* to prohibit discrimination against mothers breast feeding in a public place, and for related purposes.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Equal Opportunity Amendment Act 2009*.

3 **2. Commencement**

4 This Act comes into operation as follows —

5 (a) sections 1 and 2 — on the day on which this Act
6 receives the Royal Assent;

7 (b) the rest of the Act — on the dates fixed by proclamation.

8 **3. Act amended**

9 This Act amends the *Equal Opportunity Act 1984*.

10 **4. Heading to Part II amended**

11 The heading to Part II is amended by deleting “**or**
12 **pregnancy**” and inserting instead:

13

14 **, pregnancy or breast feeding**

15

16 **5. Section 10A inserted**

17 After section 10 insert:

18

19 **10A. Discrimination on the ground of breast feeding**

20 (1) For the purposes of this Act a person (in this subsection
21 referred to as the **discriminator**) discriminates against
22 another person (in this subsection referred to as the
23 **aggrieved person**) on the ground of breast feeding if
24 on the ground of —

25 (a) aggrieved person breast feeding or bottle
26 feeding an infant or proposing to do so;

- 1 (b) a characteristic that appertains generally to
2 persons who are breast feeding or bottle
3 feeding; or
4 (c) a characteristic that is generally imputed to
5 persons who are breast feeding or bottle
6 feeding,
7 the discriminator treats the aggrieved person less
8 favourably than, in circumstances that are the same or
9 not materially different, the discriminator treats or
10 would treat a person who was not breast feeding or
11 bottle feeding; and
12 (2) For the purposes of this Act, a person (in this
13 subsection referred to as the **discriminator**)
14 discriminates against another person (in this subsection
15 referred to as the **aggrieved person**) on the ground of
16 breast feeding or bottle feeding if the discriminator
17 requires the aggrieved person to comply with a
18 requirement or condition —
19 (a) with which a substantially higher proportion of
20 persons who are not breast feeding or bottle
21 feeding comply or are able to comply;
22 (b) which is not reasonable having regard to the
23 circumstances of the case; and
24 (c) with which the aggrieved person does not or is
25 not able to comply.

26 **6. Section 11 amended**

- 27 (1) In section 11(1) delete “or pregnancy” and insert:
28

29 , pregnancy or breast feeding
30

s. 7

1 (2) In section 11(2) delete “or pregnancy” and insert:
2
3 , pregnancy or breast feeding
4

5 **7. Section 12 amended**

6 (1) In section 12(1) delete “or pregnancy” and insert:
7
8 , pregnancy or breast feeding
9

10 (2) In section 12(2) delete “or pregnancy” and insert:
11
12 , pregnancy or breast feeding
13

14 **8. Section 13 amended**

15 In section 13(1) delete “or pregnancy” and insert:
16
17 , pregnancy or breast feeding
18

19 **9. Section 14 amended**

20 (1) In section 14(1) delete “or pregnancy” and insert:
21
22 , pregnancy or breast feeding
23

24 (2) In section 14(2) delete “or pregnancy” and insert:
25
26 , pregnancy or breast feeding
27

1 (3) In section 14(3) delete “or pregnancy” and insert:
2
3 , pregnancy or breast feeding
4

5 **10. Section 15 amended**

6 (1) In section 15(2) delete “or pregnancy” and insert:
7
8 , pregnancy or breast feeding
9

10 (2) In section 15(3) delete “or pregnancy” and insert:
11
12 , pregnancy or breast feeding
13

14 **11. Section 16 amended**

15 In section 16 delete “or pregnancy” and insert:
16
17 , pregnancy or breast feeding
18

19 **12. Section 17 amended**

20 In section 17 delete “or pregnancy” and insert:
21
22 , pregnancy or breast feeding
23

24 **13. Section 18 amended**

25 (1) In section 18(1) delete “or pregnancy” and insert:
26
27 , pregnancy or breast feeding
28

s. 14

1 (2) In section 18(2) delete “or pregnancy” and insert:
2
3 , pregnancy or breast feeding
4

5 **14. Section 19 amended**

6 In section 19 delete “or pregnancy” and insert:
7
8 , pregnancy or breast feeding
9

10 **15. Section 20 amended**

11 In section 20 delete “or pregnancy” and insert:
12
13 , pregnancy or breast feeding
14

15 **16. Section 21 amended**

16 (1) In section 21(1) delete “or pregnancy” and insert:
17
18 , pregnancy or breast feeding
19

20 (2) In section 21(2) delete “or pregnancy” and insert:
21
22 , pregnancy or breast feeding
23

24 **17. Section 21A amended**

25 In section 21A(1) delete “or pregnancy” and insert:
26
27 , pregnancy or breast feeding
28

1 **18. Section 22 amended**

2 (1) In section 22(1) delete “or pregnancy” and insert:

3

4 , pregnancy or breast feeding

5

6 (2) In section 22(2) delete “or pregnancy” and insert:

7

8 , pregnancy or breast feeding

9

10 **19. Section 23 amended**

11 In section 23(1):

12 (a) delete “or pregnancy” and insert:

13

14 , pregnancy or breast feeding

15

16 (b) insert after “who are not pregnant,”:

17

18 or persons who are not breast feeding or bottle feeding,

19

20 **20. Section 28 amended**

21 In section 28 delete “or childbirth” and insert:

22

23 , childbirth, breast feeding or bottle feeding

24

s. 21

1 **21. Section 31 amended**

2 In section 31:

3 (a) delete in subparagraph (a) “or persons who are
4 pregnant” and insert:

5

6 , persons who are pregnant or persons who are breast
7 feeding or bottle feeding

8

9 (b) delete in subparagraph (b) “or persons who are
10 pregnant” and insert:

11

12 , persons who are pregnant or persons who are breast
13 feeding or bottle feeding

14

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