

House of Assembly—No 114

As laid on the table and read a first time, 25 May 2005

South Australia

**Equal Opportunity (Genetic Impairment)
Amendment Bill 2005**

A BILL FOR

An Act to amend the *Equal Opportunity Act 1984*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Equal Opportunity (Genetic Impairment) Amendment Act 2005*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Equal Opportunity Act 1984*

4—Amendment of long title

Long title—delete "or intellectual" and substitute:
, intellectual or genetic

5—Amendment of section 5—Interpretation

- 15 (1) Section 5(1), definition of *impairment*—delete the definition and substitute:

genetic impairment means a genetic predisposition or susceptibility to a disease or disorder that has not manifested itself in any symptoms of a disease or disorder;

impairment means—

- (a) physical impairment; or
- (b) intellectual impairment; or
- (c) genetic impairment;

- 5 (2) Section 5(1), definition of *physical impairment*—after "intellectual" insert:
or genetic

6—Substitution of heading to Part 5

Heading to Part 5—delete the heading and substitute:

10 **Part 5—Prohibition of discrimination on the ground
of physical impairment, intellectual impairment
or genetic impairment**

7—Amendment of section 66—Criteria for establishing discrimination on the ground of impairment

- 15 (1) Section 66—after "on the ground of" insert:
physical or intellectual
- (2) Section 66(a)—before "impairment", wherever occurring, insert:
physical or intellectual
- (3) Section 66(b)(i)—delete "an impairment", wherever occurring, and substitute:
a physical or intellectual impairment
- 20 (4) Section 66(c)—delete "an impairment", wherever occurring, and substitute:
a physical or intellectual impairment
- (5) Section 66(d)(i)—before "impairment" insert:
physical or intellectual
- (6) Section 66 (d)(ii)—before "impairment" insert:
25 physical or intellectual
- (7) Section 66—after its present contents as amended by this section (now to be designated as subsection (1)) insert:
- 30 (2) For the purposes of this Act, a person discriminates on the ground of genetic impairment if he or she treats another unfavourably because of the other's genetic impairment or presumed genetic impairment.

8—Amendment of section 71—Exemption

- (1) Section 71(1)—after "does not apply" insert:
to discrimination on the ground of physical or intellectual impairment
- (2) Section 71(2)—after "on the ground of" insert:
35 physical or intellectual

9—Amendment of section 73—Discrimination by qualifying bodies

Section 73(2)—after "on the ground of" insert:

physical or intellectual

10—Amendment of section 78—Superannuation schemes and provident funds

5 (1) Section 78(1)—after "on the ground of" insert:

physical or intellectual

(2) Section 78—after subsection (1) insert:

10 (1a) It is unlawful for a person who provides a superannuation scheme or provident fund to discriminate against a person on the ground of genetic impairment—

(a) by providing a scheme or fund that discriminates or, if the other person were to become a member of the scheme or fund would discriminate, or require or authorise discrimination against the other person; or

15 (b) in the manner in which the scheme or fund is administered.

(3) Section 78(2)—delete "Subsection (1) does" and substitute:

Subsections (1) and (1a) do

11—Amendment of section 79—Exemption in relation to salary etc

Section 79—after "persons who have" insert:

20 physical or intellectual

12—Amendment of section 85—Exemption in relation to insurance etc

Section 85—after "on the ground of" insert:

physical or intellectual