

Western Australia

Equal Opportunity Amendment Act 2010

As at 01 Apr 2010

No. 2 of 2010

Extract from www.slp.wa.gov.au, see that website for further information

Equal Opportunity Amendment Act 2010

CONTENTS

1.	Short title	2
2.	Commencement	2
3.	Act amended	2
4.	Heading to Part II amended	2
5.	Section 10A inserted	2
	10A. Discrimination on the ground of breast feeding	2
6.	Section 11 amended	3
7.	Section 12 amended	4
8.	Section 13 amended	4
9.	Section 14 amended	4
10.	Section 15 amended	5
11.	Section 16 amended	5
12.	Section 17 amended	5
13.	Section 18 amended	5
14.	Section 19 amended	6
15.	Section 20 amended	6
16.	Section 21 amended	6
17.	Section 21A amended	6
18.	Section 22 amended	7
19.	Section 23 amended	7
20.	Section 28 amended	7
21.	Section 31 amended	8

Western Australia

Equal Opportunity Amendment Act 2010

No. 2 of 2010

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

[Assented to 1 April 2010]

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Equal Opportunity Amendment Act 2010*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the dates fixed by proclamation.

3. Act amended

This Act amends the *Equal Opportunity Act 1984*.

4. Heading to Part II amended

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

, pregnancy or breast feeding

5. Section 10A inserted

After section 10 insert:

10A. Discrimination on the ground of breast feeding

- (1) 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 breast feeding if on the ground of —
 - (a) aggrieved person breast feeding or bottle feeding an infant or proposing to do so;

- (b) a characteristic that appertains generally to persons who are breast feeding or bottle feeding; or
- (c) a characteristic that is generally imputed to persons who are breast feeding or bottle feeding,

the discriminator treats the aggrieved person less favourably than, in circumstances that are the same or not materially different, the discriminator treats or would treat a person who was not breast feeding or bottle feeding; and

- (2) 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 breast feeding or bottle feeding if the discriminator requires the aggrieved person to comply with a requirement or condition —
 - (a) with which a substantially higher proportion of persons who are not breast feeding or bottle feeding comply or are able to comply;
 - (b) which is not reasonable having regard to the circumstances of the case; and
 - (c) with which the aggrieved person does not or is not able to comply.

6. Section 11 amended

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

, pregnancy or breast feeding

s. 7

- (2) In section 11(2) delete “or pregnancy” and insert:

, pregnancy or breast feeding

7. Section 12 amended

- (1) In section 12(1) delete “or pregnancy” and insert:

, pregnancy or breast feeding

- (2) In section 12(2) delete “or pregnancy” and insert:

, pregnancy or breast feeding

8. Section 13 amended

- In section 13(1) delete “or pregnancy” and insert:

, pregnancy or breast feeding

9. Section 14 amended

- (1) In section 14(1) delete “or pregnancy” and insert:

, pregnancy or breast feeding

- (2) In section 14(2) delete “or pregnancy” and insert:

, pregnancy or breast feeding

- (3) In section 14(3) delete “or pregnancy” and insert:

 , pregnancy or breast feeding

10. Section 15 amended

- (1) In section 15(2) delete “or pregnancy” and insert:

 , pregnancy or breast feeding
- (2) In section 15(3) delete “or pregnancy” and insert:

 , pregnancy or breast feeding

11. Section 16 amended

- In section 16 delete “or pregnancy” and insert:

 , pregnancy or breast feeding

12. Section 17 amended

- In section 17 delete “or pregnancy” and insert:

 , pregnancy or breast feeding

13. Section 18 amended

- (1) In section 18(1) delete “or pregnancy” and insert:

 , pregnancy or breast feeding

s. 14

(2) In section 18(2) delete “or pregnancy” and insert:

, pregnancy or breast feeding

14. Section 19 amended

In section 19 delete “or pregnancy” and insert:

, pregnancy or breast feeding

15. Section 20 amended

In section 20 delete “or pregnancy” and insert:

, pregnancy or breast feeding

16. Section 21 amended

(1) In section 21(1) delete “or pregnancy” and insert:

, pregnancy or breast feeding

(2) In section 21(2) delete “or pregnancy” and insert:

, pregnancy or breast feeding

17. Section 21A amended

In section 21A(1) delete “or pregnancy” and insert:

, pregnancy or breast feeding

18. Section 22 amended

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

, pregnancy or breast feeding

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

, pregnancy or breast feeding

19. Section 23 amended

In section 23(1):

(a) delete “or pregnancy” and insert:

, pregnancy or breast feeding

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

or persons who are not breast feeding or bottle feeding,

20. Section 28 amended

In section 28 delete “or childbirth” and insert:

, childbirth, breast feeding or bottle feeding

21. Section 31 amended

In section 31:

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

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

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

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

=====